

Implications Of The Abolition Of The Presidential Threshold For The Realization Of Substantial Democracy

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Abstract: *The implementation of the presidential threshold (PT) in Indonesia's electoral system has been a significant topic of debate in national politics. PT, which requires political parties or coalitions to meet a certain vote threshold to nominate a presidential candidate, is considered an instrument to strengthen political stability. However, critics argue that PT limits voter choice, benefits major parties, and hinders the realization of a more substantial democracy. This article aims to analyze the implications of abolishing PT for achieving substantial democracy, which emphasizes openness, broad participation, and equality in the political process. The findings of this discussion indicate that the implementation of PT in Indonesia restricts political representation, marginalizes small parties and independent candidates, and reduces voter choice diversity. Although PT aims to strengthen political stability by encouraging coalitions, it risks undermining inclusive democracy. The varying number of presidential candidates in 2004 (5 candidates), 2009 and 2024 (3 candidates), as well as 2014 and 2019 (2 candidates), demonstrates PT's impact on political competition. More candidates provide greater choices but can fragment votes, whereas fewer candidates simplify elections but reduce inclusivity. Abolishing PT could create opportunities for more candidates, fostering a more inclusive and competitive environment, but it may also lead to political fragmentation and difficulties in coalition formation. Therefore, a balanced reform between inclusivity and political stability is necessary to enhance the quality of democracy in Indonesia.*

Keywords: *Presidential Threshold; Substantial Democracy; Political Representation; Electoral Inclusivity; Political Stability*

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INTRODUCTION

This The Presidential Threshold (PT) is one of the key mechanisms in the electoral system, particularly in Indonesia, which has sparked significant debate regarding its impact on

democracy. PT sets a minimum requirement for political parties or coalitions to nominate presidential candidates, usually requiring them to secure a certain percentage of parliamentary seats

or national votes¹. This requirement has often been criticized for potentially limiting democratic participation and reinforcing the dominance of major parties², thereby restricting the diversity of candidates available to voters³.

However, the implementation of a high threshold has frequently drawn criticism for disproportionately benefiting large parties with established voter bases while creating significant barriers for smaller or newer parties to compete on an equal footing. Additionally, this provision is considered contrary to the spirit of inclusivity and openness, which are fundamental to democracy, as it indirectly limits the diversity of candidates that can contest elections. On one hand, PT is seen as a means to strengthen governance by fostering more stable coalitions; on the other hand, it is criticized for reducing voter choice, narrowing political competition, and concentrating power in the hands of a few dominant parties, potentially reinforcing political oligarchy.

One of the main concerns regarding PT is its potential to marginalize small parties and

independent candidates, leading to a less representative political landscape. By setting a threshold that requires substantial electoral support⁴, PT effectively narrows the number of candidates, making it more difficult for new parties to compete⁵. This situation creates a political environment where only well-established parties with substantial resources and strong voter bases can meaningfully participate in presidential elections⁶. As a result, PT has the potential to contribute to a form of political elitism, systematically excluding smaller or less popular parties from the electoral process⁷, ultimately undermining the principle of inclusive representation, which is at the core of substantial democracy⁸.

Furthermore, PT can also encourage strategic behavior among political parties, prompting them to form coalitions to meet the threshold requirement. While coalition-building can promote collaboration and compromise, it may also lead to closed-door agreements that prioritize party interests over voter needs⁹. This

¹ Akhdiva Elfi Istiqoh, Zuly Qodir, and Zakly Hanafi Ahmad, "Narrative Policy Framework: Presidential Threshold Policy Toward the 2024 Election," *Jurnal Bina Praja*, 2022, doi:10.21787/jbp.14.2022.505-516.

² Josef M Monteiro, "Presidential Threshold and Parliamentary Threshold Setting in Elections," *Journal of Progressive Law and Legal Studies*, 2023, doi:10.59653/jppls.v1i02.32.

³ Muh. As Sidiq Wisnaeni, "Democratic Principles-Based Reconstruction of Presidential Threshold Provisions on Indonesian Presidential Elections," *International Journal of Social Science and Human Research*, 2022, doi:10.47191/ijsshr/v5-i2-24.

⁴ Hendra Alfani et al., "Media Framing Against Identity Political Orientation as a Representation of Political Interests Ahead of the 2024 Presidential Election," *Kne Social Sciences*, 2023, doi:10.18502/kss.v8i12.13685.

⁵ Maichel Wutoy et al., "Application of the Presidential Threshold Concept in the Presidential and Vice-Presidential Election System and Its Impact on the

Indonesian Constitutional System," *Journal of Digitainability Realism \& Mastery (Dream)*, 2022, doi:10.56982/journalo.v1i03.28.

⁶ Mohammad Akbar Maulana Rahman, "Indonesia's Presidential Threshold: An Analysis of Legal and Political Dynamics," *Jurnal Mengkaji Indonesia*, 2023, doi:10.59066/jmi.v2i2.401.

⁷ Imam Pratama Rifky, "The Legitimacy of Presidential Threshold Towards Indonesian Citizens' Democracy and Constitutional Rights," *Constitutionale*, 2021, doi:10.25041/constitutionale.v2i2.2445.

⁸ Dani Amran Hakim, "Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation," *Veteran Law Review*, 2024, doi:10.35586/velrev.v7i1.7591.

⁹ Febrian Vivaldi Saputra, "Dampak Presidential Threshold Terhadap Hasil Pemilihan Presiden Pada Rangkaian Acara Pemilu Menurut Pandangan Mahasiswa," *Jurnal Ilmiah Mimbar Demokrasi*, 2023, doi:10.21009/jimd.v22i2.31774.

dynamic can reduce the transparency and accountability of the political process, as voters may feel disconnected from the motivations and actions of coalition partners who may not share their values or priorities¹⁰. Consequently, PT may inadvertently reinforce a political culture that prioritizes party survival and power over genuine democratic engagement and responsiveness to citizen interests.

The constitutional implications of PT have also become a focal point of debate. Critics argue that this threshold could violate citizens' democratic rights by restricting their ability to nominate and vote for their preferred candidates. These concerns are based on the notion that democracy should facilitate broad participation and representation, allowing all eligible candidates to compete without unnecessary barriers¹¹. Judicial reviews and constitutional challenges to PT have been filed with varying outcomes, reflecting the ongoing tension between legal frameworks and democratic ideals¹². Constitutional Court rulings on this issue often highlight efforts to balance maintaining a stable

political system with ensuring fundamental democratic rights for citizens¹³.

After rejecting challenges 32 times, the Constitutional Court (MK) finally abolished the Presidential Threshold in the judicial review of Law Number 62/PUU-XXII/2024. It ruled that Article 222 of Law Number 7 of 2017 concerning Elections (State Gazette of the Republic of Indonesia of 2017 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 6109) was contrary to the 1945 Constitution of the Republic of Indonesia and therefore had no binding legal force. The presidential threshold has tended to limit presidential and vice-presidential elections to only two candidate pairs since 2009, preserving the power of established parties at the expense of new voices¹⁴. Similarly, Turkey's electoral system encourages party dominance through the overrepresentation of major parties and the underrepresentation of smaller ones¹⁵. To balance these concerns, some researchers propose an optimal threshold of 1-5% to maximize fairness in the political system¹⁶, while others suggest a

¹⁰ Sidi Ahyar Wiraguna and Zudan Arief Fakrulloh, "Legal Reforms in Indonesia Related to 'Presidential Threshold' of Presidential Candidate in Law No. 7/2017 Concerning General Elections," *Journal of Law Theory and Law Enforcement*, 2023, doi:10.56943/jlte.v2i2.194.

¹¹ Shifa Anggreani, "Presidential Threshold Constitutionality Dilemma in Indonesia: A Comparative Study With Brazil," *Unisia*, 2024, doi:10.20885/unisia.vol42.iss1.art18.

¹² M Zainor Ridho, "The Constitutionality of the Presidential Threshold on the 2019 Election in Indonesia: An Analysis on Constitutional Court Decision 72/Puu-Xv/2017," *Asy-Syir Ah Jurnal Ilmu Syari Ah Dan Hukum*, 2020, doi:10.14421/ajish.v54i2.916.

¹³ Abdul Ghoffar, "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi Dan

Pengalaman Di Negara Lain," *Jurnal Konstitusi*, 2018, doi:10.31078/jk1532.

¹⁴ Dian Fitri Sabrina and Brett Inder, "Concentration of Power in Nomination of Presidential Candidates in Indonesia," *Asian Journal of Comparative Politics* 9, no. 3 (2023): 375–87, doi:10.1177/20578911231199530.

¹⁵ Düzgün Arslantaş, Şenol Arslantaş, and André Kaiser, "Does the Electoral System Foster a Predominant Party System? Evidence from Turkey," *Swiss Political Science Review* 26, no. 1 (2020): 125–43, doi:10.1111/spsr.12386.

¹⁶ Marina Bannikova, Artyom Jelnov, and Pavel Jelnov, "The Number of Parties and Decision-Making in Legislatures," *Games* 12, no. 4 (2021): 1–10, doi:10.3390/g12040076.

specific threshold, such as 2.5%, for Indonesia's legislative elections¹⁷.

Experience has shown that this situation fuels societal polarization, threatens diversity, and could potentially lead to single-candidate elections, as seen in the trend of regional elections featuring unopposed candidates or empty ballot options. Maintaining or upholding the minimum percentage threshold for nominating presidential and vice-presidential candidates, as stipulated in Article 222 of the Election Law, poses a significant risk to the direct presidential and vice-presidential election process by the people. This provision limits the emergence of alternative candidate pairs, thereby restricting the people's freedom to choose the best leaders from a diverse pool. If left unchanged, this situation not only narrows the space for healthy political competition but also reduces the quality of democracy and increases the risk of societal polarization, ultimately threatening national unity.

In the context of substantial democracy, which emphasizes the essence and quality of democracy, such as inclusive representation, active participation, and political justice, PT is seen as an obstacle to achieving true democracy. Democracy is not merely procedural, ensuring orderly elections, but also about how the political

system fully reflects the people's will without being constrained by exclusive regulations. Moreover, the concept of "democratic deficit" highlights the shortcomings of institutions that appear democratic but fail to deliver substantial democratic outcomes. This deficit is particularly evident in electoral democracies, where formal democratic processes do not always lead to meaningful citizen engagement or accountability¹⁸. The presence of multiple political parties can sometimes enhance competition; however, when these parties operate within a framework that prioritizes their survival over democratic principles, they may hinder genuine political discourse and limit voter choices¹⁹.

The role of political parties in shaping public opinion and political engagement is also crucial. Research indicates that citizens often associate democracy primarily with electoral processes and the protection of civil liberties, which can lead to a narrow understanding of democratic engagement²⁰. This limited conceptualization may hinder the development of a stronger democratic culture that values active participation and deliberation among citizens, as advocated by proponents of deliberative democracy²¹. In this context, political parties may

¹⁷ Mahesa Rannie, Retno Saraswati, and Fifiana Wisnaeni, "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?," *Sriwijaya Law Review* 8, no. 1 (2024): 133–51, doi:10.28946/slrev.Vol8.Iss1.3157.pp133-151.

¹⁸ Hyo Won Lee and Sijeong Lim, "Making Sense of Citizen Desire for IO Democracy: An Analysis of Public Opinion Across 44 Countries," *European Journal of International Relations*, 2022, doi:10.1177/13540661221091361.

¹⁹ Jan Nilsson, "Towards a New Taxonomy of Democracy," 2023, doi:10.33774/coe-2023-jd8ll.

²⁰ Hannah S Chapman et al., "Under the Veil of Democracy: What Do People Mean When They Say They Support Democracy?," *Perspectives on Politics*, 2023, doi:10.1017/s1537592722004157.

²¹ Sebastien Rojon, Arieke J Rijken, and Bert Klandermans, "A Survey Experiment on Citizens' Preferences for 'Vote-Centric' vs. 'Talk-Centric' Democratic Innovations With Advisory vs. Binding Outcomes," *Politics and Governance*, 2019, doi:10.17645/pag.v7i2.1900.

inadvertently sustain a cycle of apathy by failing to create an environment that fosters meaningful political discourse and civic engagement.

Furthermore, the challenges faced by political parties in new democracies, such as Nigeria, illustrate the complexities of party politics in relation to democratic consolidation. The absence of internal party democracy and the prevalence of factionalism can lead to instability and a lack of accountability, ultimately undermining democratic processes²². This situation underscores the need for political parties to evolve and adapt to the demands of a substantive democratic framework that prioritizes inclusivity and active citizen participation.

The Constitutional Court's ruling on the abolition of the Presidential Threshold (PT) has become an increasingly relevant issue for discussion, given the importance of creating a fairer and more inclusive political system. Without PT, presidential nominations would be more open to various political parties, including smaller ones, providing the public with greater opportunities to elect leaders who truly represent their aspirations. However, the removal of PT also presents new challenges, such as the potential emergence of too many presidential candidates, which could fragment public votes and lead to

political instability. Therefore, research on the implications of PT abolition is essential to assess its impact on achieving substantive democracy in Indonesia. By understanding the opportunities and challenges involved, strategic steps can be formulated to create a more democratic and equitable political system.

Sabrina's research highlights that the abolition of PT can enhance political inclusivity by granting equal rights to small parties and independent candidates to participate in elections, thereby strengthening political representation²³. Setiawan adds that eliminating PT would restore the democratic rights of political parties and citizens to nominate presidential candidates freely, supporting democratic principles and equality²⁴. Gobel criticizes PT for reinforcing political oligarchy by benefiting major parties and argues that its abolition could foster a more competitive, dynamic, and innovative political environment²⁵.

However, concerns regarding the negative impact of PT abolition persist. Ahmad (2021) points out that eliminating PT could lead to political fragmentation, where an excessive number of candidates may dilute voter preferences and complicate governance²⁶ also notes that without PT, post-election coalition formation could become more complex due to sharper

²² S M Omodia, "Political Parties and National Integration in Emerging Democracies: A Focus on the Nigerian State," *Mediterranean Journal of Social Sciences*, 2018, doi:10.2478/mjss-2018-0162.

²³ Muhammad Saad Dian Sabrina, "Keadilan Dalam Pemilu Berdasarkan Sistem Presidensial Threshold," *Widya Pranata Hukum Jurnal Kajian Dan Penelitian Hukum*, 2021, doi:10.37631/widyapranata.v3i1.268.

²⁴ Adjie Hari Setiawan, "Politik Hukum Presidential Threshold 20% Dalam Undang-Undang Nomor 7 Tahun 2017," *Jurnal Asosiasi Pengajar Hukum Tata Negara Hukum Administrasi Negara (Japhtn-Han)*, 2023, doi:10.55292/japhtnhan.v2i1.64.

²⁵ Rahmat Teguh Santoso Gobel, "Rekonseptualisasi Ambang Batas Pencalonan Presiden Dan Wakil Presiden (Presidential Threshold) Dalam Pemilu Serentak," *Jambura Law Review*, 2019, doi:10.33756/jalrev.v1i1.1987.

²⁶ Nyarwi Ahmad, "The Four Faces of Authoritarian Populism and Their Consequences on Journalistic Freedom: A Lesson Learnt From Indonesia's 2019 Presidential Election," *Trans Trans -Regional and -National Studies of Southeast Asia*, 2021, doi:10.1017/trn.2021.16.

differences in party interests. Additionally, Ghoffar (2018), through comparative analysis, examines how PT abolition could align Indonesia with inclusive democratic practices in other countries²⁷. Anugerah (2022) highlights the importance of public sentiment, stating that the removal of PT could enhance democratic engagement and make citizens feel more represented in the political process²⁸. Overall, while PT abolition has the potential to strengthen substantive democracy, challenges such as political fragmentation and coalition formation remain critical concerns that need to be anticipated.

The importance of examining the impact of PT abolition on substantive democracy is becoming increasingly relevant, given PT's central role in determining the access of political parties and independent candidates to the presidential election process. By eliminating PT, many argue that it would open up greater space for smaller parties and independent candidates to participate in elections, thus creating a more inclusive and representative system. However, PT abolition also raises various challenges, such as the risk of political fragmentation and difficulties in post-election coalition building, which could disrupt government stability. Therefore, an in-depth study of the impact of PT abolition is crucial not only to understand its direct implications for political participation but also to evaluate potential changes in political dynamics and broader governance

structures. Such an analysis is essential to ensure that any decision regarding PT reform strikes a balance between enhancing more inclusive political representation and maintaining democratic stability and effective governance.

METHOD

This research employs a normative legal research method, which is based on the study of law as a system of norms that regulate state life. In this study, two approaches are used: the statutory approach and the theoretical approach. The statutory approach is utilized to analyze various regulations related to the presidential threshold, including the 1945 Constitution²⁹, election laws, and their implementing regulations. Meanwhile, the theoretical approach is used to explore concepts of substantive democracy, political representation, and electoral system openness within the framework of a democratic state. By employing these two approaches, this research seeks to examine how the elimination of the presidential threshold can contribute to the realization of a more substantive democracy, where the presidential election process truly reflects the aspirations of the people without barriers that limit political participation.

ANYLISIS AND DISCUSSION

Theory of Substantial Democracy

The concept of substantial democracy,

²⁷ Ghoffar, "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi Dan Pengalaman Di Negara Lain."

²⁸ Boy Anugerah, "Strengthening Democracy in Indonesia: Comparison Between Representative and Direct Presidential Election Policies," *Jurnal Studi*

Sosial Dan Politik, 2022, doi:10.19109/jssp.v6i1.10650.

²⁹ I Made Pasek Diantha, Ni Ketut Supasti Dharmawan, and I Gede Artha, *Metode Penelitian Hukum Dan Penulisan Disertasi*, 1st ed. (Denpasar: Swasta Nulus, 2018).

as expressed by Robert A. Dahl, goes beyond merely electoral processes and encompasses principles of justice, equality, and inclusive representation within the political framework. In his seminal work, *On Democracy*, Dahl emphasizes that an ideal democracy must ensure that all citizens have equal opportunities to participate in political decision-making, which is a crucial element in achieving a truly representative government³⁰. This perspective aligns with the idea that democracy should not only facilitate regular elections but also create an environment where diverse voices can be heard and considered in the policymaking process³¹.

Dahl's characterization of democracy as "polyarchy" highlights the importance of competition and inclusivity as fundamental attributes of democratic governance. He argues that for democracy to be considered substantial, there must be institutional guarantees that allow for meaningful political contestation and broad participation from various societal groups. This view is supported by Schmitter and Karl, who assert that democracy is fundamentally linked to the existence of free and fair elections, which are essential to ensuring that governments remain accountable to their people³².

Additionally, the role of the media and civil society is crucial in promoting substantial democracy. The press serves as a vital mechanism for disseminating information and fostering civic competence, which in turn

cultivates an informed public opinion—an essential component of a functioning democracy. This aligns with Dahl's assertion that a dynamic civil society, along with a free press, is indispensable to the health of democratic institutions and practices (Sigman & Lindberg, 2018).

Beyond these elements, the concept of substantial democracy also emphasizes the need for equality in political representation. This is particularly relevant in contexts where marginalized groups face barriers to participation. Research by Permanasari et al. demonstrates how inclusive public spaces can enhance political representation by enabling greater community participation in urban planning and governance³³. Such initiatives reflect the broader principle of democracy—that all citizens, regardless of their backgrounds, should have a voice in shaping policies that affect their lives.

The distinction between formal (procedural) democracy and substantial democracy is essential to understanding the complexities of democratic governance. Formal democracy primarily focuses on procedural aspects, such as the existence of free and fair elections, the rule of law, and the protection of civil liberties. This approach emphasizes mechanisms for citizen participation in political processes, including the right to vote and the establishment of representative institutions³⁴. In this context, democracy is often measured by the presence of electoral

³⁰ Vanessa A Boese and Matthew Charles Wilson, "A Short History of Contestation and Participation," *SSRN Electronic Journal*, 2022, doi:10.2139/ssrn.4022448.

³¹ Aris Trantidis, "Is Government Contestability an Integral Part of the Definition of Democracy?," *Politics*, 2016, doi:10.1177/0263395715619635.

³² Anna Lührmann, Staffan I Lindberg, and Marcus Tannenberg, "Regimes in the World (RIW): A Robust Regime Type Measure Based on v-Dem," *SSRN Electronic Journal*, 2017, doi:10.2139/ssrn.2971869.

³³ Eka Permanasari, Sahid Mochtar, and Rahma Purisari, "Political Representation in Urban Public Space in Jakarta Child-Friendly Public Space (Ruang Publik Terpadu Ramah Anak – RPTRA)," *International Journal of Built Environment and Sustainability*, 2019, doi:10.11113/ijbes.v6.n2.351.

³⁴ Kristian Stokke, "Democratization in the Global South: From Democratic Transitions to Transformative Democratic Politics," *Geography Compass*, 2018, doi:10.1111/gec3.12412.

processes and the legal framework supporting them. However, this approach can lead to a superficial understanding of democratic governance if these processes do not translate into meaningful political engagement or genuine accountability³⁵.

On the other hand, substantial democracy goes beyond mere procedures and places greater emphasis on the quality and depth of democratic practices. This form of democracy underscores the importance of inclusivity, social justice, and the realization of democratic ideals in everyday governance. According to Touchton et al., substantial democracy requires that citizens not only have the right to vote but also possess the power to influence decisions that affect their lives. Thus, democracy should not be a mere formality but a living reality³⁶. This perspective aligns with the argument that the effectiveness of democratic institutions depends on their ability to encourage meaningful participation and representation, particularly for marginalized groups³⁷.

Furthermore, substantial democracy integrates the role of civil society and the importance of political culture in shaping democratic outcomes. Research on political culture highlights that the engagement of civil society organizations is crucial in promoting accountability and ensuring that governments remain responsive to the needs of their citizens. This contrasts with formal

democracy, which may exist in contexts where civil liberties are nominally protected, yet actual participation and representation remain limited.

Substantial democracy emphasizes the quality of democratic outcomes, focusing on the effectiveness and inclusivity of democratic processes rather than merely adhering to formal procedures. This concept is built on several key characteristics, including the role of civil society, the protection of civil rights, and the promotion of political freedoms. Political culture plays a crucial role in shaping substantial democracy, as it influences the convergence of civil society, government accountability, and political practices that uphold dignity and human rights³⁸. The interaction between these elements is essential in creating a robust democratic environment that goes beyond electoral processes.

Empirical evidence supports the assertion that higher governance quality is often associated with more democratic regimes. Research indicates that countries with a framework of substantial democracy tend to achieve better governance outcomes, suggesting that the quality of democracy directly impacts governance effectiveness³⁹. This relationship reinforces the idea that substantial democracy is not merely about the existence of democratic institutions but also about their functionality and the extent to which these institutions serve society. Additionally, the

³⁵ Mohammad Ali Kadivar, Adaner Usmani, and Benjamin H Bradlow, "The Long March: Deep Democracy in Cross-National Perspective," *Social Forces*, 2019, doi:10.1093/sf/soz050.

³⁶ Michael Touchton, Stephanie McNulty, and Brian Wampler, "Participatory Budgeting and Community Development: A Global Perspective," *American Behavioral Scientist*, 2022, doi:10.1177/00027642221086957.

³⁷ Rod Dacombe and Phil Parvin, "Participatory Democracy in an Age of Inequality," *Representation*, 2021, doi:10.1080/00344893.2021.1933151.

³⁸ Silviu Petru Grecu, "Using Nonlinear and Structural Equations (Sem) for Testing the Correlation Between Political Culture and Substantive Democracy. Cross-National Comparisons," *Journal of Intercultural Management and Ethics* 6, no. 2 (2023), doi:10.35478/jime.2023.2.08.

³⁹ Francisco L Rivera-Batiz, "Democracy, Governance, and Economic Growth: Theory and Evidence," 2018, doi:10.1142/9789813209398_0008.

dynamics of democracy in various contexts, such as post-transition societies, demonstrate that the way democratic transitions are carried out significantly influences the depth and quality of democracy achieved. This highlights the need for a transformative approach to democratization that prioritizes substantive outcomes over procedural formalities.

Furthermore, the concept of embedded democracy suggests that democratic practices must be integrated within a broader socio-political context to be effective. This integration is particularly evident in the European Union's efforts to promote democracy in regions like Ukraine, where the success of democratic initiatives depends more on their substantive implementation rather than mere adherence to formal democratic structures⁴⁰. The effectiveness of democracy is also enhanced by the presence of nonviolent resistance movements, which have been shown to produce higher-quality democratic outcomes compared to violent uprisings⁴¹. These movements contribute to the formation of democratic norms and practices that prioritize citizen engagement and accountability.

The importance of political rights, trust, and solidarity cannot be overlooked in the context of substantial democracy. Democratic systems must ensure that all citizens have equal access to political rights and foster mutual trust within society, which is essential for building a cohesive democratic identity⁴². Additionally, the role of education in shaping

democratic values and practices is crucial, as it influences citizens' understanding and engagement in democratic processes⁴³. However, the effectiveness of education in promoting democratic values may depend on the prevailing political regime, which could influence the curriculum and the values imparted to society.

Presidential Threshold in Legal and Political Perspective

The Presidential Threshold (PT) in Indonesia is a crucial aspect of the electoral system, particularly in relation to the nomination of presidential candidates. PT is defined as the minimum percentage of votes that a political party or coalition must obtain to nominate a presidential candidate. It has significant implications for political representation and the overall democratic process in the country.

According to Article 6A, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, the eligibility of a presidential candidate depends on the support of a political party or coalition recognized by the General Elections Commission (KPU) (Maulana Rahman, 2023). Specific regulations on PT are stipulated in the Election Law, particularly in Law No. 7 of 2017, which requires that a political party or coalition must secure at least 20% of the seats in the House of Representatives (DPR) or 25% of the popular vote in the previous legislative election to qualify for nominating a presidential

⁴⁰ Felix S Bethke and Jonathan Pinckney, "Non-Violent Resistance and the Quality of Democracy," *Conflict Management and Peace Science*, 2019, doi:10.1177/0738894219855918.

⁴¹ M Bayer, Felix S Bethke, and Daniel Lambach, "The Democratic Dividend of Nonviolent Resistance," *Journal of Peace Research*, 2016, doi:10.1177/0022343316658090.

⁴² Volker Kaul, "Sources of Democracy: Rights, Trust and Solidarity," *Philosophy & Social Criticism*, 2020, doi:10.1177/0191453720921975.

⁴³ Darrel Robinson and Marcus Österman, "Educating Democrats or Autocrats? The Regime-Conditional Effect of Education on Support for Democracy," *Political Studies*, 2022, doi:10.1177/00323217211067385.

candida⁴⁴. This requirement has sparked considerable debate regarding its impact on inclusivity and fairness in the electoral process.

Haruni discusses the constitutional implications of PT, noting that while the 1945 Constitution guarantees equal opportunities for all citizens to participate in the electoral process, PT effectively restricts this access by favoring major parties and coalitions⁴⁵. This situation raises concerns about the erosion of democratic principles, as smaller parties may struggle to secure representation in the presidential election, thereby limiting voter choice and undermining the pluralistic nature of democracy⁴⁶.

Moreover, PT has been criticized for its potential to weaken democracy in Indonesia. Sabirin argues that implementing such a threshold can be seen as a deviation from constitutional principles that should govern the electoral process, as it restricts citizens' ability to nominate candidates outside of the established political parties. This perspective is also supported by Nugroho et al., who highlight that PT may lead to a concentration of political power among a few dominant parties, thus reducing overall competitiveness in the electoral landscape⁴⁷.

The implementation of electoral thresholds in Indonesia's presidential system has been a

topic of debate. Initially intended to prevent an excessive number of presidential candidates and strengthen party coalitions, the high threshold has limited presidential contests to only two candidates since 2009⁴⁸. The concentration of power in the nomination process raises concerns about the weakening of democratic principles and the entrenchment of established parties. While some argue that the parliamentary threshold should be lowered to 2.5% to balance representation⁴⁹, others propose alternative approaches to expanding democratic voices. In Brazil, despite simultaneous presidential and legislative elections, party fragmentation has increased, partly due to the broad coalitions formed for presidential elections, which compensate allied parties in concurrent contests⁵⁰. This highlights the complex relationship between electoral thresholds and party system dynamics in presidential systems.

The implementation of the Presidential Threshold (PT) in Indonesia serves two primary objectives: to prevent an excessive number of presidential candidates and to strengthen party coalitions. This mechanism is regulated under Article 222 of Law No. 7 of 2017 on Elections, which requires that a political party or coalition must secure at least 20% of seats in the House of Representatives (DPR) or 25% of the valid votes in the previous election to nominate a presidential

⁴⁴ Fuqoha Fuqoha, "Pengisian Jabatan Presiden Dan Presidential Threshold Dalam Demokrasi Konstitusional Di Indonesia," *Ajudikasi Jurnal Ilmu Hukum*, 2018, doi:10.30656/ajudikasi.v1i2.495.

⁴⁵ Catur Wido Haruni, "Presidential Threshold in the Presidential Election From the Perspective of Constitutional Democracy and State of Law," *Kne Social Sciences*, 2022, doi:10.18502/kss.v7i15.12112.

⁴⁶ Ahmad Sabirin, "Civil and Political Rights in Constitutionality of Accommodation of Individual Candidates and Elimination of Presidential Thresholds From the Perspective of the 1945 Constitution," *International Journal of Law and Public Policy*, 2023, doi:10.36079/lamintang.ijlapp-0502.499.

⁴⁷ Rahmat Muhajir Nugroho et al., "Comparison of Threshold Provisions for Presidential Candidacy in Indonesia and Turkey," 2022, doi:10.2991/978-2-494069-65-7_4.

⁴⁸ Sabrina and Inder, "Concentration of Power in Nomination of Presidential Candidates in Indonesia."

⁴⁹ Rannie, Saraswati, and Wisnaeni, "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?"

⁵⁰ André Borges, *Razões Da Fragmentação: Coligações e Estratégias Partidárias Na Presença de Eleições Majoritárias e Proporcionais Simultâneas*, *Dados*, vol. 62, 2019, doi:10.1590/001152582019179.

candidate⁵¹.

The rationale behind PT is to promote political stability by limiting the number of candidates eligible to run for president. By setting a threshold, the law aims to prevent excessive fragmentation in the electoral landscape, which could lead to an overwhelming number of candidates that may obscure voter preferences and complicate governance⁵². As noted by Hakim, PT emphasizes the role of the President as the executive leader while positioning the legislative body as an oversight institution⁵³. This dynamic is intended to create a more coherent political environment in which parties are encouraged to form coalitions, ultimately enhancing governance effectiveness.

Additionally, PT is designed to encourage the formation of larger political coalitions, which can result in more stable governments. Istiqoh et al. highlight that the requirement for parties to collaborate in order to meet PT can lead to stronger alliances, facilitating more effective policymaking and implementation⁵⁴. The coalition-building aspect is particularly crucial in a multiparty system like Indonesia, where no single party typically holds a majority. By incentivizing parties to work together, PT aims to create a more unified front in the legislative process, which, in turn, enhances the executive's ability to govern effectively.

The Presidential Threshold (PT) in

Indonesia has been a subject of significant debate, particularly concerning its implications for democracy, the dominance of major political parties, and the reduction of voter choices. Critics argue that PT, which requires a political party or coalition to obtain a minimum percentage of votes to nominate a presidential candidate, effectively limits democratic participation and representation.

One of the main criticisms against PT is that it restricts the ability of smaller parties to compete in presidential elections. According to Haruni, PT creates barriers for new or small political entities, consolidating power among established parties and limiting the diversity of political representation⁵⁵. This situation can lead to a political landscape dominated by a few major parties, which may not fully reflect voter preferences. The argument is that when only a few parties can nominate candidates, voter choices become significantly limited, undermining the essence of a democratic system that should offer a wide range of options.

Moreover, PT is seen as a mechanism that reinforces the existing power structure within Indonesian politics. Setiawan highlights that the requirement for parties to meet PT can lead to a concentration of political power, where major parties disproportionately benefit from the electoral system⁵⁶. This dominance can stifle competition and hinder political innovation, as smaller parties may struggle to gain support in an environment that favors

⁵¹ Maulana Rahman, "Indonesia's Presidential Threshold: An Analysis of Legal and Political Dynamics."

⁵² Ridho Al-Hamdi, Tanto Lailam, and Sakir, "The Presidential Threshold Design in Indonesia's Electoral System: In Search of 'Win-Win Situation' Among Unfinished Debates," 2021, doi:10.2991/assehr.k.211227.050.

⁵³ Hakim, "Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation."

⁵⁴ Istiqoh, Qodir, and Ahmad, "Narrative Policy Framework: Presidential Threshold Policy Toward the 2024 Election."

⁵⁵ Haruni, "Presidential Threshold in the Presidential Election From the Perspective of Constitutional Democracy and State of Law."

⁵⁶ Angga Eka Setiawan, "Understanding Indonesia's Presidential Threshold: A Study on Political Rights," *Jurnal Mengkaji Indonesia*, 2024, doi:10.59066/jmi.v3i1.622.

established political players. As a result, the political system may become less responsive to voters' needs and aspirations, as the interests of smaller parties and independent candidates are marginalized⁵⁷.

Additionally, PT has been criticized for potentially undermining the principles of political pluralism and inclusivity. Sabirin argues that the current electoral framework, which heavily relies on PT, contradicts constitutional principles of equality and political rights. By limiting individuals' ability to run without the support of major parties, PT effectively restricts citizens' democratic rights to participate in the political process as independent candidates. This exclusive aspect of PT raises concerns about the overall health of democracy in Indonesia, as it may lead to voter dissatisfaction among those who feel their choices are restricted.

Research indicates that presidential thresholds can reinforce the political status quo and limit innovation. The high threshold in Indonesia has resulted in only two presidential candidates since 2009, maintaining the dominance of major parties and limiting emerging voices. This concentration of power undermines democratic principles⁵⁸. Similarly, Rannie et al. (2024) argue that electoral thresholds do not significantly contribute to strengthening Indonesia's multiparty presidential system⁵⁹. To address

leadership consolidation, Shapira (2023) proposed using an exponential supermajority threshold escalator for reelection, which could prevent authoritarian consolidation while allowing successful leaders to implement radical changes⁶⁰. Torfing & Ansell (2017) suggest that collaborative governance can enhance political leadership and policy innovation, as traditional political structures often shield leaders from new ideas⁶¹.

The Presidential Threshold (PT) in Indonesia has been a controversial issue, frequently criticized for reinforcing the political status quo, thereby reducing political dynamics and hindering leadership innovation. PT, which requires a political party or coalition to secure a minimum percentage of votes to nominate a presidential candidate, has significant implications for the electoral landscape and overall democratic health in the country. The Constitutional Court of Indonesia has issued several rulings affirming the validity of this threshold, including Decision No. 53/PUU-XV/2017, which states that the threshold is constitutional and aims to simplify the political system and encourage party coalitions⁶². However, many argue that this threshold hampers individual political rights and reduces political participation, especially for new parties without a strong support base (Rezah & Sapada, 2023) (Rifky, 2021).

One of the primary criticisms of PT is that it

⁵⁷ J M Muslimin, Ahmad Fadoliy, and Wildan Munawar, "Law and Politics: Study of the Presidential Threshold in the 2019 General Election of Indonesia," *Politicon Jurnal Ilmu Politik*, 2021, doi:10.15575/politicon.v3i1.11523.

⁵⁸ Sabrina and Inder, "Concentration of Power in Nomination of Presidential Candidates in Indonesia."

⁵⁹ Rannie, Saraswati, and Wisnaeni, "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?"

⁶⁰ Reuven Shapira, "Preventing Leaders' Autocratic Entrenchment by Exponential Super-Majority Threshold Escalators," *Frontiers in Political Science* 5,

no. November 2018 (2023), doi:10.3389/fpos.2023.1173646.

⁶¹ Jacob Torfing and Christopher Ansell, "Strengthening Political Leadership and Policy Innovation through the Expansion of Collaborative Forms of Governance," *Public Management Review* 19, no. 1 (2017): 37–54, doi:10.1080/14719037.2016.1200662.

⁶² Ridho, "The Constitutionality of the Presidential Threshold on the 2019 Election in Indonesia: An Analysis on Constitutional Court Decision 72/Puu-Xv/2017."

effectively limits the number of candidates who can compete in presidential elections, thereby strengthening the dominance of established political parties. Haruni notes that PT restricts the participation of small parties, which may struggle to meet the threshold requirements, thus consolidating power among a few dominant political entities. This situation can lead to a lack of diversity in political representation, as voters often have only limited choices that do not fully reflect the spectrum of political opinions and interests in society. Consequently, a political environment emerges that favors continuity over change, stifling innovation in leadership and policymaking.

Furthermore, PT may create disincentives for new political movements and ideas to emerge. Setiawan argues that the requirement for parties to form coalitions to meet PT can lead to the homogenization of political platforms, where parties prioritize alignment with large coalitions over presenting unique or innovative policy proposals⁶³. This dynamic can hinder political experimentation and the introduction of new perspectives into political discourse, ultimately reducing the vitality of democratic engagement in Indonesia.

The implications of PT extend beyond the direct electoral process; they also affect the broader political culture. As noted by Muslimin et al., PT is often associated with perceptions of political elitism, where the interests of established parties take precedence over the voices of ordinary citizens⁶⁴. This perception can lead to voter

apathy and disengagement, as citizens may feel that their preferences are not adequately represented in the political arena. As a result, PT not only limits the number of candidates but also diminishes the overall quality of democratic participation, as citizens become disillusioned with a system that appears to prioritize party interests over public engagement.

Implications of the Presidential Threshold on the Electoral System and Democracy

Research indicates that high electoral thresholds in presidential systems can reduce political representation and reinforce oligarchy. In Indonesia, the presidential threshold has restricted candidates to those supported by dominant parties, thereby undermining democratic principles and stifling new voices. While thresholds can strengthen the presidential system, an ideal balance might involve a lower parliamentary threshold, such as 2.5%, combined with stricter party regulations⁶⁵. Electoral thresholds present a trade-off between reducing lobbyist influence and increasing representativeness, with optimal fairness achieved at a threshold of 1-5%⁶⁶. However, political inequality remains a concern in advanced democracies, as participation and representation tend to favor higher-status groups. This bias is exacerbated by rising income inequality and the weakening of collective organizations, leading to a growing social divide between the rulers and the ruled⁶⁷. These findings highlight the complex relationship between electoral systems and

⁶³ Setiawan, "Understanding Indonesia's Presidential Threshold: A Study on Political Rights."

⁶⁴ Muslimin, Fadoliy, and Munawar, "Law and Politics: Study of the Presidential Threshold in the 2019 General Election of Indonesia."

⁶⁵ Rannie, Saraswati, and Wisnaeni, "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?"

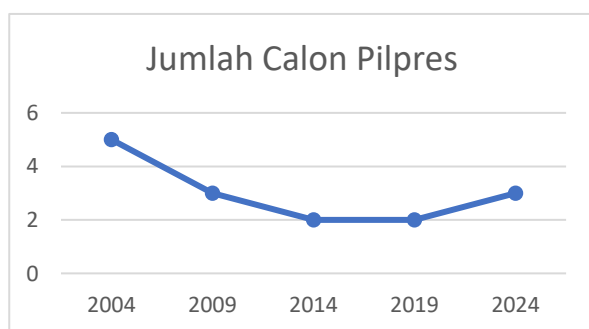
⁶⁶ Bannikova, Jelnov, and Jelnov, "The Number of Parties and Decision-Making in Legislatures."

⁶⁷ Lea Elsässer and Armin Schäfer, "Political Inequality in Rich Democracies," *Annual Review of Political Science* 26 (2023): 469–87, doi:10.1146/annurev-polisci-052521-094617.

democratic inclusivity.

The implementation of the Presidential Threshold (PT) in Indonesia has been widely criticized for its role in reducing political representation for smaller parties and reinforcing the dominance of political oligarchies. This situation contradicts the principles of inclusive democracy, which advocate equal opportunities for all societal elements to participate in the political process.

One of the primary criticisms of PT is that it effectively limits the ability of smaller parties to compete in presidential elections. Hidayaturrehman et al. argue that PT creates significant barriers for new or small political entities, thereby consolidating power among established parties and restricting the diversity of political representation⁶⁸. This consolidation can lead to a political landscape dominated by a few major parties, which may not fully reflect the broader preferences of voters. When only a limited number of parties can nominate candidates, the choices available to voters become highly restricted, undermining the essence of a democratic system that should provide a wide range of options.



The graph above illustrates the number of presidential candidates who participated in Indonesia's presidential elections in 2004, 2009, 2014, 2019, and 2024. In 2004, the

presidential election recorded the highest number of candidates, with five contenders. This reflects that the first direct presidential election opened broader political participation opportunities for political parties and coalitions. At that time, the regulations regarding presidential elections were stipulated in Law No. 23 of 2003, which set a threshold of 15% of the total seats in the House of Representatives (DPR) or 20% of the valid national votes. This threshold was lower than the subsequent Presidential Threshold (PT) requirements.

In 2009 and 2024, there were three presidential candidates, reflecting greater competition than in 2014 and 2019, which only had two candidates. A higher number of candidates in 2009 and 2024 indicates a more competitive political configuration and broader involvement of political parties or coalitions. This condition may have been influenced by a more flexible Presidential Threshold regulation or political dynamics that allowed the emergence of more candidates.

Conversely, in 2014 and 2019, only two candidate pairs competed. This was likely due to the enforcement of a high Presidential Threshold, making it possible only for major parties or strong coalitions to nominate presidential candidates. Additionally, strong political polarization may have been a key factor, with only two dominant political forces shaping the competition during these periods.

In terms of democratic implications, the presence of three candidates in 2009 and 2024 and five candidates in 2004 suggests a more competitive democracy, offering voters a greater variety of choices. However, an

⁶⁸ Mohammad Hidayaturrehman, Bonaventura Ngarawula, and Kridawati Sadhana, "Political Investors: Political Elite Oligarchy and Mastery of

Regional Resources in Indonesia," *Asian Journal of Comparative Politics*, 2020, doi:10.1177/2057891120917213.

excessive number of candidates can also fragment voter support, potentially leading to political fragmentation. On the other hand, having only two candidates in 2014 and 2019 simplified the electoral process, as voters had only two main options. However, this condition may have also reduced political inclusivity, particularly for smaller parties or independent candidates who struggled to compete. This highlights the challenge of balancing democratic competition with political inclusivity.

The relationship between the number of presidential candidates and the level of democracy is a complex and multidimensional issue that has received significant attention in academic literature. A higher number of candidates in a presidential election can indicate a more dynamic democratic environment, as it suggests greater competition and a diversity of political representation. This diversity is crucial for creating a political landscape where various ideologies and policies can be debated and considered, ultimately enhancing democratic engagement among voters⁶⁹.

Research indicates that the presence of multiple candidates can mobilize voter interest and participation, particularly among demographics that may feel underrepresented. For example, the emergence of younger and more diverse candidates has been shown to increase political enthusiasm among certain voter groups, such as Gen Z women, thereby

contributing to a more inclusive democratic process⁷⁰. This phenomenon highlights the importance of candidate diversity in stimulating political engagement and fostering trust in the electoral system, which are essential components of a healthy democracy.

Furthermore, candidate selection dynamics and party systems play a crucial role in shaping electoral landscapes. In systems dominated by two major parties, the number of viable candidates may be limited, potentially restricting competition and reducing voter choice. Such limitations can lead to voter apathy and disengagement, as citizens may feel that their preferences are not adequately represented⁷¹. Conversely, multi-party systems or electoral frameworks that encourage candidate diversity can enhance democratic quality by providing voters with more choices and fostering a competitive political environment⁷².

The implications of candidates' ideology must also be considered. Studies indicate that candidates with extreme ideological positions can negatively impact voter turnout and overall electoral participation. This suggests that more moderate candidates may be more effective in mobilizing a broader electorate, thereby increasing democratic engagement⁷³. Additionally, perceptions of a candidate's competence can influence voter support, with competent candidates tending to gain backing even in the face of undemocratic behavior⁷⁴.

⁶⁹ Brendan Nyhan et al., "Who Will Defend Democracy? Evaluating Tradeoffs in Candidate Support Among Partisan Donors and Voters," 2020, doi:10.33774/apsa-2019-wjva3-v5.

⁷⁰ Melissa Deckman and Jared McDonald, "Uninspired by Old White Guys: The Mobilizing Factor of Younger, More Diverse Candidates for Gen Z Women," *Politics & Gender*, 2022, doi:10.1017/s1743923x21000477.

⁷¹ Kristian Vrede Skaaning Frederiksen, "Do Two-Party Systems Hamper Defection From Undemocratic Candidates?," 2022, doi:10.31219/osf.io/wmzj3.

⁷² Josh M Ryan, "Partisan Dynamics in Presidential Primaries and Campaign Divisiveness," *American Politics Research*, 2017, doi:10.1177/1532673x17738278.

⁷³ Andrew B Hall and Daniel M Thompson, "Who Punishes Extremist Nominees? Candidate Ideology and Turning Out the Base in US Elections," *American Political Science Review*, 2018, doi:10.1017/s0003055418000023.

⁷⁴ Skaaning Frederiksen, "Do Two-Party Systems Hamper Defection From Undemocratic Candidates?"

This relationship highlights the deeper ways in which candidate characteristics can shape democratic outcomes.

Furthermore, the Presidential Threshold (PT) is seen as a mechanism that reinforces existing power structures in Indonesian politics. Wisnaeni discusses how the requirement for parties to meet the PT can lead to a concentration of political power, where major parties disproportionately benefit from the electoral system. This dominance can hinder competition and reduce political innovation, as smaller parties may struggle to gain support in an environment that favors established political players. Consequently, the political system may become less responsive to the needs and aspirations of voters, as the interests of smaller parties and independent candidates are marginalized⁷⁵.

The implications of PT are not limited to the direct electoral process; they also affect the broader political culture. Alfani et al. highlight that PT is often associated with perceptions of political elitism, where the interests of established parties dominate over the voices of ordinary citizens. This perception can lead to voter apathy and disengagement, as citizens may feel that their preferences are not adequately represented in the political arena. As a result, PT not only limits the number of candidates but also diminishes the overall quality of democratic participation, as citizens become disillusioned with a system that appears to prioritize party interests over public engagement⁷⁶.

Moreover, PT has been criticized for potentially undermining the principles of

political pluralism and inclusivity. Haruni emphasizes that the current electoral framework, which heavily relies on PT, contradicts constitutional principles regarding equality and political rights⁷⁷. By restricting individuals from running without the backing of major parties, PT effectively limits the democratic rights of citizens who wish to participate in the political process as independent candidates. This exclusionary aspect of PT raises concerns about the overall health of democracy in Indonesia, as it may lead to voter discontent among those who feel their choices are restricted⁷⁸. Currently, PT creates barriers that obscure the qualifications of candidates who do not belong to major political parties. Removing this threshold would simplify the nomination process, allowing voters to assess candidates based on their qualifications and public support rather than party affiliation. This aligns with the principles of substantive democracy, which emphasize the importance of informed citizen participation in the political process.

Decision No. 62/PUU-XXII/2024 ruled that Article 222 of Law No. 7 of 2017 on Elections (State Gazette of the Republic of Indonesia Year 2017 No. 182, Supplement to the State Gazette of the Republic of Indonesia No. 6109), which regulates the presidential nomination threshold, is unconstitutional and no longer legally binding. The abolition of PT would simplify the presidential nomination process, making it more transparent and accessible. Currently, PT requires political parties or coalitions to obtain a minimum percentage of votes or seats in the legislature

⁷⁵ Alfani et al., "Media Framing Against Identity Political Orientation as a Representation of Political Interests Ahead of the 2024 Presidential Election."

⁷⁶ Monteiro, "Presidential Threshold and Parliamentary Threshold Setting in Elections."

⁷⁷ Catur Wido Haruni et al., "Proportionality of the Regional Representative Council in Legislative Function," 2020, doi:10.2991/aebmr.k.200226.036.

⁷⁸ Hakim, "Questioning Presidential Threshold in Indonesia: Constitutional Analysis and Democracy Implementation."

to nominate a presidential candidate, which can obscure the intentions and capacities of potential candidates. Istiqoh et al. note that the existing threshold complicates the nomination process by creating obstacles that obscure the qualifications of candidates who may not come from major parties⁷⁹. By removing PT, the nomination process could become more straightforward, enabling a clearer assessment of candidates based on their qualifications and public support rather than solely their party affiliation.

The removal of PT would significantly enhance opportunities for independent candidates and small political parties to participate in presidential elections. Currently, PT effectively marginalizes these groups, as they often lack the resources and support needed to meet the threshold requirements. Wisnaeni emphasizes that the existing provisions restrict the ability of diverse political voices to enter the electoral arena, thereby weakening the principle of democratic inclusivity⁸⁰. By abolishing PT, the electoral system could allow for the emergence of more candidates, creating a more competitive political environment where voters have more choices. This would empower smaller parties and encourage independent candidates who may bring new perspectives and ideas into political discourse.

PT has been criticized for reinforcing political oligarchy by benefiting major parties and limiting competition. Sabirin argues that the current system favors large parties that can easily meet the threshold, while smaller

parties struggle to gain support (Sabirin, 2023). This dynamic can lead to a concentration of power among a few dominant political entities, which may prioritize their own interests over those of the general public. By abolishing PT, the political landscape could become fairer, allowing for greater political representation and reducing the influence of established political elites. Al-Hamdi et al. argue that eliminating PT aligns with democratic governance principles, as it would create a more level playing field for all candidates, regardless of their party affiliation or size⁸¹.

This rule encourages coalition formation but does not fundamentally alter political dynamics. While thresholds can help stabilize governance, they also have the potential to distort vote equality and limit the emergence of new political voices⁸². Ultimately, formal institutions alone may not be sufficient to change existing political logic⁸³.

One major concern regarding the removal of PT is the risk of an excessive number of candidates in presidential elections. A large number of candidates could confuse voters and make it difficult for them to make informed decisions. The abundance of candidates may complicate the electoral process and disperse voter preferences, potentially leading to confusion and lower voter turnout. This situation could undermine the efficiency of elections, as voters may struggle to choose among too many options, resulting in elections with lower-quality information.

⁷⁹ Istiqoh, Qodir, and Ahmad, "Narrative Policy Framework: Presidential Threshold Policy Toward the 2024 Election."

⁸⁰ Sidiq Wisnaeni, "Democratic Principles-Based Reconstruction of Presidential Threshold Provisions on Indonesian Presidential Elections."

⁸¹ Al-Hamdi, Lailam, and Sakir, "The Presidential Threshold Design in Indonesia's Electoral System: In

Search of 'Win-Win Situation' Among Unfinished Debates."

⁸² Tobias Hiller, "Measuring the Difficulties in Forming a Coalition Government," *Games* 14, no. 2 (2023), doi:10.3390/g14020032.

⁸³ Nic Cheeseman, "Kenya's 2017 Elections: Winner-Takes-All Politics as Usual?," *Jurnal of Eastern African Studis* 13, no. 2 (2019).

In Decision No. 62/PUU-XXII/2024, the Constitutional Court established constitutional engineering guidelines to prevent an excessive number of presidential and vice-presidential candidates. These include: all political parties participating in elections have the right to nominate candidates; nominations should not be based on the percentage of parliamentary seats or national vote shares; political parties may join forces in nominating candidates, provided it does not create a dominance that limits choices; parties that do not nominate candidates will be barred from participating in the next election; and electoral law changes must involve all stakeholders, including non-parliamentary political parties, ensuring meaningful public participation⁸⁴.

The removal of PT could also lead to significant political fragmentation, potentially disrupting governmental stability. Without a threshold, the political landscape may become fragmented, with numerous small parties competing for power. This fragmentation could complicate governance due to the absence of a clear majority in the legislature, making it difficult for any party or coalition to implement policies effectively. Political instability could arise from the challenge of forming a cohesive government, leading to frequent leadership changes and shifts in policy direction, which could hinder long-term planning and development. This fragmentation could impede governmental

effectiveness, as a lack of a clear majority in the legislature would make it difficult for any party or coalition to govern smoothly. Political instability may result from the inability to form a cohesive administration, leading to frequent leadership changes and inconsistent policy directions⁸⁵, ultimately obstructing long-term governance⁸⁶.

Another significant argument against abolishing PT is the potential difficulty in forming coalitions after elections. Golder's research on government formation discusses the complexities of coalition-building in presidential systems, which is relevant to this argument. If PT is abolished, the increased number of candidates may complicate coalition-building efforts, as the multitude of parties may have different interests and platforms. This complexity could result in prolonged negotiations and instability, as parties struggle to find common ground. These coalition-building challenges could hinder effective governance, as seen in various multiparty presidential systems where the absence of a clear majority often results in deadlock and inefficiency.

Some scholars argue that achieving true participatory democracy requires extensive social and economic reforms to address entrenched inequalities, even if these reforms may sometimes contradict democratic principles⁸⁷. Meanwhile, the concept of "egalitarian democracy" has been proposed as a solution, emphasizing equal protection of

⁸⁴ Lulu Anjarsari, "Presidential Threshold Bertentangan Dengan Konstitusi" (Jakarta: Mahkamah Konstitusi, 2024), <https://www.mkri.id/index.php?page=web.Berita&id=21997>.

⁸⁵ Lee Savage, "How and When Do Presidents Influence the Duration of Coalition Bargaining in Semi-presidential Systems?," *European Journal of Political Research*, 2017, doi:10.1111/1475-6765.12227.

⁸⁶ Cristina Bucur and José Antônio Cheibub, "Presidential Partisanship in Government Formation: Do Presidents Favor Their Parties When They Appoint the Prime Minister?," *Political Research Quarterly*, 2017, doi:10.1177/1065912917716334.

⁸⁷ Phil Parvin, "The Participatory Paradox: An Egalitarian Critique of Participatory Democracy," *Representation* 57, no. 2 (2021): 263–85, doi:10.1080/00344893.2020.1823461.

rights, resource distribution that enables meaningful participation, and inclusive political influence⁸⁸. The implementation of a presidential threshold in a country reflects common concerns about maintaining political stability and preventing fragmentation. However, it also raises important questions about representation and inclusivity, as small parties and independent candidates may struggle to compete effectively in such an electoral environment.

Countries that do not impose a presidential threshold have adopted electoral systems that allow open candidacy without minimum vote or legislative seat requirements for presidential nominations. This approach enhances political inclusivity and representation, enabling more candidates to participate in elections. For example, the United States does not have a presidential threshold, allowing candidates to run without securing a specific percentage of votes or seats, thereby providing opportunities for independent and small-party candidates. Brazil follows a similar system, where candidates can be nominated by political parties or run independently without a minimum vote requirement, creating a competitive and inclusive electoral environment⁸⁹. Similarly, Peru, Colombia, and Kyrgyzstan do not enforce a presidential threshold, allowing diverse candidates, including those from small parties and independents, to participate. The absence of such thresholds fosters a more open and competitive political dynamic, giving voters a broader range of choices and increasing political participation.

The lack of a presidential threshold in these countries supports substantive democracy by ensuring that all candidates, regardless of political affiliation or size, have the opportunity to compete for the presidency⁹⁰. This approach aligns with the principle articulated by Verba and Nie, who emphasize that a healthy democracy requires broad participation and should not be restricted by discriminatory rules.

CONCLUSION

The implementation of the Presidential Threshold (PT) in Indonesia has had various implications for the electoral system and the quality of democracy. While it aims to strengthen political stability by encouraging coalition formation, PT significantly limits political representation by marginalizing small parties and independent candidates. This, in turn, reduces the diversity of choices for voters and reinforces the dominance of political oligarchy. Such a system has the potential to undermine the principles of inclusive democracy and political equality, as only major parties or coalitions can meet the required threshold.

This impact is evident in the number of presidential candidates in Indonesia's elections from 2004 to 2024. In 2004, there were five candidates, reflecting a more open

⁸⁸ Rachel Sigman and Staffan I Lindberg, "Democracy for All: Conceptualizing and Measuring Egalitarian Democracy," *Political Science Research and Methods* 7, no. 3 (2019): 595–612, doi:10.1017/psrm.2018.6.

⁸⁹ Ghoffar, "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi Dan Pengalaman Di Negara Lain."

⁹⁰ Anugerah, "Strengthening Democracy in Indonesia: Comparison Between Representative and Direct Presidential Election Policies."

electoral competition. In contrast, in 2009 and 2024, the number decreased to three candidates, indicating a more competitive but still limited contest. The 2014 and 2019 elections had only two candidates, likely due to the high Presidential Threshold and political polarization. A greater number of candidates provide voters with more options but may also fragment voter support, whereas fewer candidates simplify the election process but reduce inclusivity, particularly for smaller parties and independent candidates. This illustrates the challenge of balancing competition and political inclusivity.

The higher the threshold, the greater the barrier to substantive democracy. Eliminating PT could improve the quality of democracy by creating opportunities for more candidates to participate, fostering a more competitive and inclusive political environment. However, the potential for political fragmentation and difficulties in forming coalitions after elections must be carefully considered, as they could lead to government instability. Therefore, broader reforms and a balance between inclusivity and political stability are essential to enhancing the quality of democracy in Indonesia.

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