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The Threshold Requirements For Presidential Nomination On The Constitutional Perspective

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Abstract

The presidential nomination model through the threshold is a provision regulated in the election law. The practice of presidential elections in Indonesia is often a difficult moment for both political parties and citizens. Several decisions of the Constitutional Court related to the review of Law Number 7 of 2017 concerning Elections, particularly regarding the threshold for declaring Article 222 of the Election Law not contradicting the constitution, meaning that Article 222 of the Election Law is considered to have complied with Article 6A paragraph (2) of the Constitution, but from the results research on article 222 of the Election Law still does not reflect the meaning contained in article 6A paragraph 2 of the Constitution. This research aims to build a presidential nomination model in the 2024 general election in Indonesia. This research is a doctrinal research using a case approach and a legal approach. This study was conducted by looking at the practice of the electoral threshold model for the 2004, 2009, 2014 and 2019 periods as well as the provisions stipulated in the Election Law and the constitution. The results of the study indicate that it is necessary to form an ideal presidential candidacy model, namely using the maximum threshold as a requirement, in order to produce qualified presidential candidates who become leaders who are responsible, have integrity and are the hope of all Indonesian citizens.

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Introduction

After amendment of the Constitution, direct presidential elections were held. The presidential election system has certainly progressed but, from a legal and social point of view, the presidential election system in Indonesia has not yet demonstrated a democratic system. This can be seen from the mechanism for the nomination of President and Vice President which only accommodates nominations through political parties. This provision closes access for other Indonesian citizens to have the right to vote and be elected freely and fairly. A country that adheres to a democratic system of course strongly adheres to the principle of people's sovereignty which guarantees the rights of all its citizens.

Political parties are a defining element of representative democracy.¹ Political parties are an almost ubiquitous feature of the modern nation. Almost all democratic countries have strong Political Parties, and many political scientists consider countries with fewer than two parties to be autocratic. However, this source allows that countries with many competitive parties are not necessarily democratic, and many autocratic countries are governed by one dominant Political Party.² There are many explanations about how and why Political Parties became an important part of the modern state.³ One of the main explanations for why Political Parties exist is that they arise from the divisions that exist among society. The idea of differences in the electorate is made more concrete by suggesting that some Political Parties emerge as a result of existing social divisions.⁴ An alternative explanation why parties are ubiquitous around the world is that party formation is based on a strong ideology built with the aim of achieving the best results for themselves without the intervention and influence of other political parties.

The existence of Political Parties in Indonesia with multi-party systems. multi-party systems in cases where no one party is likely to gain power alone, and parties must cooperate with each other to form a coalition government, to determine how the unitary state format is able to frame political pluralism, political representation, and a system of government resulting from a democratic general election. In Indonesia, the coalition of political parties that is carried out cannot change the orientation of the coalition from being short-term and tends to be opportunistic to being a coalition based on a common ideology, vision, and ideological political platform. This means that in reality it is more tactical and momentary than strategic and long term. One of them is the mechanism for nominating the President and Vice President in Indonesia.

¹ Russell Muirhead and Nancy L Rosenblum, 'The Political Theory of Parties and Partisanship: Catching Up' (2020) 23 Annual Review of Political Science 95 <<https://doi.org/10.1146/annurev-polisci-041916->>.

² Milan Svolik, 'Authoritarian Reversals and Democratic Consolidation' (2008) 102 American Political Science Review 153 <<https://www.cambridge.org/core/journals/american-political-science-review/article/abs/authoritarian-reversals-and-democratic-consolidation/E3963766F74CC6CF2AEE2F5B883139F4>>.

³ Pradeep Chhibber and Ken Kollman, *The Formation of National Party Systems: Federalism and Party Competition in Canada, Great Britain, India, and the United States* (Princeton University Press 2004); Frank O'Gorman, *Edmund Burke: His Political Philosophy* (2003) 171.

⁴ Seymour Martin Lipset and Stein Rokkan, *Cleavage Structures, Party Systems, and Voter Alignments: An Introduction* (Free Press 1967) 50.

Ramlan Surbakti categorizes elections as one of the 11 pillars of a democratic political system.⁵ Elections are the main indicator that shows that the democratic political system is alive and well in a country because in elections citizens have the right to participate and vote on political issues. With the participation and votes of the people, the General Election becomes a mechanism for selecting and delegating the sovereignty of the people to trusted people or political parties.⁶

Talking about the personal requirements of presidential and vice presidential candidates, the delegation of arrangements reads "The conditions for becoming President and Vice President are further regulated by law" while regarding the Candidate Requirements it is stated that "The procedure for conducting the election of President and Vice President is further regulated in law." In the sense that the provision of personal requirements for a person to become a candidate for President or Deputy is an open policy, while regarding the nomination of candidates by political parties or coalitions of political parties is closed policy. This will greatly affect the legal policy that limits legislators in forming the law.

The provisions of Article 6 paragraph (2), mainly through the phrase "by law" opens space to add personal requirements to become President or Deputy, this is indicated by the additional obligation of a candidate to have a minimum age of 40 years, as well as a minimum education of high school equivalent, and others, as regulated by the Presidential and Vice-Presidential election law. This can be seen from the development (addition) of personal requirements to become President and Vice President, through the provisions of Article 5 of Law Number 42 of 2008 concerning General Elections for President and Vice President. It is different with the regulation of nomination procedures, the phrases "procedure" and "in law" have the consequence that the provisions of the law are only technical in nature and it is impossible to add other conditions other than those determined by the 1945 Constitution of the Republic of Indonesia.

⁵ Ramlan Surbakti, Didik Supriyanto and Hasyim Asy'ari, *Merancang Sistem Politik Demokrasi, Menuju Pemerintahan Presidensial Yang Efektif* (Sidik Pramono ed, Kemitraan bagi Pembaruan Tata Pemerintahan 2011) 5.

⁶ Ramlan Surbakti, *Memahami Ilmu Politik* (Grasindo 1982) 181.

The presidential and vice presidential nomination threshold was first formulated in Law Number 23 of 2003 concerning the General Election of President and Vice President (now no longer valid). The limitation is formulated in Chapter II concerning Participants in the Presidential and Vice Presidential Election, specifically in Article 5 paragraph (4), which states that the pairs of candidates as referred to in paragraph (1) can only be proposed by a political party or a coalition of political parties that obtain at least at least 15% (fifteen percent) of the number of seats in the DPR or 20% (twenty percent) of the national valid votes in the election for members of the DPR.

The presidential threshold is a concept that aims to propose qualified candidates for President and Vice President. The provisions regarding the number of seats and the number of valid national votes that are a requirement to be able to nominate pairs of presidential and vice presidential candidates always change every time an election is held. This proposal is made by a political party or coalition of political parties who are responsible for the pair of candidates for President and Vice President that is promoted. The presidential and vice presidential elections conducted in 2004, 2009, and 2014 used the acquisition of the number of DPR seats and national valid votes in the results of the previous legislative elections as the threshold for nominations for President and Vice President (presidential threshold) because the legislative elections were conducted prior to implementation of the election of presidential and vice presidential candidates. This is different from the provisions contained in Law Number 7 of 2017 concerning General Elections, hereinafter referred to as the Election Law, because the presidential election and legislative elections were held simultaneously in April 2019, so that the threshold used was the acquisition of the number of DPR seats and national valid votes. in the previous parliamentary elections.

In the 2019 general election, the regulation regarding the presidential threshold is based on the provisions contained in Article 222 of the Election Law which states that a candidate pair is proposed by a political party or coalition of political parties participating in the election who meets the requirements for obtaining seats of at least 20% (twenty percent) of the total number of seats. seats in the DPR or obtain 25% (twenty five percent) of the nationally valid votes in the previous election for members of the DPR. Simultaneous

Presidential and Legislative Elections were born after the Constitutional Court Decision Number 14/PUU-XI/2013 which examined Article 3 paragraph (5) of Law Number 42 of 2008 concerning the General Election of the President and Vice President which regulates the Presidential and Vice Presidential Elections. Vice President is a change in view of the Constitutional Court Decision Number 51-52-59/PUU-VI/2008 concerning Simultaneous presidential and legislative elections. Article 3 paragraph (5) of Law 42 of 2008 stipulates that the presidential and vice-presidential elections are held after the general elections for members of the DPR, DPD, and DPRD, and then the Constitutional Court declares that these rules are contrary to the 1945 Constitution, in particular Article 22E of the 1945 Constitution and does not have binding legal force.

The Constitutional Court Decision Number 14/PUU-XI/2013 explains that the nomination of a presidential and vice presidential candidate pair by a coalition of political parties does not necessarily form a permanent coalition of political parties or a combination of political parties which will then simplify the party system. Based on the experience of the state administration practice, the implementation of the Presidential Election after the Election of Members of the Representative Body does not strengthen the system of government desired by the constitution. The implementation of the Presidential Election which was conducted after the Election for Members of the Representative Institution was clearly not in accordance with the spirit contained in the 1945 Constitution and not in accordance with the meaning of the general election as referred to by the 1945 Constitution, particularly in Article 22E paragraph (1) of the 1945 Constitution which states: "General elections are held directly, publicly, freely, secretly, honestly and fairly every five years", Article 22E paragraph (2) of the 1945 Constitution which states, "General elections are held to elect members of the People's Representative Council, Regional Representative Council, President and Vice President and Regional People's Representative Council", as well as Article 1 paragraph (2) of the 1945 Constitution which states, "Sovereignty rests with the people and is implemented according to the Constitution. And Article 6A paragraph (2) which states that the presidential and vice presidential candidate pairs are proposed by a political party or coalition of political parties participating in the general election prior to the implementation of the general

election. Article 222 of the Election Law which regulates the presidential threshold has previously been requested for judicial review to the Constitutional Court.

Method Research

The research method in this journal is normative legal research, using a conceptual approach and statute approach, analyzing legal concepts, and historical approaches. Analysis of the data using juridical interpretation and analyzed qualitatively, namely by describing, interpreting and systematically arranging logically according to the research objectives by building theories and concepts of presidential nomination thresholds.

The Concept of Presidential Election In Indonesia

Indonesia is a country that adheres to a democratic system as its government system. The concept of democratic government is government of the people by the people and for the people as mandated in Article 1 paragraph (2) of the constitution which states that sovereignty is in the hands of the people and is implemented according to the Constitution.

One of the main requirements or principles for implementing democratic governance in Indonesia is elections. Elections are an important instrument in a democracy. Elections do not only elect members of the legislature but also elect the President as head of state as well as head of government. The election aims to choose a leader who can bring Indonesia to be better and compete globally. In relation to the holding of elections, the mechanism for selecting the President as head of state as well as head of government is regulated in more detail in Article 6A of the constitution, while the implementation of elections is regulated in Article 22E of the constitution.

The mechanism for selecting the President as stipulated in the constitution (after amendments) in Article 6A states in the following five paragraphs: (1) The President and Vice President are elected in one pair directly by the people. (2) Pairs of candidates for President and Vice President are proposed by a political party or coalition of political parties participating in the general election prior to the implementation of the general election. (3) Pairs of candidates for President and Vice President who get more than 50%

of the total votes in the general election with at least twenty percent of the votes in each province spread over half the number of provinces in Indonesia, are inaugurated as President and Vice President. (4) In the event that no pairs of candidates for President and Vice President are elected, the two pairs of candidates who receive the first and second most votes in the general election are elected by the people directly and the pair that has received the most votes shall be appointed as President and Vice President. (5) The procedure for conducting the election of President and Vice President is further regulated in a law (UUD 1945).

Article 6 paragraph (2) mentions giving the authority of political parties or coalitions of political parties to nominate candidates for President which has positive implications for the constitutional sovereignty of political parties. Normatively, the development of the democratic system in Indonesia is strongly influenced by the amendments to the 1945 Constitution of the Republic of Indonesia which relates to the system for filling the positions of President and Vice President, in which the people are given a large role in determining national policies.

In practice so far, the election of members of the DPR, DPD and DPRD is placed separately from the election of the President and Vice President; however, after the Constitutional Court Decision Number 14/PUU-XI/2013 concerning the Review of Law Number 42 of 2008 concerning the General Election of President and Vice President, the concept of simultaneous elections was born. The Constitutional Court in its decision stated that the legislative elections and the presidential and vice presidential elections were held simultaneously, which applies to the 2019 elections and the subsequent elections. The need for simultaneous elections is the result of a judicial review of Law no. 42 of 2008 concerning the General Election of President and Vice President against the constitution. The presidential election system in Indonesia from 2019 onwards is carried out directly by the people and carried out simultaneously with legislative elections.

In the presidential election system, it is also known that for the nomination of a presidential candidate, a minimum number of seats must be met. This is then referred to as the vote acquisition threshold or better known as the threshold. the development of general elections in the concept of Indonesian democracy, brings a threshold in every

form of general election system, starting from the electoral threshold as a condition for political parties to be able to participate in the election, the parliamentary threshold as a form of party threshold to be able to occupy seats in the central parliament, to the presidential threshold as a threshold. party's vote limit to nominate candidates for President and Vice President in the General Election.

The purpose of holding a threshold, which in this case is the presidential threshold, is to strengthen the presidential government system or form an effective presidential government system. Because Indonesia is a country that adheres to a presidential system of government.⁷ this is the hope for an election process that can accommodate the people's expectations for figures who become leaders and make policies that are pro-people.

Presidential Nomination Models of Indonesia in 2004, 2009, 2014 and 2019.

In his book *Political Ethics (Basic Moral Principles of a Modern State)*, Franz Magnis Suseno⁸ states that the legal criteria set objectively and equally apply to all, both the weak and the strong. In this legal function, there are two values that essentially want to be protected and guaranteed by it. : equality and freedom. Because these two values are highly valued by humans, the tyranny of the lives of other members of society needs to be prevented. The existence of law only makes sense if the law guarantees equality, especially in the sense of equality before the law. The essence of the similarity is that we are treated according to objective criteria that apply to all, and not according to who is more capable of imposing their will, guaranteed by law as well as in a feudal social order.⁹

The core similarities in the nomination of President were also discussed in the FGD with the Chair of the Regional Representatives of the Republic of Indonesia who stated that they did not agree with the threshold. The threshold provisions do not provide opportunities for the people and eliminate the rights of minority political parties to determine their candidates. On the other hand, Titi Anggraini explained that

⁷ Rosa Ristawati, 'Pemilihan Umum Presiden Dan Wakil Presiden Indonesia Dalam Kerangka Sistem Pemerintahan Presidensiil' (2009) 2 Jurnal Konstitusi 30.

⁸ Franz Magnis Suseno, *Etika Politik* (Gramedia 1991) 114.

⁹ *ibid.*

the threshold can affect the number of presidential candidates proposed by political parties or coalitions of political parties from each period.¹⁰

The actual application of the threshold does not only occur for the 2019 election, but has existed long before it. If you look at history, then the application of the threshold has existed since the direct election of President and Vice President by the people which began in 2004. The legal basis and the threshold for nominating pairs of presidential and vice presidential candidates by political parties or a combination of political parties applied in the 2004, 2009, 2014 and 2019 elections.

In fact, the voting mechanism in the ratification of Law Number 7 of 2017 was responded by four factions with a walk out action (the Greater Indonesia Movement Party faction, the Prosperous Justice Party faction, the Democratic Party faction, and the National Mandate Party faction), who wanted a 0% threshold for submitting candidates for President, Article 6A paragraph (2) of the 1945 Constitution has given constitutional rights (constitutional rights) to political parties participating in the election to be able to nominate pairs of presidential and vice presidential candidates, either alone or together with other political parties. As long as they are contestants in the general election, political parties have the right to nominate pairs of candidates for President and Vice President. The legislators in setting the presidential threshold should not go through a voting mechanism (most votes), but involve the participation of all elements of society (especially those who are against the implementation of the presidential threshold) and proportionally accommodate minority votes in parliamentary institutions.

The issue of elitist candidacy and pragmatic coalitions still seems to be a thorny issue in the presidential and vice presidential elections. In the long term, this can threaten a healthy and democratic political life in Indonesia. To prevent this from happening, amendments to the Election Law must be made, for example, the expensive political dowry of the disassembled coalition and weakens the principle of checks and balances. It is recommended that the revision of the Election Law is mainly carried out in two ways. First, the nomination mechanism is not only in the interests of political parties by

¹⁰ Tim Penyusun, *Penghapusan Ambang Batas Pencalonan Presiden dan Menimbang Calon Perseorangan Sebagai Peneguhan Kedaulatan Rakyat dan Penguatan Sistem Presidensial* (FGD Pasca Sarjana Unair 2021) 11.

opening up opportunities for all Indonesian citizens to have the same right to vote and be elected. Second, it is regulated in an article in the Election Law so that the recruitment and selection process for presidential and vice presidential candidates by internal parties and/or coalitions of parties must go through a preliminary election mechanism with the main principles including being inclusive, democratic and open. This principle of inclusiveness, democracy and openness is the key to ensuring that the recruitment and selection mechanism is not centralized. This reduces the party leader's desire to nominate himself even though it is not prohibited in the constitution and the law.

This situation sometimes forces political parties to form coalitions that are not permanent in nature. Coalition and opposition parties can change at any time as long as it benefits the party. This is what actually makes the balance and control to the government to be reduced or even lost. This practice causes polarization in society and eliminates the right to vote and vote for figures who are considered more worthy and appropriate to run as presidential candidates through political parties.

Presidential Nomination Construction in the General Election of Indonesia.

Andrew Heywood explained that the election function can be used from two directions, namely bottom-up from the community to the state, and top-down from the state to the community. On a bottom-up basis, there are three functions of elections: first, as a means of political recruitment, where every citizen has the right to be elected as a public official; second, as a means of forming a government; and third, as a means of limiting the behavior of officials and policies. While on a top-down basis, elections have four functions: first, as a means of building legitimacy; second, as a means of strengthening and periodic elite circulation; third, as a means of providing representation, in this case the election becomes a liaison between the community and the government; and fourth, as a means of political education.¹¹

The principle of checks and balances is a constitutional principle that requires that the legislative, executive, and judicial powers be equal and mutually control each other.

¹¹ Andrew Heywood, *Politics* (4th Edition, Palgrave Macmillan 2013) 205.

State power can be regulated, restricted, and even controlled in such a way that the abuse of power by state officials or private individuals holding positions in state institutions can be prevented and overcome.¹²

The mechanism of checks and balances in a democracy is a natural thing, even very necessary. This is to avoid the abuse of power by a person or an institution, or also to avoid the concentration of power on a person or an institution, because with a mechanism like this, one institution will control or supervise each other, and can even complement each other.¹³

The fact is that the holding of the presidential election in Indonesia in 2019 cannot be separated from Law No. 7 of 2017 concerning general elections. Law Number 7 of 2017 concerning General Elections has essentially stated that the threshold is 20% (twenty) seats in the DPR or 25% (twenty five) valid national votes owned by political parties or a combination of political parties. This threshold was taken from the DPR Election which was held in 2014. Looking at the results of the 2014 People's Representative Election, there was no single political party that received 20% (twenty) of the DPR's votes or 25% (twenty five) of the valid votes nationally. There is one political party that can nominate a pair of President and Vice President.

According to Black's law dictionary,¹⁴ the concept of threshold is a boundary if passed and has different state of affairs existing and maximum or minimum value serving as a benchmark, which can cause a review of a situation or redesigning of the system; minimum serves as a benchmark against which to compare or guide any violation that could lead to a situation review or redesign of a system. The redesign of a system in elections as required in the legal framework for elections is the legal framework should be so structured as to be unambiguous, understandable and transparent, and should address all components of a system necessary to ensure democratic elections,¹⁵ namely

¹² Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Sinar Grafika 2010) 61.

¹³ Afan Gaffar, *Politik Indonesia: Transisi Menuju Demokrasi* (Pustaka Pelajar 2006) 89.

¹⁴ 'https://TheLawDictionary.Org/Threshold/#:~:Text=1.,Situation%20or%20redesigning%20the%20system'. Accessed 15 Maret 2022.

¹⁵ International Institute for Democracy and Electoral Assistance (International IDEA), *International Electoral Standards Guidelines for Reviewing the Legal Framework of Elections* (2002) 11 <<https://www.idea.int/sites/default/files/publications/international-electoral-standards-guidelines-for-reviewing-the-legal-framework-of-elections.pdf>>.

that the legal framework must be structured in such a way that it is unambiguous, understandable and transparent, and should address all components of the electoral system necessary to ensure democratic elections.

The concept of threshold and legal framework in election law cannot be separated from the principle of justice, one of the criteria mentioned by Ramlan¹⁶ being to realize a fair election with integrity requires free and fair competition between election contestants. One form of justice in elections is reflected in the threshold requirements for presidential nomination. The minimum threshold that is still being maintained is now considered not in accordance with the principle of justice because it creates coalitions of political parties that accumulate in the ruling political parties, thus allowing for limited candidates for President and Vice President, while the essence of political parties is as a political tool to fill public positions. Meanwhile, according to the concept of democracy in elections, political parties are tools used to channel citizens' voting rights by providing several alternatives or candidates for President and Vice President. The concept of a maximum threshold is offered in proposing candidates for President and Vice President in order to provide opportunities for political parties participating in the General Election in determining their candidates for President and Vice President. The nomination mechanism through the maximum threshold means the acquisition of the percentage of the political party's votes that is used as the basis for benchmarking. Political parties that have obtained the maximum threshold cannot form a coalition of political parties but, however, have the right to nominate the President. Meanwhile, parties that do not meet the maximum threshold will still have the opportunity to form a coalition or not to run for President.

This condition is clearly detrimental to political parties. Political parties are constitutionally disadvantaged because political parties are guaranteed by the constitution to nominate pairs of candidates for President and Vice President (UUD NRI 1945 Article 6A paragraph (2)). The existence of a threshold makes the constitutional rights of political parties to nominate the President and Vice President be injured and are

¹⁶ Ramlan Surbakti, 'Pemilu Berintegritas dan Adil' *Harian Kompas edisi 14 February 2014* (Jakarta, 2014) 6.

considered to discriminate against political parties. The limited number of presidential and vice presidential candidates promoted by political parties and the political rights of people in making choices are limited so that there is no renewal of new candidates promoted by political parties or direct people's choices so that it can cause injustice in political contestation.

In the 2009 parliamentary threshold, the composition of the vote threshold changed because political parties that did not apply the parliamentary threshold were not applied in the division of seats in the DPR. In number, the number of political parties in the DPR has also decreased. Of the 38 political parties participating in the general election, only nine have met the parliamentary threshold.

If the use of the parliamentary threshold in the 2009 election is associated with voter votes, there are around 19,048,653 votes spread across 29 political parties participating in the general election that did not meet the threshold in parliament. The number of votes almost reached that of the Democratic Party as the party that received the highest number of votes in the 2009 election. The parliamentary threshold actually had an impact on the wasting of voter votes given to parties that did not meet the threshold. However, the objective of simplifying the number of political parties that fill seats in the DPR is fulfilled. When the threshold was re-applied in the 2014 election with a higher figure of 3.5%, the number of political parties that fulfilled it increased by 10 political parties. Where there are 12 political parties participating in the General Election and among them there are 10 political parties that meet the parliamentary threshold. In addition to the nine political parties that already had seats in the previous DP; the Nasdem Party as a new political party was able to meet this threshold. This means that referring to the results of the 2014 election, only two political parties did not meet the parliamentary threshold, namely PBB and PKPI.

The figures in the table explain that there are fewer and fewer political parties participating in the General Election due to the influence of the application of the threshold, when compared to the previous election, the votes of the political parties participating in the General Election cannot be converted into seats due to it does not meet the threshold of fewer than 3 million votes. This means that the more election

participants the distribution of vote acquisition is also increasing so that the opportunity for more and more votes that are not converted is more open.

In the 2019 election, the number of participants again increased to 16 national political parties. Based on the results of the recapitulation of the votes acquired by the political parties participating in the 2019 general election, only nine political parties met the threshold of 4%. The 4% threshold is regulated in PKPU Number 5 of 2019 concerning the determination of the threshold for valid votes nationally and the determination of Political Parties participating in the 2019 General Election. All political parties previously had seats in the DPR and managed to survive in the DPR, except for the Hanura Party, meanwhile of the four new parties, not one has met the 4% threshold.

The total valid votes for political parties that meet the parliamentary threshold are 126,376,414 votes. Meanwhile, the total number of valid votes for political parties that did not meet the parliamentary threshold reached 13,594,842. This means that around 9.5% of the valid votes of political parties participating in the 2019 general election cannot be converted into seats in the DPR. This further strengthens the view that the more political parties participating in the general election, the more votes will be wasted or not represented in the representative institutions, even though one of the principles of the general election that must be respected is universal suffrage elections, but also includes the right to be represented in representative institutions. Based on the explanation above, a presidential nomination model is needed with a maximum threshold requirement with the recruitment of candidates for President and Vice President through a bottom-up system as follows.

The first stage carried out by political parties is the determination of candidates for President and/or Vice President through primary election. Primary election is the process of selecting presidential candidates conducted by political parties in a bottom-up manner. What is meant by bottom up is an election that includes the establishment of a system for determining candidates for President and/or Vice President in stages from the district/city level, provincial level, and central level. With a primary election in each political party, it is hoped that it will be able to maximize public participation at large. Specifically, this serves to open up space for all cadres and administrators of

political parties. Through the primary election, we don't get stuck on the same choice of presidential candidate. The existence of primaries in each political party will also avoid the polarization of the contestation and the mass of supporters/voters who tend to be only two choices. Primary election not only strengthens democratic participation but also guarantees the autonomous authority inherent in political parties.

After the candidates are determined by each political party participating in the general election, the next stage is the use of the maximum threshold requirements in proposing candidates for President and Vice President in order to provide opportunities for the political parties participating in the General Election in determining the candidates for President and Vice President. The maximum threshold is the percentage of votes obtained by the highest political party which is used as the basis for benchmarking. Political parties that have obtained the maximum threshold cannot form a coalition of political parties but, however, have the right to nominate the President. Meanwhile, parties that do not meet the maximum threshold will still have the opportunity to form a coalition or not to nominate the President. The nomination mechanism through the maximum threshold is intended so that political parties can independently nominate their President and Vice President, providing great opportunities for citizens to make choices with the emergence of many alternatives, strengthening the presidency with a check and balance system.

Conclusion

In fact, the presidential nomination model from the 2004 to 2019 elections is still far from democratic. With the new reconstruction in the presidential nomination with the condition of a maximum threshold and starting with the primary election stage, it is not only aimed at strengthening the presidential system but also protecting the rights of minorities to vote and be elected. Nomination modeling is carried out directly through the people, it is hoped that political parties or a combination of political parties will know that there are many presidential candidates who meet the requirements and are able to compete but do not receive support from political parties. Of course, the presence of public figures directly minimizes greedy groups to become presidential candidates

or eliminates the practice of political transactions that only benefit party elites or are limited to party interests. Maximum threshold is believed to be able to strengthen the presidential system with checks and balances and provide an alternative to produce more competitive and integrity candidates

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