

Analysis of Intrinsic Value and Instrumental Value of Democracy in Presidential Threshold

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Abstract

This article aims to discuss the presidential threshold in the process of nominating president and vice president in Indonesia with the concept of the values of democracy introduced by Adam Swift (2014). In contrast to the dominant legal-normative approach which views the presidential threshold from its pros and cons, this paper uses a political philosophy perspective which sees that the position of pros and cons are related to each other. Starting from the assumption of the values of democratic, the author sees that the debate (pros and cons) reflects the intrinsic and instrumental value of democracy. To understand the relationship between the pros and cons with the values of democratic, this research uses qualitative methods with a literature study approach. The analysis shows that, tension between pros and cons do not negate each other, but inevitably presuppose each other. This study concludes that the presidential threshold should be lowered to 5% of seats in parliament and 10% of the valid national vote to accommodate all interests.

Keywords:

Presidential threshold; Pros and cons; The values of democracy; Indonesia.

INTRODUCTION

This paper aims to discuss the presidential threshold (PT) rule in the process of nominating the president and vice president in Indonesia. This rule is contained in Article 222 of Law Number 7/2017 on elections and has been applied in the 2019 simultaneous elections until now. The substance of the rule states that “candidate pairs are proposed by a political party or a coalition of political parties participating in the election that is qualified to obtain at least 20% (twenty percent) of the total number of DPR seats or 25% (twenty-five percent) of the national valid votes in the previous

election of DPR members” (Baskoro, 2019; Rafy et al., 2023). This rule is problematic because it is not explicitly written in the 1945 Constitution. Article 6A paragraph (2) of the 1945 Constitution only states, “pairs of presidential and vice-presidential candidates are proposed by a political party or a coalition of political parties participating in the general election before the implementation of the general election”. Therefore, the regulation triggered pro and con responses from political parties, the government, academics and the wider community.

Studies on PT mention two main issues. On the one hand, PT is considered to be able to prevent conditions of high fragmentation in parliament and thus help strengthen the presidential system in Indonesia (Al-Hamdi, 2021; Al-Hamdi &

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Lailam, 2021; Nugroho et al, 2022b, 2022a; Restiyani & Isharyanto, 2020; Sumodiningrat, 2021), on the other hand, PT is considered to weaken the presidential system, violate the constitution, and abuse human rights (Achmad & Thamrin, 2021; Farhan, 2022; Gobel, 2019; Nugraha, 2023; Nugroho et al, 2022b; Ridho, 2020; Wanda, 2018), undermines democracy and public justice (Anindya, 2021; Asrullah et al., 2021; Diniyanto, 2018; Hapsari & Saraswati, 2023; Prasetio & Sianipar, 2021), and is full of oligarchic interests (Al-Hamdi & Lailam, 2021; Sumardi et al., 2022).

The two issues of pros and cons above reflect the theoretical (ideal) and practical aspects of democracy. At the theoretical level, the regulation is considered to have a substantial defect, namely negating freedom and public participation as the *raison de'être* of democracy. The presence of this rule is considered to perpetuate the government system under the guise of oligarchic cartelization (Hargens, 2020; Majid & Novitasari, 2022; Sumardi et al., 2022) and make democracy a kleptocracy and totalitarian regime. PT not only makes political parties more corrupt, but is also considered to harass democracy, which legalizes the widest possible competition in the season of changing power (Muslimin et al., 2019).

Sidiq & Wisnaeni's (2022) study, using a doctrinal approach, sees that in the 2019 simultaneous elections, this rule should no longer be needed. Elections with the PT system should ideally be held separately, as in previous elections, so that the legislature obtains the number of votes in advance as a condition for nominating the president and vice president. Moreover, the requirements

for nominating the president and vice president in the 2019 elections actually use the results of the 2014 elections, which for some are considered outdated. Therefore, Sidiq & Wisnaeni emphasized that the regulation stripped the intrinsic values of democracy, such as freedom, equality and human rights.

At the practical level, Pattiapon's study (2019) found that PT is positive. The rule was established to prevent fragmentation between political parties in parliament, resulting in political stability within the government as the executive's performance receives strong support from the legislature. This is important because the combination of Indonesia's presidential system and extreme multiparty system makes it difficult to form non-partisan cabinet members (Chandranegara & Bakhri, 2021: 916-917). Mausili (2019: 37) proposes three reasons why the combination of presidential and multiparty systems tends to be problematic: (1) The combination of the two concepts has the potential to result in an impasse between the executive and the legislature, making the government's work ineffective; (2) in addition, when compared to a two-party presidential system, a multiparty system is prone to ideological polarization; (3) so the implication is that political parties find it difficult to form coalitions in a presidential system.

In his research on democracies in Latin America, Scott Mainwaring, the American social scientist, argues that the combination of a presidential system and an extreme multiparty system does lead to divided governments and minority governments. Under multiparty conditions, elected presidents tend not to

be supported by the majority party in parliament. Mainwaring writes that “a multiparty system of presidentialism has more potential to produce a stalemate of cooperation between the executive and the legislature than a parliamentary system or a two-party system of presidentialism” (Mainwaring, 1993: 200). This idea has become a theoretical guideline for those who are pro-PT, namely that PT not only aims to select presidential and vice presidential candidates from each political party before the election contest, but also aims to simplify the multiparty system in order to strengthen the presidential system in Indonesia (Helmi et al., 2018; Saifulloh, 2022; Wiraguna & Fakrulloh, 2023: 65).

Based on the interpretive sociology of Anthony Giddens (1984), the debate between pros and cons above is related to the dualism perspective, which is a phenomenon that is prevalent in the social sciences in the form of dichotomous tension between pros vis a vis cons (Giddens, 1984: 2-3). This paper is inspired by the concept of the values of democracy introduced by Adam Swift (2014), a British philosopher and political scientist. Swift's concept of the values of democracy asserts that democracy in itself contains two elements of value, namely the intrinsic value and instrumental value of democracy.

The intrinsic value of democracy implies that the good and bad of democracy is not because the government produces good laws, but because the government produces good laws, but because the government democratically makes the rules themselves embody fundamental values, such as equality, justice, and self-

determination (Swift, 2014: 195). Meanwhile, the instrumental value of democracy explains that democracy is a method or procedure for making political decisions on the condition that the assessment of whether democracy is good or bad is measured based on the achievement of other values beyond the intrinsic value of democracy. For example, democracy is instrumentally valuable if it methodically succeeds in becoming a tool to realize the eradication of corruption, economic improvement, or poverty prevention. According to Swift (2014: 37), the substance of a modern democratic system is undoubtedly attached to these two elements of value and they are interrelated with each other.

This paper sees that the reasons put forward by both pro and con parties reflect the two democratic values above. The pro reasoning of PT rules as a tool to create political stability reflects the instrumental value of democracy, while the con reasoning of freedom, equality, and justice reflects the intrinsic value of democracy. Therefore, this paper argues that not all proposals to abolish PT can produce the best solution for democracy (the cons), nor should every democratic election require PT at 20% (the pros). This implies that accepting the existence of PT because it is considered to prevent the fragmentation of political parties and limit the number of presidential candidates (Pattiapon, 2019) and then forgetting the democratic values that uphold freedom, equality and human rights is characteristic of a deterministic and teleological approach (Brincat, 2011). Likewise, discarding the rules because they are not in line with what the majority

(democracy) prefers is also an act that harms democracy.

Based on these arguments, the main problem to be examined in this paper is that it is not a matter of maintaining the PT figure at 20% of seats in the DPR RI or rejecting the rule by removing the threshold figure to zero percent, but how to organize the figure to be accepted by all parties. Therefore, in contrast to the dominant legal-normative approach that dichotomously separates the pro vis a vis con arguments, this study tries to synthesize the two tensions by asserting that in a modern democratic space, the two (pro and con) are not mutually exclusive elements, but inevitably presuppose each other. The question is how to understand PT in terms of democratic values? How to organize PT numbers to improve the quality of the presidential and vice presidential nomination process in Indonesia?

RESEARCH METHOD

This research is a descriptive-qualitative research with a literature study approach. Qualitative research method is a social research method that aims to describe, explore, and understand social symptoms reflectively and deeply (Creswell, 2014). Meanwhile, literature study is a research strategy by collecting library data from various documents, books and trusted media (Helmi et al., 2018: 292). The data used in this paper is secondary data collected from scientific journals and books.

Data collection steps are carried out in several ways. First, identifying key words. The identification of these key words is based on the topic and novelty offered in this article. First, empirical

novelty. In this section, the author conducted a Google search with keywords, such as “presidential threshold” and “presidential and vice presidential nomination threshold”. Second, theoretical novelty. In this section, the author conducted a data search, online (through Google) as well as offline by visiting the library, with keywords such as “democratic values”, “instrumental and intrinsic values of democracy”, “democracy”.

Second, after all the data sources were collected, the next stage was to collect the literature to select less relevant sources from those that were relevant to the topic. In addition, the author conducted a re-search for data that he felt was still lacking. This is done by reading the title of the article, reading the abstract of the article, and reading the article as a whole. Third, synthesizing and analyzing the secondary data found in relation to the topic and research questions. The data were then validated through triangulation techniques. Data triangulation is a technique of validating data by double-checking the degree of truth of the data or information that has been obtained by comparing with interview sources or document studies (Creswell, 2014).

RESULTS AND DISCUSSION

Presidential Threshold as a Democracy Project

This section explains that the PT rule is actually part of the modern democratic process itself. This is because basically modern democracy undoubtedly contains two things, namely democracy as a procedure for making political

decisions (method) and democracy as an ideal (ideal) about how political life is carried out. Swift (2014) calls them the intrinsic and instrumental values of democracy or what Catt calls utopia and reality (Catt, 1999: 13). Santoso & Budhiati (2019) refer to the first point as constitutional democracy, that is, a democratic government is when there is a periodic circulation of elites because a government with unlimited power has the potential to become despotic (democratic rule of law). Meanwhile, the second point is called the ideal of democracy which contains the postulate 'rule of the people, by the people, for the people'. The CA reflects the value of democracy as a procedure for making political decisions that are integrally related to legislation.

According to Schumpeter (2003: 250), democracy is not just rule by people (utopia/democratic ideal) or a goal of values and not even a matter of the principle of legitimacy of power, but a strategy to elect political leaders and organize the government (Medearis, 2001: 99-104). This methodical and elitist model of democracy is claimed to be more realistic, institutional, descriptive, operational, and appropriate to the conditions of modern society (Huntington, 1991: 6-7). Political scientists such as J.S. Mill (1806-1873) and Robert Dahl (1915-2014) then initiated representative (parliamentary) democracy or what Huntington calls

procedural democracy as the current mode of democratic governance (Catt, 1999: 14; Dahl, 1998: 28).

Interestingly, in contemporary conditions, many countries in the world practice representative democracy with different schemes and therefore different ways of running the democratic machine. This difference is related to the form of government adopted. In a presidential system of government, the practice of democracy in each country has its own style. In the process of electing the president and vice president, for example, democracies such as the United States, Bolivia, Brazil, Colombia, Ecuador, Guatemala and Costa Rica impose a minimum presidential threshold in the contestation of general elections (elections) differently.

Tabel 1. *Presidential Threshold* sebagai Syarat Keterpilihan Presiden dan Wakil Presiden

Country	<i>Presidential Threshold</i>				Effective Number of Presidential Threshold
	Simultaneous Elections	Separate Elections	Majority Run-off	Run-off with Reduced Threshold	
USA		x	x		50% of the vote
Argentina	x			x	From plurality (50% plus 1) to run-off with a 45%, 40%, and 10% advantage over the nearest competitor; also, from indirect to direct.
Brazil	x		x		50% plus 1
Colombia		x	x		50% plus 1
Nicaragua	x			x	The threshold was further lowered to 40%, or 35% with a 5% advantage over the nearest competitor.
Kosta Rika	x			x	40% of the vote
Bolivia	x		x		50% plus 1
Guatemala	x		x		50% plus 1
Ecuador	x			x	From majority runoff to runoff with a reduced threshold (50% +1 or 45% and a 10% advantage over the nearest competitor).

Source: Compiled from various sources.

According to Payne (2007: 41), what is meant by the minimum threshold in these countries (see Table 1) is about the threshold for the election of the president and vice president, not the threshold for the nomination process of the president and vice president as is the case in Indonesia. The impact is that in the electoral contest, these countries get more presidential and vice-presidential candidates than countries that impose a threshold as a condition for nominating presidential and vice-presidential candidates.

Based on Table 1, it can be explained that the United States as a country that often serves as an example of the success of a democratic government system in the world, for example, applies 50% of the national electoral votes for the election of the president and vice president (Farhan, 2022: 64; Sumodiningrat, 2021).

Guatemala, Colombia, Bolivia and Brazil apply a threshold of 50% + 1 in two rounds. Meanwhile, Ecuador has 50%+1 and or 40% (45%) to the extent that it differs by 10% from its strongest rival (Nugroho et al., 2022a; Pattipon, 2019). The same applies to Argentina, which is 50%+1 or (45%) 40% to the extent that it differs by 10% from its strongest rival. (Restiyani & Isharyanto, 2020: 311-312). In addition, Costa Rica applies a threshold of 40% in the first and second rounds. While Nicaragua applied 40% or 45% (Farhan, 2022: 63-64; Nugroho et al., 2022a; Payne, 2007: 41).

Nevertheless, Mainwaring asserts that of the countries that have adopted a presidential (multiparty) system, only a few have succeeded in creating a stable and effective government. This is because in countries with a multiparty presidential system, the potential for

conflicts of interest is very large, involving many political parties and different political ideologies. These successful countries include the United States, Costa Rica, Colombia, Venezuela, Uruguay and Chile (Mainwaring, 1995: 180).

In addition, Pattiapon's (2019) study shows that there are several countries that have similar philosophies in applying the presidential threshold with Indonesia. These countries are Chile, Peru and Turkey (Nugroho et al., 2022a).

Tabel 2. *Presidential Threshold* sebagai Syarat Pencalonan Presiden dan Wakil Presiden

Country	Presidential Threshold				Effective number of presidential Threshold
	Simultaneous Elections	Separate Elections	Majority runoff	Runoff with reduced threshold	
Chili	x		x		0,5% of the vote
Peru	x		x		1% of the vote
Turkye	x		x		5% votes or 100,000 voters.
Indonesia	x		x		20% of the vote or 25% of the seats in the Indonesian House of Representatives.

Source: Compiled from various sources.

From Table 2, it can be seen that Chile applies a presidential threshold of 0.5% of the number of permanent voters in the previous election as a condition for nominating the president and vice president in the next election. Meanwhile, Peru requires 1% of the number of valid votes in the previous election and attach the names of supporters in accordance with national identity documents. Furthermore, Turkey requires 5% or 100,000 national valid votes from the previous parliamentary election as the threshold for nominating the president and vice president (Nugroho et al., 2022a). However, the thresholds imposed by these countries are much smaller than Indonesia, which requires 20% of seats in the House of Representatives or 25% of the national valid votes.

Thus, Table 2 shows that Indonesia is one of the democracies in the world that applies the PT system concurrently in

presidential and vice-presidential elections (Nugroho et al., 2022a: 27). First, as a threshold for the election of the president and vice president, which is the requirement for the election of the president and vice president in the election of 50% + 1 of the national valid votes. Second, as a requirement for the nomination of the president and vice president by a political party or a coalition of political parties at 20% of the national valid votes. The first is regulated in Article 64 paragraph (3) of the 1945 Constitution, while the other is contained in Article 222 of Law Number 7/2017 on General Elections (Election Law). Interestingly, Indonesia is the only country that applies PT as a nomination requirement with the highest number in the world. The question is whether this number is just a variant of PT or a political deviation?

The question triggered various responses, namely pro and con responses for the wider community to this day. On the one hand, the regulation is considered as a variant of PT (when compared to other countries) because it is able to prevent high fragmentation conditions in parliament so that it helps strengthen the presidential system in Indonesia, on the other hand, it is considered as a deviation (political deviation) because it weakens the presidential system, violates the constitution, harasses human rights, injures democracy and public justice (Anindya, 2021; Asrullah et al., 2021; Diniyanto, 2018; Hapsari & Saraswati, 2023; Prasetio & Sianipar, 2021) and is full of oligarchic interests. Consequently, some insist on maintaining the rule at 20%, while others reject it by proposing that it be removed from Indonesia's political system, especially towards the 2024 simultaneous elections (Istiqoh et al., 2022).

This idea was further strengthened by the Constitutional Court's decision to reject all judicial review petitions against PT and declare that the rule was constitutional. Studies by Ghoffar (2018), Baskoro (2019), Sumodiningrat (2021), Anindya (2021) Al Hadad et al. (2022), Fikri et al. (2022), and Saifulloh (2022) found at least 22 Constitutional Court decisions to reject the petition for judicial review. A number of the Court's decisions are contained, for example, in Constitutional Court Decisions (PMK) No. 51-52-59/PUU-VI/2008 dated February 18, 2009, PMK No. 14/PUU-XI/2013 dated January 23, 2014, PMK No. 108/PUUXI/2013 dated February 11, 2014, PMK No. 53/PUU-XV/2017 dated December 19, 2017.

From the point of view of democratic values, the substance of the debate both reflects democracy that contains two values: intrinsic and instrumental values of democracy. For example, ignoring the pro arguments by asserting that the regulation is undoubtedly against the intrinsic principles of democracy is a dichotomous perspective. Likewise, ignoring the counter-arguments while insisting on maintaining the PT figure at 20% of the national vote is also an act that re-injures democracy.

Presidential Threshold in the Perspective of Democratic Values

This section explains how to systematize the pro and con positions in the debate over the PT rule. Based on the perspective of democratic values, this section shows that the contradictory aspects revealed in the pro and con positions should not oppose each other, but rather presuppose each other, especially because they reflect the causal relationship between instrumental and intrinsic democratic values. Therefore, it is not a matter of pro or contra (see Figure 1), but rather how to find a middle ground between the two. (lihat Gambar 2).

The Instrumental Value of Democracy in the Presidential Threshold

The instrumental value of democracy relates to the procedures, methods, and ways of implementing democracy through political decisions. (Swift, 2014: 307). In other words, the instrumental value of democracy points to the fact that democracy is a tool for operating the machinery of democracy (politics), with the criteria for assessing the goodness or

badness of politics or democracy related to the achievement of other values beyond the value of democracy itself. Referred to as instrumental in the sense that the value of democracy is understood by the extent to which democratic methods and practices succeed (or do not succeed) as tools (instruments) to achieve other goals, such as eradicating corruption or organizing general elections. (pemilu). The evaluation standard primarily refers to the final outcome of the application of those democratic methods, means, or procedures (2014: 307). PT can be understood as one of the methods or means of operating the democratic machine, particularly as the process of organizing elections. As a means of democracy, the rule aims to simplify the multiparty system in Indonesia, thereby creating a stable and effective presidential system. (Saifulloh, 2022: 156-157; Wiraguna & Fakrulloh, 2023: 65). According to the instrumental value of democracy, the rule is considered good if, in practice, it helps achieve the simplification of the multiparty system in Indonesia; conversely, it is considered bad if it practically does not help or even hinders the achievement of that goal. The question is whether democracy, particularly through PT, has instrumentally simplified the multiparty system and created a relatively stable and effective presidential governance system in Indonesia? Studies by Ghoffar (2018), Helmi et al. (2018), Pattiapon (2019), Baskoro (2019), Mausili (2019), Lestari et al. (2019), Chandranegara & Bakhri (2021), Al-Al-Hamdi (2021), Sumodiningrat (2021), Wutoy et al. (2022), Saifulloh (2022), Fikri et al. (2022),

and Wiraguna & Fakrulloh (2023) prove that as a means of democracy, the rule can prevent high fragmentation in parliament (simplifying the multiparty system) thereby creating an effective and stable presidential system. The idea aligns with the Constitutional Court's decision, which rejected all petitions for judicial review against the electoral threshold and stated that the rule is constitutional. There are approximately 4 (four) reasons. First, the petitioner is deemed to lack legal standing. In Decision Number 66/PUU-XIX-2021, the Constitutional Court emphasized that legal standing relates to the legal status granted to political parties or coalitions of political parties to file legal lawsuits. The Constitutional Court assessed that the lawsuits filed so far have been of an individual nature, rather than by political parties or coalitions of political parties. Secondly, the Constitutional Court considered PT as an open legal policy. (open legal policy). The Constitutional Court emphasized that the law was directly created by the legislative and executive branches, which are two political institutions that legally receive an open mandate from the constitution, especially Article 6A of the 1945 Constitution. (5). The article states that "the procedures for the implementation of the presidential and vice-presidential elections shall be further regulated by law." Therefore, according to the Constitutional Court, the PT is a constitutional election law (Al Hadad et al., 2022: 97-98).

Third, the Constitutional Court (MK) emphasized that the PT treats every political party fairly and democratically. The MK assessed that there is no correlation between the PT and the failure

to hold a democratic election because the legitimate votes obtained by political parties are a form of public trust in the candidates from the parties supporting the president and vice president. According to the Constitutional Court (MK), the discrimination argument put forth by the petitioner is deemed inaccurate because the PT does not trigger discrimination based on ethnicity, religion, race, and inter-group (SARA). (Ghoffar, 2018: 489). Fourth, the Constitutional Court (MK) believes that the PT further strengthens the presidential system in Indonesia. With the presence of the PT, political parties can collaborate (form coalitions), which impacts the formation of an effective government system. Therefore, Saifulloh (2022: 161) suggests that the PT threshold be increased, from 20% of the seats in the Indonesian House of Representatives (DPR RI) or 25% of the national valid votes to 30% of the seats in the DPR RI or 35% of the national valid votes. As for political parties such as the Indonesian Democratic Party of Struggle (PDIP), the National Democratic Party (NasDem), the Golkar Party, and the National Awakening Party (PKB), they are in this position, namely supporting the existence of the electoral threshold (PT) in Indonesia (Al-Hamdi, 2021: 207-208). The next question is whether the rule instrumentally realizes certain values, such as equality, freedom, and human rights? This question is important because the fact that the 20% figure as a requirement for presidential candidacy points to an effective final outcome and contains politically acceptable consequences as an ideal (maximum) limit, it cannot be concluded that

democracy is valuable in itself. According to Swift, the instrumental value of democracy is methodologically valuable unless political practice treats citizens equally. (Swift, 2014: 308). This article has shown that PT instrumentally fails to accommodate the intrinsic values of democracy because the high threshold (20%) does not guarantee the realization of the principles of equality, justice, and freedom to compete.

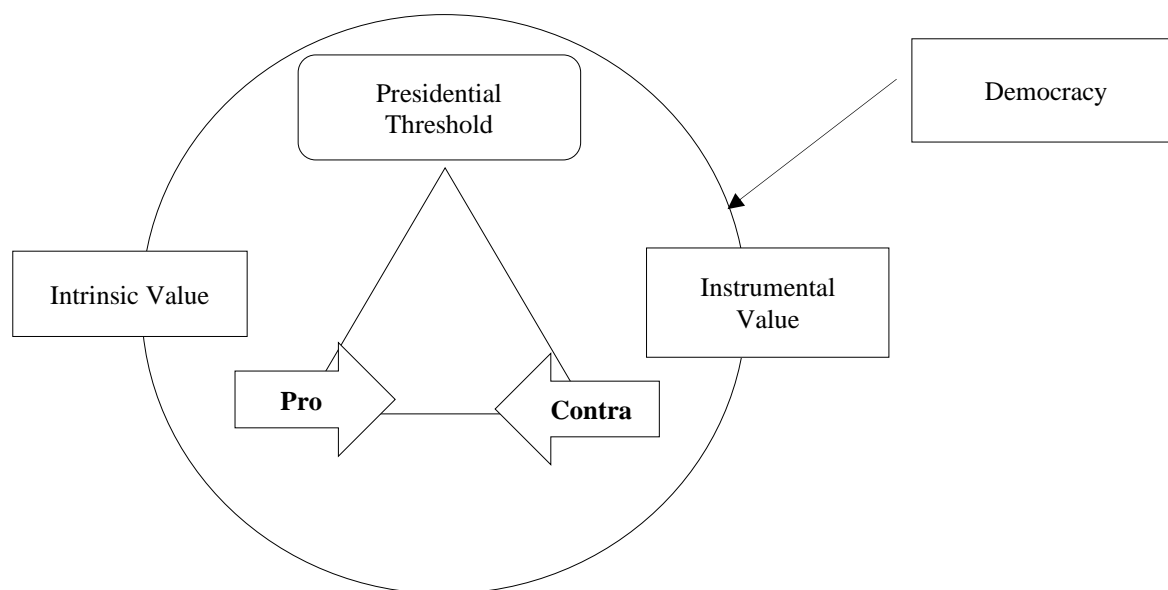
The Intrinsic Value of Democracy in the Presidential Threshold

According to Blühdorn (2020: 4), the intrinsic value of modern democracy is integrally related to the idea. The Enlightenment regarding the autonomous subject, namely human rights, freedom, the dignity of the human subject that is absolute (inalienable), as well as the right to sovereignty and to organize within a political community. Dahl (1998: 45) summarizes these values by pointing out several aspects: avoiding tyranny, essential rights, general freedom, moral autonomy, human development, protecting essential personal interests, political equality, peace-seeking, prosperity. In other words, democracy is valuable not because it simplifies the multiparty system, nor because the performance of the government and parliament is effective, but because the political process reveals the *raison d'être* of democracy, such as freedom, justice, equality, human rights, and self-determination. In his research, Ghoffar (2018) emphasizes that the PT expresses the values of equality and freedom in elections. This idea is considered in line with the Constitutional Court's decision, which asserts that the PT

treats every political party fairly and democratically. The Constitutional Court emphasized that the discrimination argument put forward by the applicant was deemed incorrect because the PT does not incite discrimination based on ethnicity, religion, race, and inter-group (SARA) (Ghoffar, 2018: 489). However, studies conducted by Gobel (2019), Wijaya et al. (2020), Ridho (2020), Al Mas'udah (2020), Sabrina & Ristawati (2020), Achmad & Thamrin (2021), Asrullah et al. (2021), Irawan & Sulisty (2021), Rezah & Sapada (2021), Rahmayanty & Amir (2021), Sugiharto &

Pratama (2022), Anugerah (2022), Sidiq & Wisnaeni (2022), Sumardi et al. (2022), and Nugraha (2023) reveal the opposite, namely that the rule actually undermines democracy, especially by preventing the public from competing freely. Therefore, Hargens (2020) wrote, "the rule is actually irrelevant because it stifles the freedom of voters to have more candidates in the presidential election." These studies concluded that the rule should be abolished or the threshold lowered to zero percent because it violates democracy and the constitution.

Gambar 1: Visualisasi Pro-Kontra terhadap *Presidential Threshild* yang Saling Meniadakan



Source: Processed by the Author.

As for political parties such as the Great Indonesia Movement Party (Gerindra), the Democratic Party (Demokrat), the National Mandate Party (PAN), the Nation Development Party (PBB), the Indonesian Unity Party (Perindo), the Berkarya Party, the Garuda Party, and the Indonesian Solidarity Party (PSI), they reject the regulation. The argument put forward is that the rule is

irrelevant, restricts voter freedom, and favors the oligarchy. (Al-Hamdi, 2021). The parties emphasize the importance of democratic values that enable the principles of equality, freedom, and justice. The proposal is important because without the recognition and protection of human rights, there is no democracy; likewise, without democracy, it is

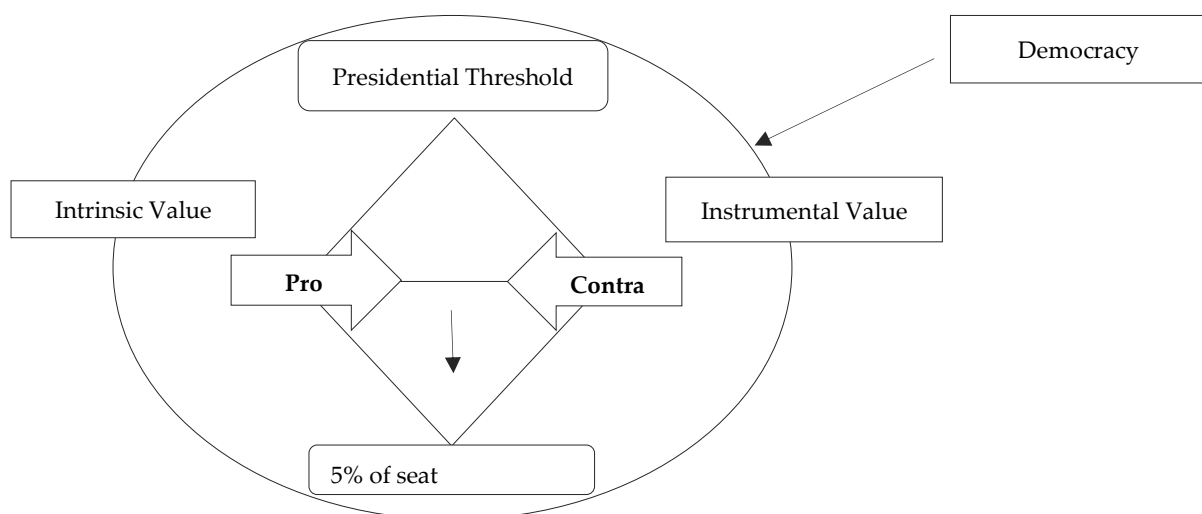
impossible to achieve conditions for the peaceful resolution of social conflicts.

The Middle Path as a Prerequisite for Democracy

The presidential threshold as a requirement for nominating the president and vice president was enacted after Indonesia experienced socio-political changes following Suharto's fall in 1998. As an embodiment of the instrumental values of democracy, the rule was first implemented in the 2004 elections with a threshold of 15% of the national valid votes. Since then, pro and con responses to the existence of the electoral threshold (PT) have emerged. This article has explained that the nature of the debate (pro and con) inevitably reflects the intrinsic and instrumental values of democracy. Therefore, the claim that the electoral threshold (PT) can methodically simplify the multiparty system in Indonesia, thereby creating an effective governance system, cannot be concluded that the threshold should remain at 20%. This writing finds that this figure violates

intrinsic democratic values, such as freedom of competition, equality, human rights, and self-determination. Conversely, the claims of freedom of competition, equality, and human rights from those opposing the PT cannot justify the argument that the rule should be abolished or that the threshold should be set to zero percent. Those reasons violate the instrumental values of democracy, which necessitate the importance of procedures, methods, and tools to regulate the functioning of democracy, especially the process of nominating the president and vice president. In that context, rejecting or maintaining the threshold at 20% both violate the intrinsic and instrumental values of democracy. Therefore, as a middle ground (democratically), the author proposes to lower the PT threshold from 20% of the seats in the Indonesian House of Representatives (DPR RI) or 25% of the valid national votes to 5% of the seats in the DPR RI or 10% of the valid national votes.

Gambar 2: Visualisasi *Presidential Threshold* dari Perspektif Nilai-nilai Demokrasi



Source: Processed by the Author.s

There are 3 main reasons. First, based on simulations of the results of the 1999, 2004, and 2009 elections, the parliamentary threshold of 3%, 4%, and 5% averaged 6-9 political parties passing to parliament. From the results of the simulation of the application of a larger threshold to the results of the three elections, it is further strengthened to conclude that a high threshold is effective in reducing the number of political parties entering parliament (Supriyanti & Mellaz, 2011). The increase in the threshold figure has proven to simplify the multiparty system in parliament and strengthen cooperation between parties. When projected to the PT, the threshold amount such as Law number 42 of 2008 with 15% of seats in the House of Representatives and 20% of the national valid votes is ensured to only pass 1 or 2 political parties. Especially if the threshold is raised to 20% of the House of Representatives seats as stated in Article 222 of Law number 7 of 2017 which is now in effect. The increase in the number of PT only passed 1 political party, for example PDIP in 2019.

Second, according to the author, lowering the PT figure to 5% of seats in the House of Representatives or 10% of the national valid votes can increase the effectiveness of work between parliament and the government because in addition to preventing high fragmentation in parliament, it also anticipates the number of votes wasted due to the high number of boundary brothers (Supriyanti & Mellaz, 2011). Moreover, the study by Supriyanti & Mellaz (2011) shows that the aspect that determines the effectiveness of work between parliament and the

government is not the number of parties in parliament, but the number of dominant parties that build the party system. This is because although the parliamentary threshold has simplified the multiparty system, the hope of creating an effective work between parliament and the government has not been fulfilled (Supriyanti & Mellaz, 2011).

Third, it is more democratic. By reducing the size of PT to 5% of parliamentary seats or 10% of valid national votes, it is possible to create a democratic electoral practice while at the same time reflecting a plural and multicultural Indonesia. On the one hand, it provides freedom for political parties to remain in coalitions or independently nominate their president and vice president. On the other hand, thus, grassroots society has more alternative candidates in the presidential election. This multiparty democratic practice better reflects Indonesia's plural and multicultural identity rather than being dominated by one or two particular political parties. This point is important because a threshold that is too high violates the intrinsic principles of democracy. Conversely, removing or lowering the threshold to 0% actually negates the instrumental value of democracy which shows the importance of tools for organizing electoral practice as mandated by the 1945 Constitution, article 6A paragraph (5). Therefore, the middle ground PT figure of 5% of parliamentary seats or 10% of valid national votes is a threshold that allows both intrinsic and instrumental values of

democracy to exist simultaneously (co-existence).

CONCLUSION

This paper has explained that the presidential threshold is a product of modern democracy, especially related to the concept of constitutional democracy. This point emphasizes that democracy is a method or political instrument to organize democratic praxis. The unique thing is that Indonesia, in addition to being one of the countries in the world that adheres to dual PT, is also the only country that implements PT with the highest number of PT in the world, namely 20% of the national valid votes or equivalent to 25 million voters as a requirement for political parties to nominate presidents and vice presidents. This triggered a pro and con response.

This paper emphasizes that with the number of PT, it can create democratization for all interested groups to be involved in elections in Indonesia. Therefore, the debate of pros and cons against PT is no longer seen as an element that negates each other, but undoubtedly assumes each other in the construction of modern democracy.

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