

Actors' Approach in the Discourse of Rejecting the Threshold for Presidential Candidacy in General Elections in Indonesia

Mukti Abdul Gani, Universitas Muhammadiyah Tangerang, Indonesia*

Yusuf Fadli, Universitas Muhammadiyah Tangerang, Indonesia

Adie Dwiyanto Nurlukman, Universitas Muhammadiyah Tangerang, Indonesia

Riska Sarofah, Universitas Siliwangi, Indonesia

Abstract

Civil society groups and political parties have disagreed with the presidential threshold article passed by Parliament and the government. The regulation is considered to limit the democratic rights and freedom of the public in choosing, determining, and submitting themselves as presidential candidates. This study aims to explain how actors (agencies) build movements against presidential threshold regulations (structure). The theory used in this study is Anthony Giddens' structuration theory. This research uses qualitative methods by analyzing some content in online media and Constitutional Court rulings related to presidential threshold lawsuits and processing data using the Nvivo 12+ application. The findings of this study indicate that the most crucial aspect of the movement against actors is that it is conducted by challenging the presidential threshold rule before the Constitutional Court, developing public opinion, and holding multiple demonstrations. Second, the size of the presidential threshold rejection vote is based on the future of democracy and freedom, weakening the presidential system and contradicting other regulations. Third, of the many lawsuits filed by the public and political parties, the Constitutional Court has consistently rejected them because the rule is an open legal policy, which means fully being a lawmaker, in this case, in Parliament.

Keywords: Presidential threshold; Actors; General elections; Democracy

INTRODUCTION

Implementing the 20% presidential threshold (PT 20%) has caused widespread debate in the community, ranging from academic

discussions to lawsuits through the constitutional court and the stigma that the government is not democratic. This growing discrepancy arises from several democratic factors, societal impact, and the oligarchy's interests (Fukuoka et al., 2016). Fahri Hamzah, the former The House of Representatives of the Republic of Indonesia has deputy

*Correspondence:

Kecamatan Tangerang, Kota Tangerang, Banten
15111 Indonesia

Email: muktiabdulgani1@gmail.com.

speaker, criticized the 20% presidential threshold policy as only narrowing the chances of the emergence of new alternative presidential candidates and even further enshrining the political oligarchy of a group of elites (Sindonews, 2022). If a constitutional analysis were conducted on the presidential threshold, it could impede every Indonesian's right to democracy. The 1945 Constitution recognizes and guarantees the principle of freedom and equality to the Indonesian people, regardless of gender, religion, or race (Ibrahim et al., 2021). Political observer Burhanudin Muhtadi said that the presidential Threshold in Indonesia is too high and not in the presidential system (Detiknews, 2019). As per Pamungkas' (2009: 19) assertion, the term "presidential threshold" pertains to the minimum level of backing from the DPR, which can be in the form of votes (ballots) or (seats) of political parties required to nominate a president via a single political party or a coalition of political parties that are contesting in the election (Rianisa Mausili, 2019).

According to the research that has been conducted, there is three noteworthy tendencies have emerged. First, the Presidential Threshold provision violates the Constitution because it can be a habitual factor that tends to be oligarchic and is not in line with the spirit of the Constitution, which provides the highest power as much room as possible for presidential (Fikri et al., 2022). The second trend sees the Presidential Threshold as unlocking the potential of transactional politics in which the president always relies on the support of House votes (Gobel, 2019).

The third tendency states that the presidential threshold rule has a high political cost and moves the political oligarchy to support a figure to become the elected president, causing all interests of the oligarchy to be accommodated, which can lead to corruption, collusion, and nepotism (KKN) (Munawarman et al., 2022).

The purpose of this study is to complement the shortcomings of previous studies on the presidential threshold that were more focused on democratization. In particular, this study will identify and map actors involved in presidential threshold discourse in Indonesia who want to see or analyze presidential threshold lawsuits and rulings in the Constitutional Court. The answer from this study is expected to add references to the presidential threshold study. The emergence of the presidential threshold debate is not solely due to democratic factors, societal impact, or oligarchic interests. But also by complex circumstances and variables, such as the effect of the presidential threshold on public confidence in the quality of democracy.

LITERATURE REVIEW

Presidentialism And Presidential Threshold

Presidentialism is essentially the same as the system of government (presidential), which deals with the constitutional model that establishes rules for establishing and terminating government (Kusnadi, 2018). Countries adhering to the presidential system divide power into the executive, legislature, and judiciary, with no dominance between these institutions (Pérez-Liñán et al., 2019). The

presidential system places the president as the core of state power (*Chief of State*) and the center of executive power (*Chief of Executive*). Based on Indonesian presidential theory, the president acts as the head of state and head of government. So, there is no difference in practical or theoretical authority between the head of state and the head of government (Aryani et al., 2018). Meanwhile, in the foundation of the 1945 Constitution, the president of the Republic of Indonesia as an administrative unit with a relationship of power is the "*sole authority of the president*" because the president is the executive chairman directly elected by citizens (Kurnia, 2020).

One characteristic of the presidential system is that the executive branch has unfettered authority to determine the direction of the government (Fenwick et al., 2017). In Indonesia, the executive branch is strengthened through direct selected presidential elections by the people. In the past, the president is elected by Parliament. A president directly elected by the people should not be subject to the legislative policy-making authority (Kis-Katos et al., 2017). In addition, the legislature focuses on governance, budgeting, and legislation (Wegmann et al., 2019). If the president does not violate the law and Constitution in implementing government, then Parliament cannot remove the president halfway (Octovina, 2018), and vice versa. In Indonesia's presidential system, the president cannot dissolve Parliament unilaterally.

In the arguments of lawmakers, it is stated that the determination of the

threshold for presidential candidacy 20%, one of which is to strengthen the existing presidential system in Indonesia (Anggara, 2019). By placing limits on freedom of choice, where these limits have a responsibility to the release of rights of others. In the nomination rules, the presidential threshold has been given the freedom to nominate a president with 25% of the valid national votes and 20% of the seat votes in Parliament (Pratama, 2020). The purpose of the 20% presidential nomination threshold is to find qualified presidential candidates carried by political parties or a combination of political parties. The threshold for presidential candidacy can contribute to simultaneous elections to strengthen the presidential system.

However, the imposition of a presidential threshold of 20% impedes the freedom of individuals in selecting their preferred presidential candidates. So that the choice of presidential and vice presidential candidates becomes less and cannot find other options for presidential candidates (Muhammad Saad, 2021), the presidential threshold gives an advantage to political parties that do not necessarily have a vote in the upcoming election because they can determine presidential candidates early, provided that in the previous election, the political party already have a number that a threshold has determined. Meanwhile, in strengthening the presidential system, the threshold is not too influential because the president-elect has broad legislative support, which is considered to weaken the system of checks and balances (Mello & Spektor, 2018).

The presidential threshold is one

of the strategies designed to strengthen the presidential system by simplifying political parties. The objective is to establish a strong government and prevent active policy-making governments getting in trouble from with the legislature (Ansori, 2017). This threshold rule is often justified for two reasons: it helps inhibit the fragmentation of the political spectrum and simplifies political parties to improve election coordination between parties (Reuchamps et al., 2014). The Indonesian democratic theory uses the threshold as a rule in every election procedure, beginning with the electoral threshold rule, which is a requirement for political parties to participate; the parliament threshold rule, which is the threshold for political parties to sit in the central seat of Parliament; and rule the presidential threshold, which is the threshold rule for political parties to nominate President (Fadlillah, 2022).

The presidential threshold rule allows the president and vice president to have difficulty running the government because most coalitions in Parliament will disrupt it. The presidential threshold could exacerbate democratization as it impacts many excluded political parties, resulting in a loss of electoral significance and equality (Hapsari & Saraswati, 2023). Due to the many political interests, the presidential Threshold in Indonesia has the potential to become a boomerang for democracy because the political elite will use it as a cover for the interests of their group (Baskoro, 2019). Another effect of the presidential threshold is that the legislative vote does not describe a pure coalition vote but a coalition that

contains a tug-of-war of interests. Other factors that affect the presidential threshold can lead to authoritarianism and the strengthening of oligarchs in the political scene of the national elite. One of these elements may be noticed by looking at the selection of candidates, which is still significantly impacted by a select group of party leaders (Seeberg et al., 2018). Furthermore, the presidential threshold can narrow the opportunity for citizens to participate in running for president.

Theory Structuration

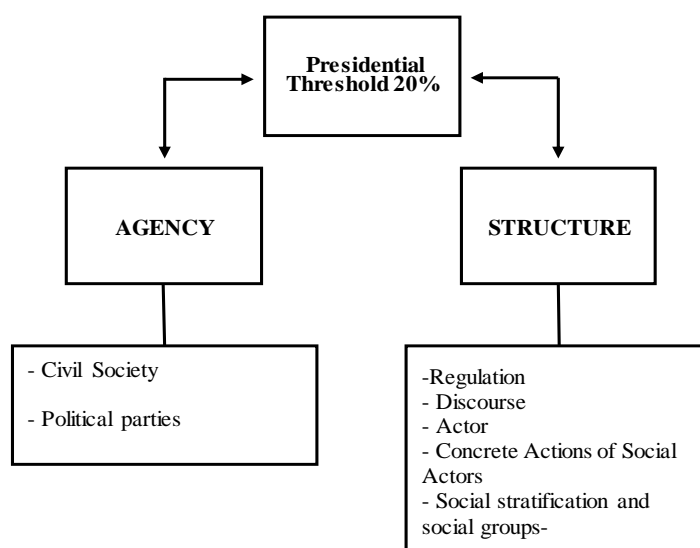
According to structuration theory, humans can produce structures and freely choose structures for themselves, meaning they can design their living environments. One of the unique features of the term "structure" used in structuration theory is that human relations are seen as "agents" of "structures" or institutions (Achmad, 2020). The structuration hypothesis emphasizes that choices are constantly made based on structural situations and that actions will always impact the nature of the conditions (Juliantono & Munandar, 2016). Structuration theory puts forward the idea of human agency to make recognizing a structured world simpler. You do this by understanding the difference between the ideas of structure and system (Thoyibbah, 2016). This theory seeks to solve two conflicting principles between structure (object) and agency (subject) that exist in the social sciences, paying attention to how the proximity of the two affects each other (Kamuri, 2021).

The process of structuration is related to the duality of agency and

structure; according to Giddens, neither construction nor agency can negate one another. According to Giddens, the agency is the capacity of actors to join a sequence of events and alter that sequence. In this explanation, agency refers to actors' capacity to act (Nirzalin, 2013). The term "agency" pertains to the set of circumstances that an individual satisfies or their ability to take action. As per Giddens, the agent possesses the authority that confers the capability to effect change upon them. The notion of unintended consequences is a pivotal element in Giddens's theoretical framework, which facilitates a shift in focus from individual agency to the broader realm of social systems (van Rooyen, 2013). The agency expresses the

agent's knowledge of "how to proceed" under certain circumstances. It includes three levels in the relationship between agent and action: First, agents reflexively monitor movements in the social environment as they apply what they know from more or less the same knowledge derived from past experiences and explicitly learned norms. Using this common knowledge is a regular aspect of enforcing the agent's intentions and plans. Second, humans "maintain a sustained theoretical understanding based on their activity." Giddens calls this reflexivity a "rationalization of action." Movement maturation is the third relationship between agent and action (Banks & Riley, 1993).

Figure 1. Anthony Giddens' Structuration Theory



(Kinseng, 2017)

The theory demonstrates how agency (civil society and political parties) relates to the structure of regulations (laws), discourse (public thought currents or discourse), actors (social actors who are

social structures for other social actors, and vice versa), concrete actions of social actors (collective actions, patterns of behavior, or relations and networks of actors), social stratification, and social

groups.

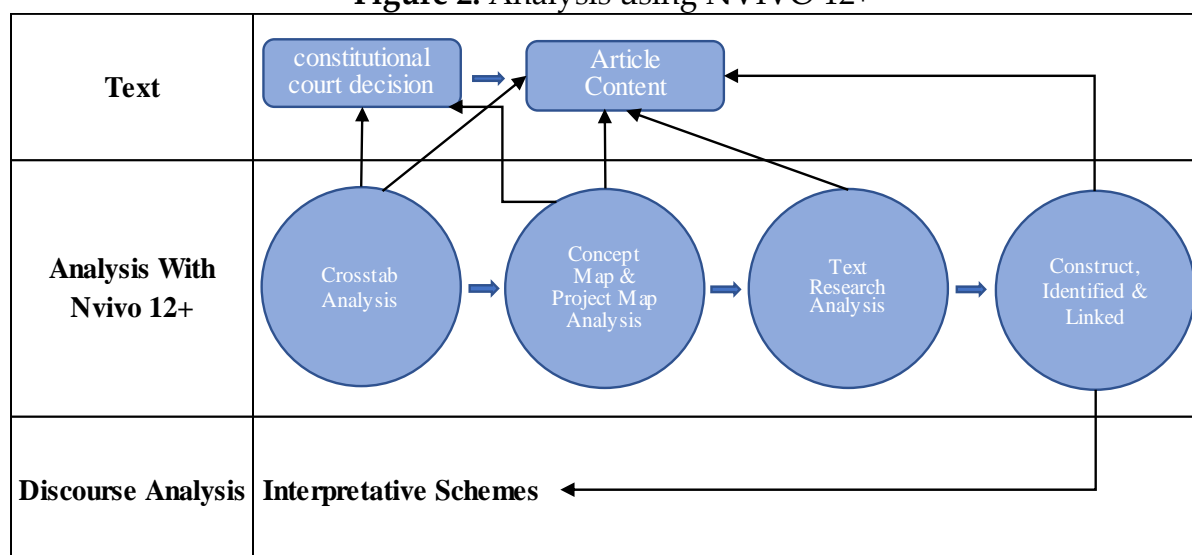
Research Method

The methodology of this study is a qualitative approach. This process has various steps (data collection and data analysis methods). Data collection techniques in this study include searching scientific article documents, official documents, and news sources. According to Patton, data analysis is a mechanism for structuring the arrangement of data into patterns, categories, and fundamental unity of description (Yusuf & Ridwan, 2018). Data analysis techniques include data reduction, presentation, and conclusion drawing or verification. At the data analysis stage, researchers use content analysis techniques. Content analysis is a research method for forming conclusions capable of processing and correcting text (or other material) in the context of its users. In this study, researchers mapped

the actors who rejected the threshold rules for presidential candidacy by linking existing theories and analyzing lawsuit documents, presidential nomination threshold rules, and Constitutional Court rulings using the Nvivo 12+ application.

Nvivo 12+ is software that assists researchers in analyzing qualitative data from various sources, such as audio, web pages, images, diagrams, and other document sources. In Nvivo 12+, the analyzed data sources are separated into internal and external research data sources and researchers' notes made during data collection (Memo). Data processing is carried out using Nvivo 12+ software. Data sources for this research include appropriate news websites based on the rejection of the 20% presidential nomination threshold and the results of decisions on the presidential nomination threshold lawsuit by the Constitutional Court.

Figure 2. Analysis using NVIVO 12+



(Fadli & Sarofah, 2021)

RESULT AND DISCUSSION

The practice of electoral

democracy in Indonesia entered a new phase when it was decided to hold both

legislative and executive elections simultaneously. The concurrent elections triggered several debates, one of which was the threshold for presidential candidacy, popularly called the presidential threshold. On July 21, 2017, the House of Representatives of the Republic of Indonesia implemented the 20% presidential nomination threshold regulation. Subsequently, on July 24, 2017, a citizen named Habiburokhman sued the Constitutional Court. The main reason for the lawsuit is that there is a transition in the electoral pattern from non-simultaneous elections to simultaneous election patterns, and the threshold requirement for achieving seats or valid national votes for legislative elections is used as a regulation to propose a presidential candidate or vice president. This is where the rule violates the presidential system because it can weaken the president as the holder of power in the government. The presidential nomination threshold rule can create political cartels and discriminate against political parties participating in elections, but the Constitutional Court cannot accept the lawsuit. On August 21, 2017, Effendi Gazali sued the Constitutional Court (MK) over the 20% and 25% presidential nomination thresholds. According to Effendi Gazali, at least four constitutional losses are suffered due to the threshold for presidential candidacy. The losses were the decline of Indonesia's democratic index, limited choice of presidential candidates, and psychological and demographic losses, but the Constitutional Court rejected the lawsuit. On August 30, 2017, former

Election Commissioner Hadar Nafis Gumay and two social institutions, Perludem and the Constitution and Democracy Initiative (Code Inisiatif), challenged the threshold rule for presidential candidacy to the Constitutional Court. The content of the lawsuit stated that the threshold for presidential candidacy caused injustice to the new political party participating in the upcoming elections. The Constitutional Court decided it could not accept the lawsuit.

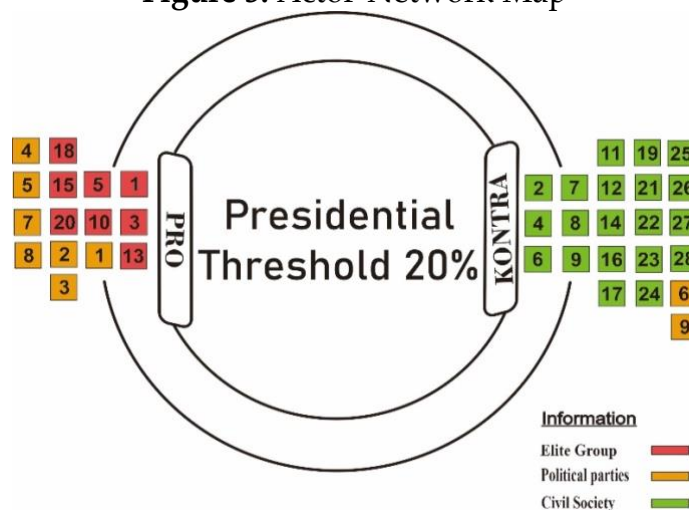
The constitutional court accepted a lawsuit to the threshold requirement for presidential candidacy by a group of academics and practitioners filed on June 13, 2018. The lawsuit contends that the minimum qualification for presidential candidacy can potentially eliminate the possibility of an alternative pair of presidential and vice presidential candidates, and it is feared that the presidential candidacy requirement has the potential to present only one candidate and can eliminate the essence of the presidential election. On July 6, 2020, Muhammad Dandy, a university student, challenged the conditions of a presidential candidacy, arguing that political parties resulting from the 2014 election had never received a mandate from first-time voters in 2019 to choose a pair of presidential and vice presidential candidates, because novice voters risked losing their constitutional rights for obtaining various choices of alternative leadership candidates. The presidential nomination threshold prevents political parties from freely nominating presidential candidates and opposes equal access to government seats. Because of this, the presidential

candidature threshold considered is illogical, antithetical to common sense, and not subject to open legal policy (mkri. id, 2018). Social community institutions, such as the Anti-Corruption Madrasah of the Muhammadiyah Youth, also carried out other actions. Held a peaceful demonstration in front of the Constitutional Court Building to demand the elimination of the threshold for presidential candidature in the 2019 election (Kumparannews.com, 2018)

Furthermore, on September 4, 2020, former Coordinating Minister for Maritime Affairs Rizal Ramli filed a lawsuit against the threshold for presidential candidacy to the Constitutional Court because he wanted leadership selection in Indonesia to be more competitive, considering that the threshold for presidential candidacy was tantamount to providing room for the

emergence of political money crimes, and resulted in the Indonesian Change Movement Party (Garuda Party), Berkarya Party, Indonesian Unity Party (Perindo), and the Indonesian Solidarity Party (PSI) losing their constitutional right to nominate a running mate. Ferry Joko Juliantono made a lawsuit to Constitutional Court for a 0% presidential nomination requirement on December 7, 2021, reason short-term interests strongly influence the 20% presidential nomination threshold rule. But in the long run, it undermines democracy. The East Java Community Movement (GEMAS JATIM), consisting of hundreds of people from various regions, made a declaration for the abolition of the Presidential Threshold Rule because it was suspected that there was an indication of a conspiracy of evil plans (Pontas. id, 2021).

Figure 3. Actor-Network Map



ACTOR DESCRIPTION							
1	Taufik Basari	8	Titi Anggraini	15	Masinton Pasaribu	22	Ferry Joko Y
2	Zainal Arifin Mochtar	9	Rhoma Irama	16	Dahnil Anzar S	23	Effendi Gazali
3	Nurul Arifin	10	Adian Napitupulu	17	Khoe Seng Seng	24	Ikhwan Mansyur S
4	Firli Bahuri	11	Rocky Gerung	18	Dimas Oky	25	H. Bustami Zainudin
5	M.Qodri	12	Gatot Nurmantyo	19	Hadar Nafis Gumay	26	H. Fachrul Razi
6	Susi Pudjastuti	13	Wiranto	20	Rambe Kamarul Z	27	Rizal Ramli
7	Angga Dwimas S	14	Yusril Ihza Mahendra	21	Feri Amsari	28	Refly Harun

POLITICAL PARTIES			
1	PDIP	6	Demokrat
2	Nasdem	7	PPP
3	PKS	8	Golkar
4	PKB	9	PAN
5	Gerindra		

Source: processed from various sources

There are two poles in the presidential threshold discourse: civil society groups, elite groups (political figures, academics), and political parties. Based on the classification, opinions, and actions taken, they are divided into pro and con camps on the 20% presidential threshold issue. The picture above shows that some elites colored in red support the presidential threshold, such as politician Nurul Arifin who argues that the rule must be in place to screen presidential candidates. Support also came from other elites, such as Wiranto, who claimed that rule of the presidential threshold could guard democracy. PDIP politician Masinton Pasaribu's vote is in line with his party's support, saying PT 20% is needed to prevent ambitious people from running for office and creating an impromptu political party to run for office.

In contrast to the elite group, most civil society (in green) is against the presidential threshold. Civil society groups consist of political figures, academics, and legal experts. Academic Zainal Arifin Mochtar believes that a

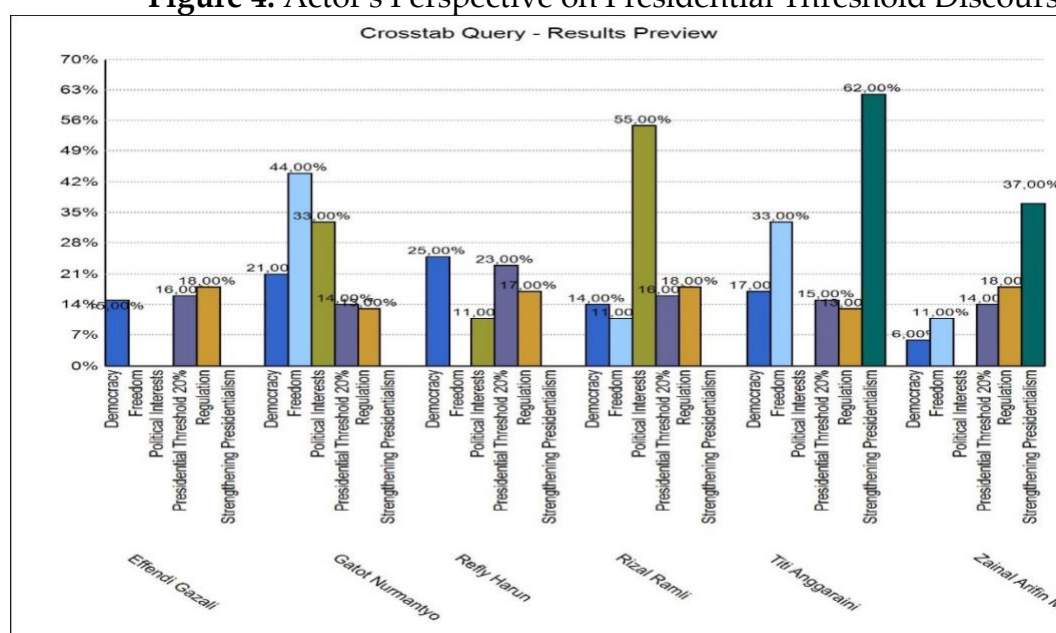
high presidential threshold number can benefit certain parties and then try to close the chances of other parties putting forward presidential candidates. Rocky Gerung also believes that the presidential threshold can damage the democratic order, insult the people's sovereignty, and only strengthen the position of the oligarchy. Refly Harun, a legal expert, stated that the regulation could change people's power to party sovereignty and cause sociological problems that could trigger divisions in the community. Whereas in the context of political parties (orange), their votes (such as PDIP, Nasdem, PKS, PKB, Gerindra, PPP, and Golkar) are almost uniform, supporting the existence of PT 20%. At the same time, the political parties that rejected the PT 20% consisted of the Democratic Party and the PAN Party.

Figure 3 shows that in rejecting the presidential threshold of 20%, some actors voiced rejection on the grounds of democracy, regulation, freedom, strengthening the presidential system, and political interests. Actors like

Effendi Gazali were particularly vocal about the presidential threshold rejection due to regulatory concerns (18.00%). Effendi claims that the rule is against the provisions of paragraph (2) of article 6 of the statute from 1945: "*The pair of candidates for President and Vice President is proposed by a political party or a combination of political parties participating in the general election before implementation the general election.*" the article's content stipulates that political parties have the constitutional right to nominate presidential and vice presidential candidates without the current threshold. The Constitution does not provide much room for the framer of the law to impose restrictions. The Constitution of the Republic of

Indonesia has set the electability threshold, equating to 50% of the total votes produced in elections, with at least 20% of the voice issued to each province dispersed over more than half the total number of Indonesian areas. Gatot Nurmantyo, former TNI commander, voiced the abolition of the presidential threshold on the grounds of freedom (44.000%) because the presidential threshold can endanger the life of the nation and state and coup the liberty of the people in having the right to propose themselves as presidential candidates and choose the desired presidential candidate. The subsequent freedom expressed by Gatot is that the best alternative candidates cannot appear in presidential candidacy.

Figure 4. Actor's Perspective on Presidential Threshold Discourse



Source: Processed by the author using Nvivo 12+

Constitutional law expert Refly Harun voiced rejecting and removing the presidential threshold on democratic grounds (25.00%). It is possible to say that the democratic system is defective

because it has procedures entirely controlled by particular political parties and does not contain any democratic mechanism that enables other political parties to choose their candidates. As a

result, any individual who wishes to run for office must obtain a ticket from an existing political party. However, political parties do not have a democratic internal system to determine presidential and vice presidential candidates. According to Refly, the presidential threshold can result in democracy transforming into a criminal. In his political interests (55.00%), Rizal Ramli wants the presidential threshold rule removed, arguing that he wants to can participate in running for president.

While Titi Anggraini, as an observer and activist of elections and Indonesian democracy, advocates more for the elimination of the presidential threshold because the rule cannot strengthen the presidential system (62.00%), countries adhering to the presidential system have electoral characteristics that do not depend on the legislature as under the parliamentary system. However, the rule of the Presidential Threshold makes the president's nomination contingent on the strength of the voice in Parliament. It can be said that the practice is entirely contrary to the basic principles of the presidential system. Like Titi Anggraini, academician Zainal Arifin Mochtar voiced rejection of the presidential threshold because it could not strengthen the presidency (37.00%). In Indonesia's presidential system, the president should not need support from a coalition of political parties in Parliament. The presidential threshold is inappropriate in the context of a presidential system because it can allow the president not to be easily overthrown, such as in "countries that adhere to a parliamentary system. In its

application, the rule of presidential threshold can restrict the freedom of political parties to participate in general elections as determined by the General Elections Commission (KPU).

While Democratic political parties and PAN reject the presidential threshold rule of 20%, both parties want a threshold of 0% so that each political party can nominate the best cadre independently. Moderate parties such as PKS, Nasdem, PKB, and PPP want the 20% lowered to 5–10%. Moderate political parties argue that the presidential threshold should remain and that high numbers should only be reduced to open up space for many parties to participate in presidential candidacy and as a tribute to political parties that have struggled in elections. In contrast, the political party supporting the presidential threshold PDIP, Golkar and Gerindra, believe the regulation should remain with a mandatory figure of 20% because it can screen figures who want to run as presidential and vice presidential candidates. The presidential system used in Indonesia requires excellent support from the Parliament to smooth the government's performance.

The presidential threshold will be a problem for political parties if it continues to be maintained. This can be seen through the state of political parties with various issues within the party, starting from appointing leaders based on family trees. Under such circumstances, the presidential threshold serves as a tool political parties use to fortify the oligarchic structure, whereby individuals vying the become president have support from highly influential

figures or those with close ties to political party leaders. With the presidential threshold, political parties compete to get presidential tickets by coalition. This kind of presidential ticket encourages political parties to function solely as engines for power. The alliance was founded not on a program but because of pragmatic negotiations of candidates seeking access. At this stage, there is a vast opportunity for the emergence of the practice of money politics. Because candidates who seek presidential candidacy tickets must pay substantial fees, which costs can be guaranteed by financiers, this causes financiers to expect compensation from the president-elect in the form of policies that benefit themselves and their groups.

The Presidential Threshold lawsuit has been going on for quite a long time. Since 2017-2023, the Constitutional Court has received 26 suits from diverse elements of society, including professionals, academics, public figures, students, and political parties. From 2017-2019 there were 12 lawsuits against the presidential threshold. In 2020-2023 there was a surge of 14 cases; this increased because simultaneous elections will be held in 2024. Suits made by elements of society based on democratic rights, political interests, the non-fulfillment of alternative presidential candidates, and the presidential threshold can create an

unfair presidential and vice-presidential nomination system, and these provisions can hinder the opportunity for political parties that do not have a 20% number to nominate presidential and vice presidential candidates.

Based on the lawsuit that has been done, civil society has filed numerous lawsuits challenging the presidential threshold. As the custodian of the Constitution, the Constitutional Court continues to reject lawsuits filed by civil society. The Constitutional Court also minimized and limited the space for civil society to apply for changes to the law on the presidential threshold requirement, and only political parties or combinations of political parties can sue the rule. The verdict was quite painful; because the presidential threshold not only adversely affects political parties but also impacts the restriction of civil society's voting rights. When deciding the lawsuit on the presidential threshold, the constitutional court ignored the society sovereignty principle, which places the people's goals in the top position. When a political party conducts a judicial review, the Constitutional Court maintains its position of rejecting and being unable to accept the contents of the judicial review. However, the Constitutional Court issues a different view of the rule of presidential threshold as an open legal policy for lawmakers.

Table 1. Presidential Threshold Lawsuit Rejection History Table 2020-2023

No	Decision Letter Number	Year	Plaintiff
1	74/PUU-XVIII/2020	2020	-Rizal Ramli
2	66/PUU-XIX/2021	2021	-Ir. Abdurachim Kresno
3	68/PUU-XIX/2021	2021	-Ferry Joko Yuliantono, S.E., M.Si.
4	70/PUU-XIX/2021	2021	-H. Bustami Zainudin S.Pd., M.H.
5	05/PUU-XX/2022	2022	-H. Fachrul Razi, M.IP
6	6/PUU-XX/2022	2022	-Gatot Nurmantyo
7	7/PUU-XX/2022	2022	-Lieus Sungkharisma
8	8/PUU-XX/2022	2022	-Tamsil Linrung
9	11/PUU-XX/2022	2022	-Fahira Idris, S.E., M.H.
10	42/PUU-XX/2022	2022	-Edwin Pratama Putra, S.H., M.H.
11	52/PUU-XX/2022	2022	-Ikhwan Mansyur Situmeang
12	73/PUU-XX/2022	2022	-27 WNI Yang Tinggal Diluar Negri
13	4/PUU-XXI/2023	2023	-Ridho Rahmadi
14	16/PUU-XXI/2023	2023	-A. Muhajir, S.H., M.H.
			-Almizan Ulfa, S.E., M.Sc.
			-Santi Lisana, S.E., MBA.
			-Drs. DB. Ali Syarief
			-Ir. Petir Amri Wirabumi, M.M.
			-DPD RI
			-Partai Bulan Bintang (PBB)
			-PKS (Ahmad Syaikhu Aboe Bakar, dan Salim Segaf Aljufri)
			-Herifuddin Daulay
			-Partai Kebangkitan Nusantara

However, the position of open legal policy also puts us in a vulnerable position. This is because the party's majority controls the legislative seats. And the very existence of a presidential threshold provides an advantage to certain political parties. In addition, given how Parliament drafted laws in the past. Waiting for Parliament to eliminate the presidential threshold is an impossible expectation. So it is impossible to repeal the presidential threshold rule in Parliament. At this point, legislation's success has been primarily determined by the extent to which legislators are exposed to a pressure of interest (*conflict of interest*) due to the norm or the rule of law. While only political parties with few legislators support abolishing the presidential

threshold, efforts to repeal the rule through legislative methods are nearly impossible.

CONCLUSION

Direct election of the president and vice president by the people aims to realize the people's sovereignty in the country's administration. However, when political forces in Parliament, especially the major parties, push for the introduction of the presidential threshold, democratic principles are threatened and limited. The regulation regarding the presidential threshold triggered a wave of protests from many circles, such as political parties, civil society, professionals, academics, and students. This group of opponents also sued the Constitutional Court, although

it has not produced encouraging results. Opposing actors such as civil society, professionals, academics, and students want the presidential threshold removed because the regulation can eliminate democratic rights and freedoms and weaken the presidential system in Indonesia. Some elite political actors want the presidential threshold removed because they feel aggrieved by the rule, and their political interests in running for president can be hindered. At the same time, some other political elites want the practice to be held so that political dominance in the government remains upright. In countries adhering to democratic and presidential systems, no one uses the presidential threshold to nominate the president and vice president.

REFERENCES

- Achmad, Z. A. (2020). Anatomi Teori Strukturasi Dan Ideologi Jalan Ketiga Anthony Giddens. *Translitera: Jurnal Kajian Komunikasi Dan Studi Media*, 9(2), 45–62. <https://doi.org/10.35457/translitera.v9i2.989>.
- Anggara, V. (2019). Dinamika Presidential Threshold dalam Sistem Presidensial di Indonesia. *Jurnal Transformative*, 5(September), 17–36.
- Ansori, L. (2017). Telaah Terhadap Presidential Threshold Dalam Pemilu Serentak 2019. *Jurnal Yuridis*, 4(1), 15. <https://doi.org/10.35586/.v4i1.124>.
- Aryani, Nyoman, M., Hermanto, & Bagus. (2018). Rekonstruksi Kejelasan Kedudukan Wakil Presiden dalam Kerangka Penguatan dan Penegasan Sistem Presidensial Indonesia. *Legislasi Indonesia*, 15 No.2(December), 92.
- Banks, S. P., & Riley, P. (1993). Structuration Theory as an Ontology for Communication Research. *Annals of the International Communication Association*, 16(1), 167–196. <https://doi.org/10.1080/23808985.1993.11678851>.
- Baskoro, A. (2019). Presidential Threshold di Indonesia dalam Perspektif Masalah Mursalah. *Legislatif*, 2(2), 38–56.
- Detiknews. (2019). *Sejumlah Pakar Hukum Kritik Presidential Threshold*. Detiknews. <https://news.detik.com/berita/d-4652967/sejumlah-pakar-hukum-kritik-presidential-threshold>.
- Fadli, Y., & Sarofah, R. (2021). How Far Is The Community Involved in Structuring Sustainable Settlements in Indonesia? *Jurnal Pembangunan Wilayah Dan Kota*, 17(1), 25–36.
- Fadlillah, I. (2022). Threshold dan Masa Depan Demokrasi di Indonesia. *Staatsrecht: Jurnal Hukum Kenegaraan Dan Politik Islam*, 2(1), 28–47. <https://doi.org/10.14421/staatsrecht.v2i1.2532>.
- Fenwick, T. B., Burges, S. W., & Power, T. J. (2017). Five faces of presidential governance: insights from policy-making in democratic Brazil. *Policy Studies*, 38(3), 205–215. <https://doi.org/10.1080/01442872.2017.1290232>.
- Fikri, S., Riqiey, B., L, M. I., & Janah, M. (2022). Problematika Konstitusionalitas Presidential Threshold Di Indonesia. *Jurnal*

- Hukum Positum*, 7(1), 1–24.
- Fukuoka, Yuki, & Djani, L. (2016). Revisiting the rise of Jokowi: The triumph of reformasi or an oligarchic adaptation of postclientelist initiatives? *South East Asia Research*, 24(2), 204–211. <https://doi.org/10.1177/0967828X16649044>.
- Gobel, R. T. S. (2019). Rekonseptualisasi Ambang Batas Pencalonan Presiden dan Wakil Presiden (Presidential Threshold) Dalam Pemilu Serentak. *Jambura Law Review*, 1(1), 94. <https://doi.org/10.33756/jalrev.v1i1.1987>.
- Hapsari, D. Y. P., & Sarawasti, R. (2023). Dampak Pelaksanaan Presidential Threshold pada Pemilu Serentak terhadap Demokrasi di Indonesia. *Jurnal Pembangunan Hukum Indonesia*, 5(1), 70–84. <https://doi.org/10.14710/jphi.v5i1.70-84>.
- Ibrahim, G., Siar, L., Kasenda, & D., V. D. (2021). Presidential Threshold Dalam Sistem Demokrasi Indonesia Berdasarkan Undang-Undang Dasar 1945. *Jurnal Mercatoria*, 1(1), 174–200. <http://www.abdiinsani.unram.ac.id/index.php/jurnal/article/view/376%0Ahttps://kns.cnki.net/kcms/detail/11.1991.n.20210906.1730.014.html%0Ahttps://embiss.com/index.php/embiss/article/view/68>.
- Juliantono, F. J., & Munandar, A. (2016). Fenomena Kemiskinan Nelayan: Perspektif Teori Strukturasi Fishermen Poverty Phenomenon: Structuration Theory Perspective. *Jurnal Kajian Politik Dan Masalah Pembangunan*, 12(2), 1857–1866.
- Kamuri, J. P. (2021). Konsep Worldview: Usaha Melengkapi Konsep Struktur dalam Teori Strukturasi Giddens. *Jurnal Filsafat*, 31(2), 220. <https://doi.org/10.22146/jf.60704>.
- Kinseng, R. A. (2017). Struktugensi: sebuah teori tindakan. *Sodality: Jurnal Sosiologi Pedesaan*, 5(2), 127–137. <https://doi.org/10.22500/sodality.v5i2.17972>.
- Kis-Katos, Krisztina, & Sjahrir, B. S. (2017). The impact of fiscal and political decentralization on local public investment in Indonesia. *Journal of Comparative Economics*, 45(2), 344–365. <https://doi.org/10.1016/j.jce.2017.03.003>.
- Kumparannews.com. (2018). *Pemuda Muhammadiyah Demo Tolak Presidential Threshold di Gedung MK*. Kumparan.Com. <https://kumparan.com/kumparannews/pemuda-muhammadiyah-demo-tolak-presidential-threshold-di-gedung-mk-1533702910187472958/full>.
- Kurnia, T. S. (2020). Normalisasi Hubungan Pusat – Daerah Sesuai Konstitusi Presidensial. *Refleksi Hukum: Jurnal Ilmu Hukum*, 4(2), 135–154. <https://doi.org/10.24246/jrh.2020.v4.i2.p135-154>.
- Kusnadi, K. (2018). Refleksi Hukum. *Ejournal.Uksw.Edu*, 3(3), 17–32. <https://doi.org/10.24246/jrh.2019.v4.i1.p115-134>.
- Mello, E., & Spektor, M. (2018). Brazil: The costs of multiparty presidentialism. *Journal of Democracy*, 29(2), 113–127. <https://doi.org/10.1353/jod.2018.0031>

- mkri.id. (2018). Ambang Batas Pencalonan Presiden Digugat Pemilih Pemula. *Mahkamah Konstitusi*.
<https://www.mkri.id/index.php?page=web.Berita&id=14583&menu=2>.
- Muhammad Saad, D. F. S. (2021). Keadilan Dalam Pemilu Berdasarkan Sistem Presidensial Threshold. *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum*, 3(1), 15–37.
<https://doi.org/10.37631/widyapranata.v3i1.268>.
- Munawarman, Abdul, Novita, & Anggi. (2022). Analisis Terhadap Presidential Threshold Dalam Kepentingan Oligarki. *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia*, 3(2), 22–29.
<https://doi.org/10.52005/rechten.v3i2.40>.
- Nirzalin. (2013). Mendamaikan Aktor dan Struktur dalam Analisis Sosial Perspektif Teori. *Jurnal Sosiologi Universitas Syiah Kuala*, 3(3), 15–25.
- Octovina, R. A. (2018). Sistem Presidensial Di Indonesia. *CosmoGov*, 4(2), 247.
<https://doi.org/10.24198/cosmogov.v4i2.17065>.
- Pérez-Liñán, A., Schmidt, N., & Vairo, D. (2019). Presidential hegemony and democratic backsliding in Latin America, 1925–2016. *Democratization*, 26(4), 606–625.
<https://doi.org/10.1080/13510347.2019.1566321>
- Pontas.id. (2021). *Deklarasi Gemas Jatim Tuntut Penghapusan Persekongkolan Jahat Presidential Threshold 20 Persen*. Pontas.Id.
- Pratama, A. P. (2020). Analisis Yuridis Putusan Mahkamah Konstitusi Nomor 53/PUUXV/2017 Berkaitan Dengan Penolakan Uji Materi Presidential Threshold Dalam Pengusungan Calon In *Jurnal Novum* (Vol. 05).
https://repository.ubt.ac.id/?p=show_detail%5C&id=/index.php?p=show_detail%5C&id=6293%5C&keywords=.
- Reuchamps, M., Onclin, F., Caluwaerts, D., & Baudewyns, P. (2014). Raising the Threshold, Fighting Fragmentation? Mechanical and Psychological Effects of the Legal Electoral Threshold in Belgium. *West European Politics*, 37(5), 1087–1107.
<https://doi.org/10.1080/01402382.2014.925736>.
- Rianisa Mausili, D. (2019). Presidential Threshold Anomaly in Indonesian Government System: Parlemerter Reduction in Indonesian Presidential System. *Bappenas Working Papers*, 2(1), 31–42.
<https://doi.org/10.47266/bwp.v2i1.28>.
- Seeberg, M. B., Wahman, M., & Skaaning, S. E. (2018). Candidate nomination, intra-party democracy, and election violence in Africa. *Democratization*, 25(6), 959–977.
<https://doi.org/10.1080/13510347.2017.1420057>.
- Sindonews. (2022). *Kritik Presidential Threshold 20%, Fahri Hamzah: Yang Punya Bohir Jadi Capres*. SINDONEWS.Com.
<https://nasional.sindonews.com/read/650435/12/kritik-presidential-threshold-20-fahri-hamzah-yang-punya-bohir-jadi-capres-1641542518>

- Thoyibbah, I. (2016). Makna Kejahatan Struktural Korupsi Dalam Perspektif Teori Strukturasi Anthony Giddens. *Jurnal Filsafat*, 25(1), 134. <https://doi.org/10.22146/jf.12617>.
- van Rooyen, M. (2013). Structure and agency in news translation: An application of Anthony Giddens' structuration theory. *Southern African Linguistics and Applied Language Studies*, 31(4), 495–506. <https://doi.org/10.2989/16073614.2013.864445>.
- Wegmann, Simone, & Evequoz, A. (2019). Legislative functions in newly democratised countries: the use of parliamentary questions in Kenya and Zambia. *Journal of Legislative Studies*, 25(4), 443–465. <https://doi.org/10.1080/13572334.2019.1697057>.
- Yusuf, B., & Ridwan, H. (2018). Manajemen Komunikasi Dalam Pengelolaan Informasi Pembangunan Daerah (Pada Biro Humas Dan PDE Sekretariat Daerah Propinsi Sulawesi Tenggara). *Jurnal Komunikasi Hasil Pemikiran Dan Penelitian*, 4(1), 50–64. <https://journal.uniga.ac.id/index.php/JK/article/view/357>.