



**PROS AND CONS OF THE PRESIDENTIAL THRESHOLD IN THE  
2024 PRESIDENTIAL ELECTIONS**

**Khoirun Yanis**

*Institute Agama Islam Negeri Kudus*

[Khoirunyanis65@gmail.com](mailto:Khoirunyanis65@gmail.com)

**Abstract**

This paper discusses the presidential threshold, general elections, as well as the pros and cons of implementing the presidential threshold ahead of the 2024 presidential and vice presidential elections. Ahead of the 2024 election, the presidential threshold is being discussed again. Various parties submitted proposals to the constitutional court to lower the presidential threshold. There is even a proposed zero percent presidential threshold. Not a few political parties there are those who support and there are those who reject the proposal. This has become the pros and cons among the Indonesian people lately. This study aims to find out why there are pros and cons in the presidential threshold in the 2024 presidential election. The results of this study are to find out the root of the problem why there are many proposals for zero percent of the presidential threshold. Then the middle point is that if you cannot meet the presidential threshold, you can form a coalition between political parties. However, coalitions also have an effect, just like transactional politics.

**Keywords:** elections, presidential thresholds, coalitions.



### **Introduction**

The presidential threshold has created a controversial issue ahead of the 2024 general election. Meanwhile, the general election is a very meaningful moment for a nation that believes in a presidential system like Indonesia. This presidential system gives the highest place of executive power, namely to the president. Either the state or the government, both are guided directly by a president who is elected by the people through universal elections or direct elections. Therefore, the election is a very crucial moment, including the various stages and regulations.

The presidential nomination threshold is the threshold for voting revenue that must be obtained by political parties in an election to be able to nominate a presidential candidate. In Article 222 of Law No. 7 of 2017 concerning general elections, it is explained that pairs of candidates are nominated by political parties or a combination of election participating political parties who meet the requirements for obtaining seats at least 20% of the total number of seats in the DPR RI or obtaining 25% of valid or legal votes. nationally in the previous DPR RI election. And now, ahead of the 2024 general election, the issue of the presidential threshold is booming again. A number of parties want the presidential threshold for presidential and vice presidential nominations to be abolished because they are seen as limiting democracy. (region 2019)

The rule regarding this threshold exists because it is a solution if a political party cannot meet the presidential threshold determined by the authorities. If a political party cannot meet the predetermined threshold, then the most effective way is to form a coalition with other parties. However, what is most problematic here is that parties that always dominate or are the most prominent like the PDI-P always have a lot of votes so they can always meet the threshold and the problem is that small parties are always oppressed because they cannot meet the presidential threshold. Therefore, the pros and cons of setting the 2024 presidential threshold emerged.

The existence of a presidential nomination threshold of 20 percent is one of the regulations that has garnered public or people's attention ahead of the 2024 elections. One of them is the proposal from the chairman of Commission II of the DPR RI regarding the threshold (Presidential Threshold) can be lowered to 10-15% to increase the number of pairs. presidential and vice presidential candidates.



### **Research purposes**

This study aims to find out why there are pros and cons in the Presidential Threshold in the 2024 presidential election.

### **Research methods**

The author uses a qualitative research design in this study. This qualitative research is descriptive analysis in nature so that it makes it easier for researchers to present the data obtained in a comprehensive manner. Researchers get data from primary data sources such as official documents and secondary sources such as journals, books, media and official sites.

### **Discussion**

Elections are a means of people's sovereignty to select members of the People's Representative Council (DPR), members of the Regional Representatives Council (DPD), President and Deputy President, members of the Regional People's Representative Council (DPRD), which are carried out directly, publicly, freely, confidentially, honestly and justice in the Unitary State of the Republic of Indonesia in 1945. Every citizen has the right to vote and be selected in general elections in accordance with the terms and regulations of the laws that apply. The concept of democracy, if power must come from the people by the people and for the people. Based on this view, it can be said that voting and being selected is a deviation from popular sovereignty which is then used as part of the human rights of every citizen of the country.

Direct election is the most important tool in a democratic country with a representative system. General elections are the actual form of a procedural democratic system. Indonesia as a rule of law country with a democratic government recognizes general elections as an urgent pillar of democracy which must be carried out fairly. Regarding the implementation of elections, Indonesia already has laws that regulate them which are incorporated in the 1945 Constitution of the Republic of Indonesia. The implementation of regular general elections is an absolute necessity as a facility of our democracy which makes sovereignty the essence of national and state activities. .

Republic of Indonesia Law No. 7 of 2017 concerning general elections which is the guideline for the implementation of the candidacy for the head of state and his deputy in



2019, has controlled the mechanism, procedures and requirements to become presidential and vice presidential candidates. In the law there are requirements for presidential and vice presidential candidates which must meet the threshold for presidential candidacy (presidential threshold). As with article 222 of the Law of the Republic of Indonesia No. 7 of 2017 it is stated that candidate companions are proposed by political parties or a combination of political parties participating in elections that meet the requirements of obtaining at least 20% of the seats in the DPR or obtaining 25% of valid votes in general in the general election of members the previous DPR. (Sukimin Sukimin 2020)

### **Threshold (Presidential Threshold)**

The presidential threshold or presidential threshold is a stipulation on the threshold level of support from the DPR, either in the form of the number of votes (ballots) or the number of seats that must be obtained by the political parties participating in the election so that they can nominate a president from these political parties or by a combination political party. The presidential threshold is a bonus requirement that overrides the provisions regarding the provisions for presidential and vice-presidential candidates in Article 6a paragraph 2 which reports that "the companion for the presidential and vice presidential candidates is shown by a political party or a combination of political parties participating in the election before the election is held. "Textually, Article 6a paragraph 2 of the 1945 Constitution of the Republic of Indonesia provides space for all political parties participating in the election to nominate a president and vice president. This is due to political parties as the pillars of democracy and the liaison between the state government and the citizens of the country. The presidential threshold rules are legally contained in Article 9 of Law Number 42 of 2008 concerning universal elections for the president and vice president. (2019 Budget)

One of the new instruments in election law that was born during the reform era is overriding the threshold or better known as the threshold. Threshold in the Oxford Advanced Learner's Dictionary has the meaning of a certain limit to start something (the level at which something starts to happen). Lijphart defines threshold as the minimum number of winning seats in lower-level districts or at least a percentage of the total national vote. Meanwhile, according to KBBI, the threshold means the level of the limit that is still acceptable or tolerated.



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Threshold or threshold is one of the election technical instruments found in countries that practice proportional election systems, including Indonesia. According to Mellaz, the thresholds, electoral thresholds and parliamentary thresholds are basically the same, namely the conditions that must be passed by political parties to be able to nominate their candidates to representative institutions.

Election threshold, presidential threshold and ba threshold Parliamentary bags are generally expressed by the percentage of valid votes or a minimum of seats, where the term is commonly used in the case of general elections. Policies related to thresholds are usually used to measure or determine the condition of democracy in a country.

The enactment of the presidential threshold is a consequence of the direct election of the president and vice president by the people. However, in fact, the application of the presidential threshold has the ability to result in the loss of opportunities for citizens' rights through political parties that do not meet the number specified in the threshold to nominate their members. Therefore, attention must be paid to the principles of democracy in determining the presidential threshold so as not to complicate certain groups of people, especially in minority communities. Thus, the implementation of the presidential threshold must pay attention to the diversity of society that can be seen in political aspirations. Together with that, the determination of the presidential threshold needs to be carried out in a balanced or proportional manner and the balance between legal politics and simplification of parties and protection for various kinds of politics must be observed. As a result, setting a presidential threshold cannot be based on a review of the benefits and losses that political parties gain. (Al-Fatih 2019)

### **The application of the threshold (Presidential Threshold) in elections in Indonesia**

Prior to 2004, elections in Indonesia only elected people's representatives in the DPR, Provincial DPRD and Regency/City DPRD. This political culture has been active since the general elections that began in 1955. During the New Order elections until 1999, the people did not have time to look for opportunities to directly elect candidates for the heads of their government. However, in 2004, Indonesia had a new electoral system. Previously the president and vice president were elected by the People's Consultative Assembly (MPR), until that year the president and vice president were elected directly by the people through general elections or direct elections. With the aim, the people are directly free to choose their



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future leaders. Since the presidential election was held directly for the first time, cases regarding the limitations on the provisions for nominating presidential and vice presidential candidates have stated from time to time that each presidential election is held.

The threshold for presidential and vice presidential nominations was first practiced in the 2004 election, of course in Article 5 of Law Number 23 of 2003 concerning presidential and vice presidential elections (no longer valid) where the limit for presidential nominations is 10%. However, this law became a reference for holding presidential elections in 2004. Based on Law Number 23 of 2003, the General Election Commission (KPU) successfully held direct presidential elections in mid-2004. The 2004 presidential election was carried out with 2 instruments law and became part of a series of 9 stages of the 2004 legislative elections. The two legal instruments are the legal instruments for the election of members of the DPR, DPD and DPRD as well as the legal instruments for the election of the president and vice president. (Christopher Joshua Lefrandt Thanos 2020)

In the 2009 and 2014 presidential elections, the threshold for presidential and vice presidential elections was implemented through Article 9 of Law No. 42 of 2008 concerning presidential elections which stipulates that: "assistant candidates are proposed by political parties or coalitions of political parties participating in elections who meet the very requirements at least 20% of the number of seats in the DPR or obtaining 25% of the national valid votes in the election for members of the DPR, before the implementation of the presidential and vice-presidential elections. (M. Hardiansyah 2017)

In the 2019 presidential and vice presidential elections, the Constitutional Court of the Republic of Indonesia issued a decision Number 14/PUU-XI/2013 concerning procedures for holding simultaneous elections which will be carried out in the 2019 elections and so on. This simultaneous election is necessary because the results of a judicial review of Law Number 42 of 2008 concerning presidential elections against the 1945 Constitution were submitted to the Constitutional Court of the Republic of Indonesia. In agreement with the message of the Constitutional Court's decision, the DPR RI passed Law Number 7 of 2017 concerning general elections, whereby the 2019 election and so on will be held jointly.

Requirements for political parties wishing to nominate their candidates to advance to the presidential and vice presidential elections must obtain at least 20% of the total seats in the DPR and 25% of the valid votes nationally in the previous DPR member elections. With



the implementation of the presidential threshold for the next election, political parties that can nominate president and vice president are only old political parties, meaning that newly emerging political parties cannot join the presidential threshold because they have never participated in an election so they do not have valid votes that can be obtained during the election. general. As a result, they cannot nominate candidates, but can only campaign in general elections. (Christopher Joshua Lefrandt Thanos 2020)

### **Pros and Cons of President's Threshold in the 2024 Election**

The application of the threshold for presidential or presidential nominations is still controversial, as stated by the executive director of the Association for Elections and Democracy (Perludem) Titi Anggraini who stated that applying the threshold for presidential nominations is considered to only present the same candidates. On the contrary, it closes the opportunity for the emergence of a new figure as an alternative. Therefore, controversy arose with the existence of a lawsuit to the Supreme Court of the Constitution from various parties.

This controversy arose from various groups, such as legal experts, members of Commission II of the DPR, politicians and others. Commission II DPR RI Ahmad Dollie proposed that the presidential threshold could be lowered to 10-15% from 20-25%. Dollie said that theoretically lowering the presidential threshold could bring about 7 or 8 presidential or vice presidential candidates to participate in the election. If the proposed lowering of the threshold drops to 10-15%, at least if it doesn't produce 7 or 8 presidential or vice presidential candidates, it will create a coalition with more than two pairs of candidates.

Apart from that, an expert on constitutional law, Refly Harun, proposed removing the presidential threshold. According to him, the 20% presidential threshold that applies will undermine the 2024 presidential election contestation. According to Refly, the presidential threshold needs to be removed to 0%, because it has the potential to be used by a group with capital which will affect the 2024 presidential election. Refly Harun's proposal has the aim that in direct elections, present as many candidates as possible. Every political party has the same right to nominate their candidates for the presidential and vice presidential candidate seats, not only large parties can follow the presidential threshold, but small parties or those that are unable to meet the presidential threshold requirements can also participate. Agreeing with the Gerindra Party and the Prosperous Prosperous Party, which want no threshold for the president and vice president, Refly Harun also emphasized that conditionally and originally





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what happened in Indonesia, when the basic paradigm of the presidential threshold was to strengthen the presidential system, the opposite happened. , the threshold link to strengthen the presidency has nothing to do.

Then, DPD member Tamsil Lirung said that, the presidential threshold is only riding democracy, where the existence of a presidential threshold cannot realize an ideal democracy. Tamsil filed a judicial review regarding the abolition of the threshold in December last year. Tamsil submitted an application to the constitutional court of the republic of Indonesia, the submission regarding article 222 of Law No. 7 of 2017 concerning general elections against the 1945 constitution of the republic of Indonesia. Rafly stated that the law was contrary to the 1945 Constitution and had no legal force binding.

The proposed threshold abolition discourse, many political parties support but also reject it. In addition, there are also those who argue that the threshold must be fixed, but the amount was lowered, some even proposed zero percent. However, if zero percent is enforced, it will give birth to new seeds of Indonesian leadership. There are no more restrictions on the nomination of candidate pairs by political parties or coalitions of political parties or coalitions of political parties.

The elimination of 0% is a constitutional procedure in accordance with simultaneous elections. This regulation will strengthen the position of presidential and cawapres candidates without relying on the support of political parties which are currently still using the old method, namely pragmatic and short-term coalitions. Then if zero percent is really upheld, there will be many pairs of candidates who will compete for their ideas for Indonesia going forward. Then there will be a strengthening of the political system to attract public sympathy so that it is successful in simultaneous elections. (gobel 2019).

If the presidential threshold is implemented, there will be dangers, the first of which is political practices carried out by political parties in an elitist, centralized and closed manner. The reason is to fulfill the threshold, political communication only occurs at the elite level. Meanwhile, party members were abandoned during the ongoing process. The narration is filled by elites. Second, Indonesian politics will further distance women's opportunities from the nomination process, because their channels will be increasingly limited. When these channels shrink, the opportunities for women to compete also narrow. In addition, the polarization splitting and fragmentation are getting wider. Because, the inability to give rise





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to alternative candidates so that in the end the community is split on the only choice - that's all. However, it is impossible if zero percent is granted by the DPR, ideally there must be open democracy. Through an election system that is always open so that alternative options are always there. So that it is not planned to be engineered for the interests of the political forces in power, so that the number of rivals in elections can be controlled and all parties must always prioritize the interests of the nation, and not prioritize the interests of political parties to be in power. (Sumodiningrat 2019).

Regarding the submission of this threshold to the constitutional court, the result was that the constitutional court refused, because the applicants for the lawsuit did not have legal standing in submitting the a quo petition. Apart from that, the constitutional court also stated that the substance of the petition was not considered. The Mahakamah firmly rejected the proposal for a law regarding elections related to the threshold for the candidacy of the president and vice president through the NO verdict on issue 70/PUU-XV/2017/. Criticism of the verdict was massive, arising from members of the public, both from political parties and from academics and democracy activists. Criticisms that arise, for example, explore approaches to the theory of justice which are based on the school of law, sociological jurisprudence. Based on this school, the verdict of the constitutional court has eliminated the law that should be able to develop optimally. Optimal legal growth is a law that can be useful in the lives of citizens, one of which is a law that can protect every human right, (Taufiqurrohman Syahuri, Muhammad Helmi Fahrozi 2020).

Regarding the pros and cons of setting the presidential threshold, the middle way that can be taken if it does not meet the presidential threshold requirements is by collaborating. This means that if political parties do not reach the threshold, they will be forced into a coalition with other political parties. This coalition aims for the elected president to have a strong base of council support, so that the government will run smoothly. However, coalitions usually result in a new problem, namely transactional politics. The obligation of the coalition is to open a forum for political parties to bargain for interests, both the interest in getting Ministerial seats and the interests that ultimately turn out to be transactional politics.

Therefore, the middle way in this case is to institutionalize a coalition, which means institutionalizing a coalition by creating a permanent coalition, at least for a period of 5 years. So that the coalition that was formed from the beginning when carrying the president and



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vice president did not split in the middle. This pattern can also be a middle ground for multiparty cases in Indonesia which are considered inconsistent with the presidential system. This situation forced the political parties to form a coalition based on the views of hidep, vision and aspirations of the party, because after a coalition the political parties cannot change direction in a maximum period of 5 years. In order to guarantee the existence of a coalition, the concept of institutionalizing this coalition needs to be included in the law on the election of the president and vice president, as well as related laws and regulations. (Ansori 2017).

The existence of a coalition is intended as proof that: Indonesia as a country adheres to the theory of people's sovereignty which is based on Article 1 Paragraph 2 of the 1945 Constitution of the Republic of Indonesia, which stipulates that "sovereignty is in the hands of the people and implemented according to the constitution". Further evidence is that as a means of political communication in bringing together the government and the people, uniting people who have the same understanding so that their orientations can be unified, which can be formulated through common interests in the form of a program that can be fought for through parliament to become general policy, ( Bachmid 2021).

History has noted that in fact making regulations close to the presidential threshold does not guarantee a pure presidential system, after which the system of government will become completely solid, the memory is still clear as it was during the leadership of Susilo Bambang Yudhoyono in 2009-2012 during the second period. Sem Pat has a sizable coalition of party support in the council. However, at that time, the strategy issued by the court was not entirely supported by its own coalition party. (Taufiqurrohman Syahuri, Muhammad Helmi Fahrozi 2020)

Threshold conditions require the president to always depend on the support of parliamentary votes which have the power to open transactional politics. This is because the support for parliamentary vote entry does not reflect a genuine coalition, but a coalition that contains Pull and pulls the need to imprison the president's move to determine political options for determining the vice presidential candidate who accompanies him. One of the basic aspects of the imprisoned president's move is that the presidential threshold is still being implemented which requires the president to comply with the rules for playing a coalition of political parties. This loophole can suppress the president's freedom to make



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choices until he implements a government that is completely dependent. This reflection confirms that Indonesia has not been able to practice a pure presidential system.

Whether consciously or not, the requirements for the threshold procedure for presidential nomination are not only a prison for political parties themselves, but also reflect presidential applications with a parliamentary atmosphere. Even though in accordance with the presidential system, the presidential institution and the DPR are 2 separate institutions that have different political legitimacy bases, and do not depend on each other, so that presidential nominations should not be dictated by dictates or determined by the political formations of the national parliament as a result of legislative elections. (Gobe 2019)

### **Conclusion**

The threshold for presidential candidacy is the threshold for obtaining votes that must be obtained by political parties in an election to be able to nominate a presidential candidate. In Article 222 of Law No. 7 of 2017 concerning general elections, it is explained that the candidate pair is proposed by a political party or a combination of political parties participating in the election that meets the requirements for obtaining at least 20% of the seats in the DPR RI or obtaining 25% of valid votes or legal nationally in the previous DPR RI member elections.

Regarding the proposed threshold of 0% percent from various parties, the constitutional court rejected the proposal, because the applicants for the lawsuit have no legal standing in submitting the a quo petition, besides that the Constitutional Court also guarantees the implementation of citizens' human rights, is obliged to correct Article 222 of the Election Law 2017 so that it cannot arbitrarily decide on the principles of democracy which are upheld by the constitution.

So the middle way that can be taken if it does not meet the presidential threshold requirements is to form a coalition. This will serve as a middle ground for the need to achieve proportionality in the electoral system, as a form of accommodation for voters' voices and legal certainty over people's sovereignty. However, coalitions tend to cause new problems, namely transactional politics. The obligation of the coalition is to open a forum for political parties to bargain for interests, both the interest in getting Ministerial seats and the interests that ultimately turn out to be transactional politics.



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