

Beyond Judicial Review: Constitutional Court Decision No. 62/PUU-XXII/2024 as a Landmark Decision

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Abstract: The regulation of the presidential threshold has consistently been regarded by the Indonesian Constitutional Court as falling within the exclusive domain of the legislature, as reflected in at least 34 prior decisions. However, both constitutional theory and practice acknowledge that courts may depart from established positions when confronted with new legal and social realities. Such decisions, which significantly shift judicial reasoning, are often characterized as *landmark decisions*. Despite the importance of this concept, there remains a gap in systematically assessing whether specific Constitutional Court rulings meet the established criteria of a landmark decision, particularly in the Indonesian context. This study addresses that gap by evaluating Constitutional Court Decision Number 62/PUU-XXII/2024 against the criteria proposed by Amran Suadi. The findings demonstrate that the decision satisfies all five key criteria, namely final and binding authority, the presence of legal discovery, responsiveness to evolving social dynamics, contribution to the direction of legal development, and its unprecedented nature in judicial reasoning. Accordingly, this decision can be classified as a landmark decision with significant doctrinal and practical implications for Indonesian constitutional law.

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Purpose: This study aims to evaluate whether Constitutional Court Decision Number 62/PUU-XXII/2024 qualifies as a landmark decision based on established legal criteria.

Design/Methodology/Approach: This research employs a normative legal method, utilizing a statutory, conceptual, and case-based approach to analyze the decision in light of relevant legal doctrines and scholarly frameworks.

Findings: The study finds that Decision Number 62/PUU-XXII/2024 fulfills all criteria of a landmark decision, including its binding nature, innovative legal reasoning, responsiveness to societal changes, influence on future legal development, and its departure from prior judicial positions.

Originality/value: This research offers a systematic application of landmark decision criteria within the Indonesian constitutional context, providing a structured evaluation that contributes to the development of constitutional jurisprudence and judicial analysis.

Keywords: constitutional court; landmark decision; presidential threshold; judicial review

Paper Type: article-research

Introduction

Chapter VIIB of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) expressly (*expressis verbis*) regulates the mechanism of general elections (hereinafter referred to as elections) in Indonesia (Riqiey dan Janah 2025). These provisions encompass the principles of elections, the timing of their implementation, the offices to be filled through elections, the election management bodies, and the stipulation that matters not specifically regulated within this chapter shall be further governed by law (Riqiey 2023). This is as stipulated in Article 22E paragraphs (1) through (6) of the 1945 Constitution (Jasi, Barthos, dan Santiago 2023).

Given that elections are not limited to selecting members of representative bodies but also include the election of the President and/or Vice President, the provisions of Article 6A of the 1945

Constitution cannot be separated from this framework (Hadad, Kurniawan, dan Nurdiansyah 2022). Referring to Article 6A paragraph (5) of the 1945 Constitution, its substance is essentially similar to that of Article 22E paragraph (6), namely that matters not yet regulated therein shall be further regulated by law (Fifiana Wisnaeni 2022). In administrative law, this is recognized as attributed authority (*attributie bevoegdheid*) (see Article 1 point 22 and Article 12 paragraph (2) of Law Number 30 of 2014 on Government Administration) (Gandara 2020).

In light of the mandate to further regulate the procedures for the election of the President and/or Vice President, as well as elections in general, the House of Representatives and the President, as lawmakers, enacted Law Number 7 of 2017 on General Elections (hereinafter referred to as Law No. 7 of 2017). This law regulates various aspects, including the minimum threshold percentage for nominating presidential and vice-presidential candidate pairs, commonly known as the presidential threshold. This provision is explicitly stipulated in Article 222 of Law No. 7 of 2017 (Ridho 2020).

The existence of this provision has been widely perceived by segments of society as giving rise to discrimination, intolerable injustice, and inconsistency with the 1945 Constitution. Consequently, Article 222 of Law No. 7 of 2017 has been subject to constitutional review before the Constitutional Court approximately 33 (thirty-three) times (Riqiey 2022). However, none of these petitions have been granted by the Court. This is due to various reasons, including the lack of legal standing of the applicants, the classification of the matter as an open legal policy within the domain of the legislature, and other considerations. From this, it can be simply inferred that shifting the Constitutional Court's stance is extremely difficult, particularly in the absence of empirical evidence indicating a significant change in circumstances.

Nevertheless, both in theory and practice, it is entirely possible for the Constitutional Court to depart from its previous positions. This means that the Court does not rigidly adhere to its prior rulings when reviewing legal provisions. For example, Constitutional Court Decision Number 85/PUU-XX/2022 represents a departure from Decision Number 97/PUU-XI/2013. Similarly, in the context of the presidential threshold, after rendering 33 (thirty-three) decisions, the Constitutional Court ultimately shifted its stance through Decision Number 62/PUU-XXII/2024. In this decision, the Court held that Article 222 of Law No. 7 of 2017 violates the principle of popular sovereignty, infringes upon the rights of political parties participating in elections to nominate presidential and/or vice-presidential candidates, and contravenes principles of morality, rationality, and intolerable injustice.

In constitutional law discourse, such decisions are referred to as *landmark decisions* (Salman dan Ristawati 2020). Amran Suadi posits that a decision may be categorized as a landmark decision if it satisfies five criteria: it possesses final and binding legal force; it contains legal discovery; it addresses evolving social dynamics; it reflects the direction of legal development; and it is unprecedented and has not been previously adopted by judges (Suadi 2018). These five criteria may be used to assess whether a judicial decision qualifies as a landmark decision.

Based on the foregoing, this study aims to examine and analyze whether Constitutional Court Decision Number 62/PUU-XXII/2024 fulfills the criteria to be classified as a landmark decision. It is expected that this research will contribute to the development of legal scholarship, particularly in the fields of constitutional law and constitutional procedural law. Accordingly, this study offers a considerable degree of originality and novelty.

This research possesses significant originality and novelty, as it has not been previously conducted. While prior studies have examined whether certain judicial decisions qualify as landmark decisions, such as the study by Wildan Muhammad Fauzi et al., titled “Constitutional Court Decision Number 85/PUU-XX/2022 on Special Judicial Bodies as a Landmark Decision” (Fauzi, Muslim, dan Alhadi 2025) which analyzed whether that decision met the criteria of a landmark decision, this study differs in its focus on Constitutional Court Decision Number 62/PUU-XXII/2024. Therefore, this research demonstrates a substantial level of originality and novelty. It is expected to enrich legal scholarship, particularly in constitutional law and other related legal disciplines.

Methods

This study constitutes legal research as elaborated by Peter Mahmud Marzuki (Marzuki 2021). The terminology used by the author is simply “legal research” without adding the term “normative.” This is based on three reasons: (1) the terms “legal” and “normative” share the same meaning, so adding the word “normative” after “legal” would be redundant; (2) the addition of the term “normative” may imply the existence of other types of legal research beyond the normative, which is conceptually misleading; and (3) the author adopts the definition of legal research from Peter Mahmud Marzuki, who consistently uses the term “legal research” without the qualifier “normative” in his works (a point the author has also directly confirmed during lectures). This research employs at least three approaches, namely the statutory approach, the conceptual approach, and the case approach (court decisions). As this is legal research, the materials used consist of primary and secondary legal materials. Primary legal materials are collected through inventorying and categorization, while secondary legal materials are obtained through literature review. Subsequently, both types of legal

materials are identified, classified, and systematized based on their sources and hierarchical structure. Finally, all legal materials are analyzed using legal reasoning through a deductive method.

Discussion and Findings

Constitutional Court Decision Number 62/PUU-XXII/2024 as a Landmark Decision

The term “*landmark decision*” refers to a judicial ruling that has a significant and far-reaching impact, often altering the direction of law or social practice. The emergence of this term can be traced to the context of judicial systems, where certain court decisions particularly those issued by higher courts establish precedents that are followed in subsequent cases. Landmark decisions typically arise from complex and controversial cases, involving fundamental issues such as human rights, civil liberties, and constitutional interpretation (Faiz et al. 2023). These decisions not only resolve disputes between the parties involved but also provide clear legal guidance for society, legal practitioners, and judges in the future.

Over time, the term “*landmark decision*” has become widely recognized across various legal systems, including in Indonesia. In the Indonesian context, the term is often used to refer to influential Constitutional Court decisions, such as those involving statutory changes or the affirmation of constitutional rights (Faiz 2016). The emergence of this term reflects recognition of the crucial role of courts in shaping and developing the law, as well as upholding the principles of democracy and justice. Accordingly, landmark decisions serve as milestones in legal development, influencing not only public policy but also fostering collective awareness of citizens’ rights and obligations within the legal system.

In his book “*Settlement of Sharia Economic Disputes: Legal Discovery and Legal Principles*,” Amran Suadi provides an in-depth analysis of the criteria for categorizing judicial decisions as

landmark decisions (Suadi 2018). According to Suadi, there are five primary criteria that must be satisfied. *First*, the decision must possess final and binding legal force. This means that the ruling has exhausted all judicial processes and can no longer be challenged or overturned, thereby ensuring legal certainty and stability for the parties involved. Such finality is essential, as without legal certainty, a decision cannot serve as a reference for future cases.

Second, the decision must contain legal discovery. According to Suadi, this may take the form of a new interpretation of existing laws or the application of legal principles that have not previously been utilized (Suadi 2018). This indicates that the decision does not merely reiterate existing norms but contributes to the development of law. Legal discovery is crucial as it signifies the evolution of the legal system in adapting to changing social dynamics.

The third criterion identified by Amran Suadi is the decision's ability to address evolving social dynamics (Suadi 2018). In this context, the ruling must be relevant to contemporary societal issues and provide solutions that are both acceptable and applicable within a broader social framework. Suadi emphasizes that decisions capable of responding to social challenges and delivering justice are more likely to be recognized as landmark decisions. Thus, social relevance becomes a key indicator in assessing the quality of a decision.

Fourth, a landmark decision must reflect the direction of legal development. According to Suadi, such a decision should provide guidance or a vision for the future evolution of the law (Suadi 2018). This demonstrates that the decision not only resolves existing disputes but also shapes how the law will be interpreted and applied in the future. By reflecting the trajectory of legal development, the decision serves as a guide for future judges in adjudicating similar cases.

The final criterion proposed by Amran Suadi is that the decision must be unprecedented and not previously adopted by judges (Suadi 2018). This indicates that the decision represents a breakthrough within the legal system. In other words, it becomes a historical milestone that not only clarifies the law but also opens avenues for new interpretations and applications. This criterion is essential to ensure that the decision has a substantial and lasting impact rather than a temporary one.

Amran Suadi's analysis of the criteria for landmark decisions provides clear guidance for legal practitioners and scholars in evaluating judicial rulings. By understanding these criteria, they can determine whether a decision qualifies as a landmark decision and how it may influence the development of law in Indonesia. This also contributes to raising awareness of the importance of judicial decisions in shaping legal norms.

Overall, the criteria proposed by Amran Suadi offer profound insight into how certain decisions may function as milestones within the legal system. By fulfilling all five criteria, a decision becomes not merely part of the legal record but also contributes to the formation and development of a more just and socially relevant legal order. This demonstrates that judicial decisions should be assessed not only from the perspective of legality but also from broader social and developmental perspectives.

To analyze whether Constitutional Court Decision Number 62/PUU-XXII/2024 meets the criteria of a landmark decision as outlined by Amran Suadi, each criterion must be examined in detail. *First*, regarding the criterion of final and binding legal force, the decision annulling Article 222 of Law No. 7 of 2017 qualifies as a landmark decision because it fulfills this requirement. Pursuant to Article 24C paragraph (1) of the 1945 Constitution, all Constitutional Court decisions are final and binding, and cannot be challenged before any other court (Wulandari 2022). Therefore,

Decision Number 62/PUU-XXII/2024 satisfies the first criterion. From a comparative perspective, Constitutional Court decisions in various jurisdictions are inherently final (Lailam dan Andrianti 2023). This characteristic is further reinforced by its explicit recognition in Article 24C paragraph (1) of the 1945 Constitution (Sihombing et al. 2021).

Second, the decision qualifies as a landmark decision because it fulfills the criterion of legal discovery. In this ruling, the Constitutional Court did not merely rely on its previous decisions or maintain that the matter falls within the exclusive domain of the legislature (open legal policy). Instead, the Court considered broader aspects, including empirical facts. Moreover, the Court remained consistent with the limits of open legal policy it had previously developed, namely that it may intervene when a norm clearly violates morality, rationality, and intolerable injustice; exceeds legislative authority; constitutes an abuse of power; creates institutional problems and legal deadlock; or contradicts political rights and the principle of popular sovereignty (Riqiey et al. 2025).

The legal discovery in Constitutional Court Decision No. 62/PUU-XXII/2024 lies in the Court's shift from a rigid normative approach to a more contextual, empirical approach in assessing the constitutionality of the presidential threshold. Whereas in the previous 34 decisions the Court consistently upheld Article 222 of Law No. 7 of 2017 within a strict open legal policy framework focusing primarily on abstract constitutional review in this ruling the Court instead undertook a deeper examination of the empirical realities arising from the implementation of that provision. The Court found that the presidential threshold has, in practice, caused clear constitutional harm to the public, particularly by restricting citizens' political rights, narrowing electoral competition, and weakening the principle of popular sovereignty. Accordingly, the legal discovery in this decision does

not merely reflect a judicial departure, but rather signifies a transformation in the Court's method of reasoning, in which empirical realities are positioned as a central basis for determining whether a legal norm remains constitutionally justifiable.

Accordingly, this decision reaffirms the Constitutional Court's role as *the guardian of the Constitution and the guardian of democracy*. The Court does not confine itself to the theory of judicial restraint but also engages in judicial activism. However, this decision may be seen as striking a balance, positioning the Court as a negative legislator rather than a positive legislator. The Court annulled the contested provision and provided a form of constitutional engineering to the legislature, rather than formulating a new norm. This approach respects the legislature's authority to create laws. In essence, the Court positioned itself as a mediator, akin to the concept of *wasathiyah* (moderation) in Islamic legal thought (Shafwan 2022).

Third, the decision meets the criterion of responding to social dynamics. Empirical evidence shows that the presidential threshold created injustice for political parties that did not meet the minimum requirement to nominate presidential and/or vice-presidential candidates. This contradicts Article 6A of the 1945 Constitution, which explicitly grants such rights to political parties without imposing a minimum threshold. Additionally, the public has experienced a lack of ideal leadership candidates, exacerbated by internal political party dynamics. This can be seen in the availability of presidential and/or vice-presidential candidates in 2014 and 2019, namely, only two candidates were available. The two candidates are as follows:

Table 1. Presidential and/or Vice-Presidential Candidates for 2014 and 2019

Year	Presidential Candidate	Vice-Presidential Candidate	Supporting Political Parties
2014	Prabowo Subianto	Hatta Rajasa	Gerindra, Golkar, PAN, PPP, PKS, PBB
2014	Joko Widodo	Jusuf Kalla	PDI-P, NasDem, PKB, Hanura
2019	Joko Widodo	Ma'ruf Amin	PDI-P, Golkar, PKB, NasDem, PPP, Hanura, PKPI
2019	Prabowo Subianto	Sandiaga Uno	Gerindra, PKS, PAN, Demokrat

Source: KPU

The limited number of presidential and/or vice-presidential candidates in the 2014 and 2019 elections each contested by only two candidate pairs has been identified by various studies as a factor that intensified political polarization and negatively affected the quality of democracy in Indonesia. Research by Marcus Mietzner shows that binary electoral competition encourages sharp societal divisions and narrows the space for political compromise (Marcus Mietzner 2015). This finding is reinforced by Warburton and Aspinall, who argue that two-candidate contests strengthen identity-based political mobilization and deepen social fragmentation (Aspinall dan Warburton 2018). The broader impact of this condition is reflected

in international assessments of Indonesia's democratic quality, particularly in the Economist Intelligence Unit (EIU) Democracy Index, which records a decline in Indonesia's score from 6.95 in 2014 to 6.48 in 2019, especially in the areas of political pluralism and political culture. Thus, the limited number of candidates not only simplifies electoral choices procedurally but also substantively contributes to heightened political polarization and the deterioration of democratic quality, as supported by empirical findings from scholars and global institutions. Therefore, the third criterion is satisfied.

Fourth, the decision reflects the direction of legal development. Article 1 paragraph (2) of the 1945 Constitution affirms that sovereignty resides in the people (Riqiey 2024). This implies that the people, as holders of sovereignty, should have the full authority to determine their leaders, even if through political parties. The imposition of a minimum threshold, as previously stipulated in Article 222 of Law No. 7 of 2017, restricted this principle. Furthermore, Article 22E paragraph (1) mandates that elections be conducted fairly, not only in their implementation but also in their overall process, from administration to dispute resolution. Thus, Decision Number 62/PUU-XXII/2024 contributes significantly to the development of a more democratic and high-quality electoral system in Indonesia.

Fifth, the decision fulfills the criterion of being unprecedented. Prior to this ruling, the Constitutional Court had adjudicated approximately 34 petitions challenging Article 222 of Law No. 7 of 2017, none of which resulted in the provision being invalidated. These decisions included rulings of inadmissibility, rejection, withdrawal, and partial granting (which did not concern Article 222). Therefore, Decision Number 62/PUU-XXII/2024 represents a novel and unprecedented judicial stance, satisfying the fifth criterion of a landmark decision.

To facilitate understanding, the above analysis can be summarized in tabular form, presenting the key criteria of landmark decisions alongside the classification of Constitutional Court Decision Number 62/PUU-XXII/2024 as a landmark decision:

Table 2. Criteria for Landmark Decisions and the Classification of Constitutional Court Decision Number 62/PUU-XXII/2024

No.	Criteria	Fulfilled	Not Fulfilled	Remarks
1	The decision has final and binding legal force	√		Article 24C paragraph (1) of the 1945 Constitution explicitly states that Constitutional Court decisions are final and binding. Therefore, Constitutional Court Decision Number 62/PUU-XXII/2024 is final and has binding legal force.
2	The decision contains legal discovery	√		Through Decision Number

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| 3 | The decision is capable of addressing evolving social dynamics | √ | 62/PUU-XXII/2024, the Constitutional Court engaged in legal discovery and did not remain confined to the doctrine of open legal policy or judicial restraint. Instead, the decision reflects a balanced (wasathiyah) position, placing the Court as a negative legislator rather than a positive legislator. The regulation of the presidential threshold in Indonesia has clearly generated social dynamics, including |
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4	The decision reflects the direction of	√	political polarization due to the presence of only two presidential and/or vice-presidential candidates, as well as limiting the public's ability to choose the best leaders. Through Decision Number 62/PUU-XXII/2024, the Court addressed these issues. In the future, all political parties participating in elections may nominate candidates, thereby reducing the likelihood of polarization. As a democratic state, Indonesia must conduct
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	legal development		elections in a democratic manner. The presidential threshold had hindered the development of law and democracy. Decision Number 62/PUU-XXII/2024 serves to restore and improve the trajectory of legal development and democracy in Indonesia, making it more democratic and aligned with constitutional principles.
5	The decision is unprecedented and has not been previously adopted by judges	√	Judicial review of the presidential threshold has been conducted approximately 34 times, all of which

essentially resulted in rejection or inadmissibility, either in whole or in part. However, this changed with the issuance of Decision Number 62/PUU-XXII/2024, which marked a shift in the Court's stance regarding the constitutionality of the presidential threshold.

Source: Processed by the Author

Referring to the table above, the author is of the view that Constitutional Court Decision Number 62/PUU-XXII/2024 constitutes a monumental ruling, commonly referred to as a *landmark decision*. Historically, Article 222 of Law No. 7 of 2017 has been reviewed by the Constitutional Court approximately 34 (thirty-four) times, yet none of those decisions granted the petition, either partially or entirely. The Constitutional Court consistently regarded the matter as falling within the exclusive domain of the legislature (*open legal policy*), and therefore declared itself not competent to assess its constitutionality.

The provision was challenged not only by members of civil society but also by academics and politicians. Notably, a prominent constitutional law scholar who also served as the Chairman of the Crescent Star Party (Partai Bulan Bintang), once filed a petition challenging the provision. However, the Constitutional Court did not grant the petition, either in whole or in part. Formally, in his capacity as Chairman of the Crescent Star Party, had legal standing to challenge the provision. This is based on Constitutional Court Decision Number 66/PUU-XIX/2021, which affirmed that political parties participating in elections have legal standing to challenge Article 222 of Law No. 7 of 2017. Nevertheless, despite possessing legal standing, his petition was rejected because the matter fell within the legislature's domain (*open legal policy*).

In light of the above, the issuance of Constitutional Court Decision Number 62/PUU-XXII/2024 has, from a legal standpoint, shifted the Court's long-standing position. This demonstrates that, in the practice of Constitutional Court procedure, the Court is capable of departing from its previous stance even after issuing 34 (thirty-four) prior decisions. Such a shift is possible where the Court determines that a norm clearly violates the Constitution, undermines morality, creates intolerable injustice, results in legal deadlock, violates the principle of popular sovereignty, and so forth. Accordingly, Constitutional Court Decision Number 62/PUU-XXII/2024 can properly and reasonably be categorized as a *landmark decision*. This characterization is also explicitly recognized by Pan Mohamad Faiz in *Majalah Konstitusi* (March 2025 edition) in an article titled "Constitutional Engineering" (Indonesia 2025). Therefore, it further strengthens the argument that this decision constitutes a landmark decision.

Nevertheless, classifying Constitutional Court Decision Number 62/PUU-XXII/2024 as a landmark decision still leaves

certain issues unresolved. These issues are not fundamental flaws but rather matters that require further examination. Although the Court has introduced elements of constitutional engineering in the decision *a quo*, one aspect that requires further clarification is the regulation of sanctions for political parties that intentionally or unintentionally consolidate votes to support particular presidential and/or vice-presidential candidates. Without such regulation, even though all political parties are allowed to nominate candidates, there remains the possibility of forming large or *oversized coalitions*. This issue warrants further analysis in subsequent research.

Conclusion

A Constitutional Court decision may be categorized as a monumental ruling or a *landmark decision* if it fulfills five criteria as proposed by Amran Suadi. These five criteria include: the decision possesses final and binding legal force; it contains legal discovery; it is capable of addressing evolving social dynamics; it reflects the direction of legal development; and it is unprecedented and has not been previously adopted by judges. With respect to these five criteria, Constitutional Court Decision Number 62/PUU-XXII/2024 satisfies all of them. Therefore, it can be classified as a monumental ruling or a *landmark decision*. Moreover, this decision not only qualifies as a landmark decision but also demonstrates that the Constitutional Court continues to play an active role in safeguarding democracy in Indonesia.

Bibliography

- Aspinall, Edward, dan Eve Warburton. 2018. "Indonesia: The Dangers of Democratic Regression." *Proceedings of the Third International Conference on Social and Political Sciences (ICSPS 2017)* (Paris, France), 2018. <https://doi.org/10.2991/icsp-17.2018.1>.
- Faiz, Pan Mohamad. 2016. "The Protection of Civil and Political Rights by the Constitutional Court of Indonesia." *Indonesia Law Review* 6 (2). <https://doi.org/10.15742/ilrev.v6n2.230>.

- Faiz, Pan Mohamad, Saldi Isra, Irfan Nur Rachman, Abdul Ghoffar, dan Khairul Fahmi. 2023. "Big man, bag or ballot box? Upholding legal pluralism through noken as a traditional system of voting in elections in Papua, Indonesia." *Legal Pluralism and Critical Social Analysis* 55 (3). <https://doi.org/10.1080/27706869.2023.2274167>.
- Fauzi, Wildan Muhammad, Ikhwanul Muslim, dan Muhammad Nurcholis Alhadi. 2025. "Putusan Mahkamah Konstitusi Nomor: 85/PUU-XX/2022 Tentang Badan Peradilan Khusus Sebagai Landmark Decisions." *Bacarita Law Journal* 5 (2). <https://doi.org/https://doi.org/10.30598/bacarita.v5i2.15390>.
- Fifiana Wisnaeni, Muh. As Sidiq. 2022. "Democratic Principles-Based Reconstruction of Presidential Threshold Provisions on Indonesian Presidential Elections." *International Journal of Social Science and Human Research* 05 (02). <https://doi.org/10.47191/ijsshr/v5-i2-24>.
- Gandara, Moh. 2020. "Kewenangan Atribusi, Delegasi Dan Mandat." *Khazanah Hukum* 2 (3). <https://doi.org/10.15575/kh.v2i3.8187>.
- Hadad, Alwi Al, Ade Kurniawan, dan Irdan Nurdiansyah. 2022. "The Effectiveness of the Presidential Threshold Concept in the Presidential and Vice-Presidential Election System in Indonesia." *Khazanah Hukum* 4 (2). <https://doi.org/10.15575/kh.v4i2.18063>.
- Indonesia, Mahkamah Konstitusi Republik. 2025. "Presidential Threshold Inkonstitusional." *Majalah Konstitusi* (Jakarta), 2025. https://www.mkri.id/public/content/infoumum/majalah_konstitusi/pdf/Majalah_246_10. Edisi MARET 2025 Inter.pdf.
- Jasi, Askolani, Megawati Barthos, dan Faisal Santiago. 2023. "Postponement Arrangements of Election From The Perspective of The 1945 Constitution of The Republic of Indonesia." *Jurnal Indonesia Sosial Sains* 4 (06). <https://doi.org/10.59141/jiss.v4i06.818>.
- Lailam, Tanto, dan Nita Andrianti. 2023. "Legal Policy of Constitutional Complaints in Judicial Review: A

- Comparison of Germany, Austria, Hungary, and Indonesia.”
Bestuur 11 (1).
<https://doi.org/10.20961/bestuur.v11i1.70052>.
- Marcus Mietzner. 2015. *Reinventing Asian Populism: Jokowi’s Rise, Democracy, and Political Contestation in Indonesia*. In *East-West Center*. Honolulu: East-West Center.
- Marzuki, Peter Mahmud. 2021. *Penelitian Hukum*. Jakarta: Kencana.
- Ridho, M. Zainor Ridho. 2020. “The Constitutionality of the Presidential Threshold on the 2019 Election in Indonesia: An Analysis on Constitutional Court Decision 72/PUU-XV/2017.” *Asy-Syir’ah: Jurnal Ilmu Syari’ah dan Hukum* 54 (2): 365. <https://doi.org/10.14421/ajish.2020.54.2.365-388>.
- Riqiey, Baharuddin. 2022. “Catatan Kecil untuk Partai Politik yang Hendak Menguji Konstitusionalitas Ambang Batas Pencalonan Presiden dan Wakil Presiden.” Kompasiana. https://www.kompasiana.com/baharuddinriqiey4078/62c7cbaf4f3b5470176abda2/catatan-kecil-untuk-partai-politik-yang-hendak-menguji-konstitusionalitas-ambang-batas-pencalonan-presiden-dan-wakil-presiden#goog_rewarded.
- Riqiey, Baharuddin. 2023. “Pemilihan Kepala Daerah oleh Dewan Perwakilan Rakyat Daerah Pasca Putusan MK No. 85/PUU-XX/2022.” *Constitution Journal* 2 (1).
<https://doi.org/10.35719/constitution.v2i1.42>.
- Riqiey, Baharuddin. 2024. “Penunjukan Kepala Daerah oleh Presiden dalam Perspektif Demokrasi.” *National Seminar - Human Rights Friendly Cities III “Democracy and Human Rights”* 3 (1).
- Riqiey, Baharuddin, Syofyan Hadi, Sukardi, dan Reza Maulana Hikam. 2025. “Open Legal Policy: Testing Practices and Limitations by the Constitutional Court.” *Jurnal Hukum Magnum Opus* 8 (2).
<https://doi.org/https://doi.org/10.30996/jhmo.v8i2.131863>.
- Riqiey, Baharuddin, dan Miftaqul Janah. 2025. “Election Omnibus: Efforts to Realize Legal Certainty in General Elections in Indonesia.” *Mimbar Keadilan* 18 (1).
<https://doi.org/https://doi.org/10.30996/mk.v18i1.11989>.

- Salman, Radian, dan Rosa Ristawati. 2020. "Judicial Independence vis-à-vis Judicial Populism: the Case of Ulayat Rights and Educational Rights." *Constitutional Review* 6 (1). <https://doi.org/10.31078/consrev614>.
- Shafwan, Muhammad Hambal. 2022. "Konsep Wasathiyah Dalam Beragama Perspektif Hadis Nabawi." *Studia Religia : Jurnal Pemikiran dan Pendidikan Islam* 6 (1). <https://doi.org/10.30651/sr.v6i1.13187>.
- Sihombing, Uli Parulian, Muchamad Ali Safa'at, Tunggul Anshari, Eko Widiarto, dan Radian Salman. 2021. "The Challenges and Opportunities of the Constitutional Court Decision Implementation on Recognition of the Indigenous Religions in Indonesia." *Yuridika* 36 (2). <https://doi.org/10.20473/ydk.v36i2.24927>.
- Suadi, Amran. 2018. *Penyelesaian Sengketa Ekonomi Syariah: Penemuan dan Kaidah Hukum*. Jakarta: Kencana.
- Wulandari, Mona. 2022. "Existence and Implication of Land Banks on the Constitutional Court's Decision on Testing of Employment Law Form." *International Journal of Social Science Research and Review* 5 (8). <https://doi.org/10.47814/ijssrr.v5i8.542>.