

Understanding Indonesia's Presidential Threshold: A Study on Political Rights

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Abstract: The implementation of the Presidential Threshold in Indonesia's electoral system has significant implications for the nomination process of Presidential and Vice Presidential candidates, impacting political rights and democratic principles. From the experience of Ukraine, where threshold regulations have played a crucial role in shaping the political landscape and ensuring the representation of diverse voices, it is evident that the design and application of such thresholds can have far-reaching consequences on the inclusivity and fairness of electoral processes. By examining the parallels and contrasts between the Indonesian and Ukrainian contexts, valuable insights can be gained into the challenges and opportunities associated with threshold requirements in safeguarding political rights and upholding democratic values.

Purpose: This study aims to analyze the setting of the Presidential Threshold in Indonesia, examining its alignment with political rights. It explores the legal framework, historical context, and impact of the Presidential Threshold on the democratic process in Indonesia. By incorporating insights from Ukraine's experience with threshold regulations in electoral processes, the study seeks to draw parallels and contrasts that shed light on the implications for political rights and democratic governance. Understanding how Ukraine has navigated the challenges of setting thresholds to balance

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legitimacy and inclusivity can provide valuable lessons for Indonesia in enhancing its electoral system and upholding democratic principles.

Design/Methodology/Approach: The article employs a normative juridical method, utilizing legal research techniques to analyze relevant laws, constitutional provisions, and court decisions. It also incorporates case approaches, such as the Conceptual Approach and the Statute Approach, to provide a comprehensive understanding of the topic.

Findings: The analysis reveals that the Presidential Threshold, as outlined in Article 222 of Law No. 7/2017, establishes a minimum percentage requirement for Presidential and Vice Presidential candidates to be nominated. This threshold has evolved, influencing the electoral landscape and political dynamics in Indonesia. However, concerns are raised regarding its potential contradiction with constitutional principles, particularly concerning political rights and equality in the electoral process. The experience of Ukraine underscores the importance of threshold regulations in strengthening the legitimacy and stability of democratically elected governance while emphasizing the need to preserve political pluralism and inclusivity.

Originality/value: This research contributes to the discourse on electoral reform and democratic governance in Indonesia by critically examining the Presidential Threshold. By shedding light on the legal and political dynamics surrounding this threshold, the study provides insights into the challenges and opportunities for enhancing political rights and democratic practices in the Indonesian context.

Keywords: Presidential Threshold; Indonesia; political rights; democratic principles

Paper Type: Article-Research

Introduction

One important aspect of a democratic political system is the presidential election in Indonesia. In Indonesia, Presidential Elections are held by the people using the General Election process

(Maychellina, Sabina, and Wibisono 2023). The election itself can be interpreted as a process of actualizing people's sovereignty in the form of concretization and recognition of people's rights as well as the granting of rights from the people to their representatives to carry out the government system (Asrullah, Bachri, and Halim 2021). Article 1 of Law No. 7/2017 concerning General Elections (hereinafter referred to as Law No. 7/2017), which states the election rules explains that in order to ensure national goals and the achievement of the ideals contained in the preamble of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), it is necessary to hold elections to elect members of the Regional People's Representative Council (DPRD), Regional Representative Council (DPD), and members of the House of Representatives (DPR), as well as the President and Vice President, and. Elections in Indonesia are held every 5 years and require each political party to nominate candidates for State Leaders. This is stated in "Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia", which reads: "Candidate pairs for President and Vice President are proposed by a political party or a coalition of political parties participating in the General Election before the implementation of the General Election", or commonly referred to as the Presidential Threshold.

Presidential Threshold refers to the threshold of votes or percentage of support that a candidate for President and Vice President must comply with to be able to nominate himself in the Presidential Election. In Indonesia, this is decided and regulated in Article 222 paragraph (1) of Law No. 7/2017, which stipulates that candidates for president and vice president must receive a minimum of 20% of the total valid national votes. This arrangement is, of course, contrary to Article 6A Number 2 of the 1945 Constitution because the article is considered to have violated the rights of political parties as well as election

participants, especially small political parties that provide limitations on opportunities for political parties to register themselves as candidates for Presiden and Vice President.

The emergence of the Presidential Threshold has a significant impact on small political parties, resulting in these political parties being able to join other political parties to comply with the provisions of the Presidential Threshold. In addition, the emergence of the Presidential Threshold is also considered to have limited the aspirations of the people to propose candidates for President and Vice President. This problem is then considered that the Presidential Threshold violates human rights, especially political rights. In this research, the concept of Political Rights is used in the sense that it is a human right that connects the political process with citizen participation, including the right to vote and be elected. Political rights emphasize the importance of political access and opportunities for all citizens.

Therefore, the Presidential Threshold may exert a considerable influence on minor political factions and constrain the populace's ability to nominate candidates for the positions of President and Vice President. This study underscores that the Presidential Threshold may be construed as an infringement upon human rights, particularly political liberties, underscoring the imperative of equitable political access and opportunity for every citizen. As a democratic nation that upholds individual political freedoms, a comprehensive examination is warranted to elucidate the Presidential Threshold policy through the lens of political rights.

Methods

In carrying out legal research, research methods are a series of scientific activities carried out by researchers based on certain procedures, systematics, and theories. Peter Mahmud Marzuki argues that research methods are a series of processes carried out to obtain legal principles, legal norms, and legal doctrines to be

able to answer various kinds of legal problems that are being studied or researched (Marzuki 2016). The normative juridical method is the method used in this research. The normative juridical method can be interpreted as a method used to find legal principles and legal norms by searching for legal materials, such as legal rules, legal norms, and legal principles, which are then examined to get instructions on the formulation of the problem. To provide an accurate argument, an approach is needed as a guide in presenting views to solve problems in a legal issue. This research uses case approaches, such as the Conceptual Approach and the Statute Approach.

Discussion and Findings

Presidential Threshold: Unraveling the Legal and Political Dynamics in Indonesia

The democratic system implemented by the Indonesian state is very influential for its people to have procedures for conveying aspirations and determining people they trust in the governance structure as a form of sovereignty by, from, and for the people. This is following the provisions of the constitution in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The article explains that full sovereignty is in the hands of the people and is further exercised by law. Elections can be interpreted as one of the concrete forms of this sovereignty. In reality, the history of general elections in Indonesia has existed from 1955 until 2019. In addition, elections continue to develop, starting with regulations and moving on to methods for conducting election procedures.

In the 2004 elections, the Indonesian people received good news with the first direct elections in the history of elections in Indonesia. This was due to the impact of the 3rd amendment to the 1945 Constitution of the Republic of Indonesia, which, when it had not been amended, Article 1 paragraph (2) stated: "Sovereignty is in the hands of the people, and is exercised

entirely by the People's Consultative Assembly" and after the amendment changed to "Sovereignty is in the hands of the people and is exercised according to the Constitution" (Fendabi 2019). These changes had an impact on the Indonesian state because the MPR did not have full power over popular sovereignty. However, if we go back to the 1945 Constitution, there is full power over the sovereignty of the people. The reality can be seen when the MPR's power to appoint the President and Vice President was removed. Before the amendment, the MPR had the power to appoint the leader of the country with the largest number of elections (Fuqoha 2017).

As a juridical consequence of the amendment, on 31 July 2023 in Jakarta by the 4th President, Mrs. Megawati Soekarno Putri, Law No. 23/2003 concerning the General Election of the President and Vice President (hereinafter referred to as Law No. 23/2003) was drafted:

1. to realize the sovereignty of the people in a government in accordance with the provisions of the 1945 Constitution of the Republic of Indonesia, the people elect State Leaders directly.
2. That the Election of State Leaders shall be conducted in a civilized and democratic manner with the widest possible participation of the people based on the principles of direct, free, secret, general, fair, and honest.
3. That in consideration of points one and two above, it is necessary to enact a Law on the Election of President and Vice President.

With the enactment of Law No. 23/2003, which was a delegation of power to Article 6 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "The requirements to become President and Vice President shall be further regulated by Law", became the starting point of the Presidential Threshold in Indonesia, which can be examined

during the direct election of state leaders in 2004. There was a rule in the election that stated that a combination of political parties or political parties able to carry the name of a candidate pair of state leaders must get 20% of the national legal vote or at least 15% of the number of DPR seats in the election of DPR members. This is stated in Article 5, paragraph (4) of Law No. 23/2003, which reads: "Candidate pairs as referred to in paragraph (1) can only be proposed by a political party or a coalition of political parties that obtain at least 15% (fifteen percent) of the total number of DPR seats or 20% (twenty percent) of the national valid votes in the General Election of DPR members". There were six candidates for the leadership of Indonesia who registered with the General Elections Commission (KPU) through their political parties in the 2004 General Elections. None of the six candidates received more than 50% of the votes in the first round of the election, so the election was re-run for a second round, and the candidates with the highest number of votes were Susilo Bambang Yudhoyono and Jusuf Kalla (33.57%) and Megawati Soekarno Putri and Hasyim Muzadi (26.61%). When viewed from the second round of elections, Susilo Bambang Yudhoyono and Jusuf Kalla won 60.62% of the vote, while Megawati Soekarno Putri and Hasyim Muzadi won 39.38% (Rizal 2021).

In Indonesia's previous constitution, the Presidential candidate was determined by the DPR and DPD, which are members of the MPR. In 2002, the people directly elected the DPR as a replacement or reform of the MPR. In 2008, the Government of Indonesia addressed this issue through Law No. 42/2008 concerning the General Election of the President and Vice President (hereinafter referred to as Law No. 42/2008) and decided to change the Presidential Threshold. In the considerations of Law No. 42/2008, it is stated that:

1. The actualization of people's sovereignty, which is useful for realizing a state government based on Pancasila and

the 1945 Constitution of the Republic of Indonesia, namely a democratic state, is the existence of elections that the people directly elect.

2. That the Election of President and Vice President be held in a civilized and democratic manner through the participation of the people at large based on the principles of Elections for President and Vice President.
3. Law No. 42/2008 is considered to be contrary to the progress of democracy in the life of the nation and state. Thus, it is necessary to change the law.
4. Under the assessments described in points 1, 2, and 3, it is necessary to draft a law on the General Election of the President and Vice President.

With these 4 points, Law No. 23/2003 was considered to be out of line with the development of society and the advancement of democracy. Therefore, the House of Representatives performed its duty as a legislator by replacing the law with Law No. 42/2008.

Following Law No. 42/2008, each Presidential candidate must obtain the support of 25% of the national vote in the legislative elections or at least 20% of the seats in the House of Representatives to proceed with the Presidential Election. In the 2009 and 2014 Presidential elections, the changes to the law were implemented. This 5% increase in the threshold has a major impact on the participants or candidates in the elections. This regulation can be traced in "Constitutional Court Decision Number 14/PUU-XI/2013", the implementation of which is outlined in Article 222 of Law No. 7/2017, causing normative problems because they contradict each other, which eventually becomes a problem (Anggara 2019). In 2009, there were three candidates for President and Vice President. In that election, the President and Vice President candidates who were declared the winners were Susilo Bambang Yudhoyono and Boediono, with a final result of 60.80%.

The Presidential Election in 2019 has changed again. Political parties that carry Presidential and Vice Presidential candidates in the 2019 elections have new rules, namely that they must get 25% of the national legal vote in the legislative elections or at least 20% of the number of DPR seats (Fikri et al. 2022). This is stated in Article 222 of Law No. 7/2017 which reads: "Candidate pairs are proposed by a political party or a combination of political parties participating in the elections that meet the requirements of obtaining at least 20% (twenty percent) of the total number of DPR seats or obtaining 25% (twenty-five percent) of the national valid votes in the previous DPR elections". On the other hand, Article 222 of Law No. 7/2017 is also justified by Article 223 paragraph (2) of Law No. 7/2017 which explains: "Political Parties can make agreements with other Political Parties to merge in proposing Candidate Pairs". This year's election was won by Joko Widodo and K. H. Ma'ruf Amin as the elected President and Vice President (Hapsari and Saraswati 2023).

The threshold in presidential elections in Indonesia has been widely debated in political and legal studies. The regulation of this threshold aims to control the number of candidates and ensure that only candidates with significant support can compete. The advantages of the threshold include its ability to reduce political fragmentation by ensuring that only politically significant parties or coalitions can nominate candidates. It can also enhance the quality of candidates by ensuring that only candidates with strong voter support can nominate themselves.

However, threshold policies also have shortcomings. For instance, a high threshold can be a barrier for small or new parties that want to compete fairly in elections. This can reduce political pluralism and prevent the realization of inclusive representation from various societal groups. A high threshold can also limit access for potential competitors, thus harming democracy by restricting healthy political competition.

The impact of the threshold on political participation and representation is also important to consider. A high threshold tends to reduce voter participation by limiting the variety of choices available to voters. This can make voters feel less motivated to participate in the electoral process. Additionally, a high threshold can reduce political representation by limiting access for small parties or minority groups to compete effectively, resulting in a lack of representation for groups that may have unrepresented interests.

Democracy, as a fundamental concept that emphasizes the principle of popular sovereignty, carries with it the essence that political power originates from and is bestowed upon the people. However, when there is a high presidential threshold, this principle begins to erode. A high threshold inhibits the ability of voters to freely choose their leaders. This not only poses a constraint for some candidates or political parties to participate in the electoral process, but also diminishes the ability of the populace to directly influence the direction of policies and the leadership of the state.

A high threshold also carries the risk of oligarchy and the concentration of elite power. When only a few dominant political parties or coalitions are able to surpass this threshold, it inadvertently consolidates power in the hands of a small group of elites. As a result, a political structure is formed that tends to support oligarchy, where political decisions are made by a handful of individuals who possess strong access and influence. In this context, differing voices and perspectives are ignored or even suppressed, exacerbating the gap between elite interests and those of the general populace.

This concentration of power can also favor entrenched interests, often at odds with broader social welfare. Thus, a high presidential threshold not only threatens the basic principles of democracy but also poses risks to popular sovereignty and the

balance of power that should be a primary pillar in a democratic political system.

Analyzing the Presidential Threshold in Indonesia from the Perspective of Political Rights

The constitutional basis for political parties to propose the nomination of President and Vice President jointly or individually with other political parties included in the category of election participants is stated in Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Conceptually, political parties are pillars of democracy that connect the state government with its citizens. Meanwhile, the normative basis of elections contained in Law No. 7/2017 is different from the constitutional purpose of nominating the President and Vice President in Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia because the law does not regulate the determination of the Presidential Threshold, but Law No. 7/2017 includes the norm of the Presidential Threshold as a requirement to be able to nominate the President and Vice President. Article 6A paragraph (2) of the NRI Constitution provides a clear meaning that the requirements that apply to candidates for President and Vice President contain 3 (three) things, namely, the candidates for President and Vice President must be nominated through the party either individually or with a coalition of political parties; all political parties that meet the general election requirements can nominate the President and Vice President; and finally, there is no additional requirement in the form of a percentage threshold. Based on the explanation of the contents of the article, it has provided a clear intention that there is no opportunity for the legislators to make a legal policy by determining the arrangements related to the Presidential Threshold as stipulated in Article 222 of Law No. 7/2017 which reads "Candidate Pairs are proposed by a Political Party or Association of Political Parties participating in the Election that meets the requirements of obtaining at least 20%

(twenty percent) of the total number of seats in the DPR or obtaining 25% (twenty-five percent) of the valid votes nationally in the previous DPR elections” (Muslimin, Fadoliy, and Munawar 2021). The 1945 Constitution of the Republic of Indonesia mandates the legislators to regulate further rules and, in its formation, must be open legal policy while fulfilling the requirements in the 1945 Constitution of the Republic of Indonesia so that there are no unconstitutional arrangements.

An open legal policy from the legislators is a provision regarding the Presidential Threshold. The term open legal policy can be said to be one of the freedoms for lawmakers to be able to take legal policies. However, in a presidential system, the problem with the threshold is meaningless if it is used in arrangements related to the provisions of the nomination of the President and Vice President who put themselves forward because the threshold can only be used in determining the minimum requirements for candidates for President and Vice President to be elected. The problems in question are, firstly, the holding of elections that use excessive Presidential Threshold provisions can cause uncertainty of the percentage of Presidential Threshold to propose a Presidential candidate. Suppose the threshold provision refers to the elections in the previous year. In that case, it will be able to discredit new parties that initially did not enter the council. Secondly, there is the possibility of a prominent coalition for the party whose Presidential candidate wins the Presidential election. This means that there is no counterweight to the sovereignty, as parties will decide to join the winning party. Third, it has the effect of dividing supporters into two groups. This is because the existence of this threshold will give birth to only 2 (two) Presidential candidates in the election competition. Then, the pressure on the bigotry of supporters only focuses on the two Presidential candidates. This is where the law should play an important role as a tool that can explain political circumstances

and interests into good input for the advancement of democracy. These kinds of problems are, of course, contrary to the spirit of elections, where, in principle, everyone has the right to nominate their candidates with appropriate rights (Fadoliy 2020).

The requirements regarding the percentage of elected candidates for President and Vice President in Indonesia have been stipulated in Article 6A paragraph (3) of the amended 1945 Constitution of the Republic of Indonesia, which reads: "The pair of candidates for President and Vice President who get more than fifty percent of the total votes in the general election with at least twenty percent of the votes in each province spread across more than half of the provinces in Indonesia, shall be inaugurated as President and Vice President". In addition, the validity of the president in the presidential scheme is not determined by the political parties from the results of the legislative elections because this factor does not follow the parliamentary mechanism. Therefore, in this mechanism, the two institutions of the presidency, the executive and the parliament as the legislature, have different validity and cannot be intervened by one another.

In implementing the presidential system, Indonesia also implements a multiparty system, with the combination of the two systems creating a big factor in the instability of the presidential system and the closed relationship between the executive and the legislature due to the large number of political parties in Indonesia. Other countries, such as the United States, have practiced presidential democracy with a party mechanism that works following the mechanism of government, which is bipartisan, in contrast to Indonesia, which applies a presidential system but uses a multiparty system. The combination of the two systems used in Indonesia is an incompatible and dilemmatic combination. Parties in the United States tend to build coalitions based on their party ideology. In contrast, in Indonesia, the coalition tends to be pragmatic due to the willingness of political

parties to obtain quotas of power (office-seeking coalition) (Fikri, Firmansyah, and Sabina 2023). This is a factor in the self-interested efforts between the executive and the legislature. According to Jimly Asshidiqie's view, the large number of political parties should not be treated unfavourably but responded to by accepting input from the public (Asshiddiqie 2006). This kind of situation should be made as a foundation for drafting rules for restructuring the parliamentary organization and informing a new method of making a rule by not reducing the number of parties. This method can be implemented by setting thresholds in the realm of state institutions rather than parties. By setting thresholds at the level of state institutions, a minimum requirement for the construction of a group or section could be applied, which would limit the number of group structures in an effort to simplify voting in the House of Representatives. This is a feasible measure to implement as it potentially does not violate the principle of independence.

The government has guaranteed political freedom and equality in participation; this is evidenced by the right to be a candidate, but the state blocks this through the rules regarding the Presidential Threshold, which ultimately contradicts the freedom of citizens in forming a society and a state that is guaranteed by its constitution. The 1945 Constitution of the Republic of Indonesia provides constitutional rights to citizens, namely the right to be a candidate, the right to propose candidates, and the right to vote (Islami 2023). Meanwhile, the existence of rules regarding the Presidential Threshold has the potential to prevent the full implementation of the principles of openness and democracy. It is also considered to castrate the rights of every citizen. Political parties are a free and equal substance to participate in the governance order through competition for political positions obtained through elections, but the procedure for filling the position of President and his deputy based on the Presidential Threshold rules when viewed from a democratic point of view is

considered not to provide full constitutional guarantees for every citizen.

Political rights in the view of the universality of human rights (Anam 2018), everyone has natural rights that cannot be deprived or eliminated, one of which is political rights. This political right, if brought to the current context of democracy, means that everyone has the right to be elected and vote in Presidential Elections (Ulum 2020). The Indonesian people have the political rights of government regulated in Law 39/1999 on Human Rights, where the state guarantees equality in political rights. The guarantee of this right has been regulated in Article 28D paragraph (3) of the 1945 Constitution, which states, "Every citizen has the right to obtain equal opportunities in government" The phrase in the content of the article has provided a clear rule that every citizen has the same and equal guarantee in the scope of government. The provision of the Presidential Threshold is certainly considered contrary to Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia because it limits the rights of political parties to nominate Presidential candidates or under pressure from new political parties to carry candidates for the existing President and Vice President pairs without having the political authority to voice their wishes (aspirations) due to their unqualified position. The Threshold, in its original meaning, is not a threshold that prevents the nomination of President and Vice President but is a minimum percentage rule for the election of a candidate pair of State Leaders. This has been stipulated in Article 6A paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which explains that the candidate pair of President and Vice President who obtain more than 50% of the total votes in the General Election with a minimum of 20% of the votes in each province in more than half of the total provinces in Indonesia are inaugurated as State Leaders, namely the President and Vice President. On the other hand, this threshold setting is also

considered to have violated the rights of citizens in the 1945 Constitution of the Republic of Indonesia. The rights in question are contained in "Article 27 paragraph (1) of the 1945 Constitution", explaining that the constitution guarantees every citizen's right in the form of equality before the law to determine their choice. In addition, "Article 28D paragraph (1) of the 1945 Constitution" explains that everyone has the right to receive equal treatment and recognition before the law. Also, Article 28 D, paragraph (3) of the 1945 Constitution, explains that everyone has the right to equal opportunities before the government.

The discussion of the President and Vice President nomination threshold in Article 222 of Law No. 7/2017, when examined based on human rights values, is considered not in line; therefore, the regulation of this kind of threshold should be abolished. The application of the Presidential Threshold limits citizens' opportunities to nominate the President and Vice President. It can also be said to violate the political rights of the people in a country or a group that joins a new party. With the implementation of the Presidential Threshold, the freedom to be elected and the right to be candidates are also violated.

Learning from Ukraine

In Ukraine, regulations regarding the threshold are established to determine who will become the president. As stipulated in the On the Elections of the President of Ukraine, this threshold is a specific percentage of votes that a candidate must obtain to emerge as the winner in the presidential election. It is not merely about being the candidate with the most votes but about garnering a significant majority of votes. In Article 84. Determining the Results of the Elections of the President of Ukraine, subsection 3 states that the set winning requirement stipulates that a candidate aspiring to become the elected President of Ukraine must obtain more than half of the votes cast by the total electorate participating in the ballot. This implies that

a majority of votes must be obtained by the candidate wishing to become president.

After the vote count is completed, the Central Election Commission has the authority to make decisions regarding the winner of the presidential election. This decision is based on the verified and validated voting results by the commission. Candidates eligible to become the elected President of Ukraine will be officially declared by the Central Election Commission. This declaration reaffirms that the candidate has successfully won the presidential election in accordance with applicable legal provisions. Information about the winner of the presidential election will be included in the Central Election Commission's official protocol on the voting results on the day of the presidential election. This ensures that the relevant information is officially documented and available to the public.

This procedure is designed to ensure transparency, validity, and fairness in the process of announcing the winner of the presidential election. These steps are crucial to ensure that the results of the presidential election accurately reflect the will of the voters expressed through their votes.

However, conversely, if no candidate receives a majority of votes from the electorate, then another election is conducted to determine the winner of the presidential election. This means a presidential candidate must obtain more than 50% of the votes to win the presidential election directly in the first round. If no candidate receives more than 50% of the votes, then the two candidates with the highest number of votes will advance to the second round or runoff. This system aims to ensure that the elected president has strong majority support from the voters. It also encourages the creation of consensus among various political interests in the presidential election process.

Therefore, to become a presidential candidate, one does not need to meet a specific threshold, as the threshold regulation does

not apply as a requirement to become a candidate but as a requirement for election eligibility. Moreover, to become a presidential candidate, one does not necessarily have to be nominated by a political party. According to Article 10. Right to Nominate Candidates for the Post of the President of Ukraine, it is explained that presidential candidates can come from political parties or their election blocs, as well as through self-nomination.

The regulation of the presidential threshold in Ukraine affects political rights in presidential elections in several ways. First, a high threshold encourages more active political participation. Candidates must obtain more than half of the votes from the total participating electorate, prompting voters to become more engaged to ensure their supported candidate achieves the necessary majority of votes.

Second, this threshold helps filter out less popular candidates, leaving stronger candidates with the potential to effectively lead the country. Third, a high threshold supports a robust democratic system by ensuring that the elected president has strong majority support from the voters, enhancing the legitimacy of the democratically elected government and reducing the risk of political instability.

Therefore, the regulation of the presidential threshold in Ukraine has complex impacts on political rights. While it may strengthen the legitimacy and stability of democratically elected governance, attention must also be paid to ensure that it does not sacrifice political pluralism and accessibility for all candidates.

The electoral processes and regulations in Ukraine offer valuable insights and lessons for Indonesia striving to strengthen their democratic systems. Ukraine's experience highlights the importance of transparent and fair electoral practices, as well as the need to balance the consolidation of power with the preservation of political pluralism and inclusivity. One key lesson from Ukraine is the significance of setting clear and fair thresholds

for presidential elections. The establishment of thresholds ensures that candidates must garner substantial support from the electorate, thereby enhancing the legitimacy of the elected president and reducing the risk of political instability. However, it is essential to strike a balance to prevent thresholds from becoming barriers that hinder the participation of viable candidates or minority voices.

Ukraine's experience underscores the significance of fostering political engagement and participation among citizens. Active voter participation is essential for the success of democratic processes and the preservation of popular sovereignty. Efforts to educate and mobilize voters, promote civic awareness, and combat electoral apathy are essential for ensuring robust and inclusive democratic governance. Moreover, Ukraine's electoral framework highlights the importance of accommodating diverse political interests and ensuring equal opportunities for all candidates. By allowing candidates from various backgrounds to participate in the electoral process, countries can foster political pluralism and representation, thereby enriching democratic discourse and decision-making.

Ukraine's experience provides valuable lessons for Indonesia seeking to enhance their democratic systems and electoral practices. By prioritizing transparency, accountability, inclusivity, and political engagement, nations can strengthen the foundations of democracy and uphold the principles of popular sovereignty and representative governance.

Conclusion

The democratic system in Indonesia respects the sovereignty of the people as stipulated in the 1945 Constitution, with general elections being a concrete form of that sovereignty. The history of general elections in Indonesia has undergone significant developments, particularly in the direct election of the President and Vice President since 2004. The introduction of the Presidential

Threshold in Indonesian presidential elections has undergone several changes, with increasingly stringent requirements over time. The existence of the Presidential Threshold has advantages in reducing political fragmentation and enhancing the quality of candidates, but it also has drawbacks in hindering small or new parties and reducing political pluralism. The impact of the Presidential Threshold also affects political participation and representation, with the potential to decrease voter participation, limit access for potential competitors, and increase the risk of oligarchy and elite power concentration. Analysis of the Presidential Threshold indicates that the rules may conflict with citizens' political rights, particularly concerning the election of the president and vice president. Lessons from Ukraine underscore the importance of threshold regulations in strengthening the legitimacy and stability of democratically elected governance but also emphasize the need to preserve political pluralism and inclusivity. Referring to the experience from Ukraine, the regulation of the presidential threshold shouldn't be used as a requirement to become a presidential candidate but as a requirement for the eligibility of presidential candidates, thereby ensuring that all citizens have the right to nominate themselves as presidential candidates.

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