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## Presidential Candidacy and Democratic Direction after Constitutional Court Decision 62/PUU-XXII/2024

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**ABSTRACT:** This study seeks to examine the evolving landscape of presidential nominations and the trajectory of democracy following Decision No. 62/PUU-XXII/2024 of Indonesian constitutional court, which abolished the presidential nomination threshold in Indonesia's presidential elections. The research addresses how the removal of this threshold reshapes the nomination system, influences coalition-building patterns, and affects overall democratic quality. Employing a qualitative descriptive approach, the study relies on the analysis of judicial decisions, academic literature, and previous electoral data. The findings indicate that eliminating the nomination threshold opens greater space for alternative candidates who better reflect Indonesia's political diversity. This reform reduces the dependence of smaller political parties on dominant parties and discourages the formation of superficial, purely pragmatic coalitions. Moreover, it weakens the structural dominance of major parties in controlling presidential nominations and creates opportunities for the emergence of a more robust opposition axis. Such developments are likely to foster a political environment that is healthier, more competitive, and more balanced. Consequently, the direction of democracy after this constitutional court ruling is expected to become more inclusive and to strengthen Indonesia's multiparty political system.

**Keyword:** Presidential Nomination Reform; Constitutional Court Decision; Electoral System Change; Party Coalition Dynamics; Democratic Consolidation.

### INTRODUCTION

The Constitutional Court of the Republic of Indonesia plays a central role in safeguarding the supremacy of the Constitution. As the guardian of the Constitution, the Court is vested with the authority to review statutes against the 1945 Constitution, resolve disputes over powers among state institutions, and adjudicate electoral disputes. Within Indonesia's constitutional framework, the MK functions as a check on both legislative and executive power. This role was clearly demonstrated in Decision No. 62/PUU-XXII/2024, in which the Court declared the presidential nomination threshold unconstitutional for violating the principles of political equality and popular sovereignty.

The presidential threshold provision was regulated under Article 222 of Law No. 7 of 2017 on General Elections. It required political parties or coalitions to secure at least 20% of seats in the House of Representatives (DPR) or 25% of the valid national vote in the previous election in order to nominate a presidential and vice-presidential ticket. This requirement created exclusivity in the nomination process, restricted the participation of smaller political parties, and indirectly constrained voters' political choices. Consequently, it contributed to stagnation in leadership regeneration and narrowed the scope of political representation.

In practice, the presidential threshold encouraged the formation of pragmatic

“oversized coalitions” established solely to meet nomination requirements rather than on ideological alignment. These coalitions were often fluid and transactional, frequently disintegrating after elections due to short-term power-sharing interests. As a result, political parties gradually shifted from ideological representation toward power-oriented pragmatism, weakening democratic consolidation and fostering dependence on state resources.

Furthermore, internal party dynamics in Indonesia reveal the dominance of elite actors business elites, military figures, retired generals, and high-ranking public officials contributing to oligarchic tendencies within political parties. As noted by Herlambang P. Wiratraman (2022), the interaction between law, politics, and capitalism in Indonesia’s democratization process often positions law as an instrument for perpetuating elite power.

The presidential threshold also limited smaller parties from directly channeling public aspirations through presidential nominations. Many capable party cadres were unable to contest presidential elections because their parties failed to meet the threshold requirement. This situation created structural inequality within a democratic system that should guarantee broad opportunities to vote and be elected without discrimination. With the issuance of Constitutional Court Decision No. 62/PUU-XXII/2024, Indonesia’s presidential nomination system has undergone a significant reversal. The Court held that the presidential threshold lacked strong constitutional grounding and contradicted democratic principles. This landmark decision opens broader avenues for participation, fosters healthier political competition, and enhances the quality of national political representation.

Accordingly, this study examines the presidential threshold and its impact on the stability of Indonesia’s presidential system, the legal and political implications of its abolition, and the broader trajectory of substantive democratic reform—from oligarchic dominance toward genuine popular representation. The research aspires to contribute meaningfully to the strengthening of participatory and representative democracy in Indonesia.

## **RESEARCH METHOD**

This research adopts a qualitative approach with a descriptive-analytical method to examine the dynamics of presidential nominations and the trajectory of democracy following Constitutional Court Decision No. 62/PUU-XXII/2024. This approach is chosen for its capacity to provide an in-depth explanation of complex and contextual legal and political phenomena, particularly the annulment of the presidential threshold and its implications for Indonesia’s electoral democracy. Data were collected through library research, including analysis of Constitutional Court decisions, Law No. 7 of 2017 on General Elections, scholarly literature, journal articles, and other credible sources.

## **RESULT AND DISCUSSION**

### **The Presidential Threshold and Its Impact on the Stability of the Presidential System**

Indonesia adheres to a presidential system of government. Under Article 4(1) of the 1945 Constitution, executive power is vested in the President, who serves as both

head of state and head of government. The presidential system is characterized by a clear separation of powers between the executive and legislative branches. Constitutionally, Article 6A(2) of the 1945 Constitution stipulates that presidential and vice-presidential candidates are nominated by political parties or coalitions participating in elections. Article 6A(5) further mandates that the procedures for presidential elections be regulated by law.

Historically, presidential threshold mechanisms were also implemented in several Latin American countries, including Argentina, Brazil, and Mexico, to prevent excessive party fragmentation and promote governmental stability. In Indonesia, the 20% threshold aimed to ensure that only parties with significant national support could nominate presidential candidates, thereby fostering political stability and encouraging coalition-building.

The presidential threshold generated both positive and negative consequences. Positively, it was argued to enhance political stability, promote more selective candidate recruitment, and encourage internal party consolidation. Negatively, it narrowed democratic space, disadvantaged smaller parties, reinforced oligarchic tendencies, and reduced political pluralism. Scholars such as Ansori (2017) contend that the threshold effectively deprived citizens affiliated with smaller parties of their constitutional rights to nominate candidates, thereby conflicting with democratic principles that require inclusivity and equal political opportunity.

#### **Legal and Political Implications of Abolishing the Presidential Threshold**

The abolition of the presidential threshold through Constitutional Court Decision No. 62/PUU-XXII/2024 carries significant legal and political implications. The Court emphasized that the 20% requirement restricted constitutional political rights and conflicted with Article 6A(2) of the 1945 Constitution. The decision is final and binding. Its immediate effect is to grant equal opportunity to all eligible political parties to nominate presidential candidates without seat or vote percentage prerequisites. This development enhances political pluralism and broadens citizens' choices.

However, it also raises potential challenges, including increased electoral polarization, higher election administration costs, and the likelihood of multi-round elections due to a greater number of candidates. The General Elections Commission (KPU) and legislators must therefore revise electoral laws to accommodate these changes while ensuring fairness, transparency, and financial accountability. The abolition also necessitates reforms in party financing regulations and stronger electoral oversight mechanisms to prevent abuse of candidacy procedures.

The presidential threshold has often been associated with the entrenchment of oligarchic politics. By limiting nominations to major parties, the system increased political costs and encouraged reliance on wealthy sponsors. This dynamic risked fostering corruption, collusion, and nepotism.

Oligarchic systems concentrate power in the hands of a small elite closely connected to political actors. The mutual dependence between political elites and economic oligarchs creates conflicts of interest that undermine democratic accountability. Scholars such as Robertus Robert argue that oligarchic influence transforms political institutions into instruments serving capital interests rather than

public welfare.

The abolition of the presidential threshold marks a potential turning point. It signals a shift toward a more open and participatory democratic framework, enabling broader representation and reducing structural barriers to political competition. Nevertheless, substantive democratic reform requires more than procedural change. It demands party system reform, transparent political financing, strengthened institutional oversight, and enhanced democratic literacy among citizens.

## CONCLUSION

Constitutional Court Decision No. 62/PUU-XXII/2024 constitutes a landmark in Indonesia's democratic reform. By abolishing the presidential threshold, the Court has expanded political equality and reaffirmed the principle of popular sovereignty. While the threshold previously contributed to political consolidation, it also reinforced oligarchic structures and restricted democratic participation. Its removal creates opportunities for a more representative, deliberative, and inclusive democracy. However, this reform must be accompanied by comprehensive legal and institutional adjustments to ensure that expanded political freedom translates into improved democratic quality. The abolition of the presidential threshold should therefore be understood not as an endpoint, but as the beginning of a broader transformation toward a democracy that genuinely reflects and serves the people.

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