Reconstruction of Presidential Candidacy Following the Abolition of the Presidential Threshold (PT) under Law No. 7 of 2017: A Normative Analysis Based on Constitutional Democracy

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The abolition of the *presidential threshold* through Constitutional Court Decision No. 62/PUU-XXII/2024 has fundamentally altered the legal framework governing presidential and vice-presidential nominations in Indonesia. This study examines the normative problems embedded in the previous nomination system and formulates a legal reconstruction that is more consistent with the principles of constitutional democracy. The research employs normative legal research using statutory, conceptual, historical, and comparative approaches. Primary legal materials include the 1945 Constitution, Law No. 7 of 2017 on General Elections, and relevant Constitutional Court decisions, while secondary materials consist of legal scholarship and academic literature on constitutional democracy, political rights, and presidential systems. The findings show that the former *presidential threshold* created several normative tensions, particularly regarding political equality, popular sovereignty, electoral openness, the use of previous legislative election results, and the logic of simultaneous elections. Although the abolition of the threshold broadens access to presidential nomination, it also creates a need for a clearer and more coherent post-threshold regulatory framework. This study proposes an open nomination model that provides equal nomination opportunities for political parties participating in elections, supported by objective administrative requirements, transparent verification procedures, legal certainty, and non-restrictive mechanisms for maintaining presidential governability. The study concludes that post-threshold reform should not merely remove the previous numerical requirement but should reconstruct the broader architecture of presidential nomination in a manner that balances democratic openness, political equality, proportionality, and institutional effectiveness.

Keywords: Constitutional Democracy; Presidential Candidacy; *Presidential Threshold*; Constitutional Court; Political Equality; Electoral Law; Legal Reconstruction

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1. Introduction

The nomination of presidential and vice-presidential candidates is not merely an administrative stage in Indonesia's electoral process. It is closely connected to the exercise of popular sovereignty and determines how broadly citizens are able to choose among competing political alternatives. The 1945 Constitution places sovereignty in the hands of the people, while Article 6A paragraph (2) provides that presidential and vice-presidential candidates are nominated by political parties or coalitions of political parties participating in the general election. Importantly, the constitutional text itself does not prescribe a minimum percentage of parliamentary seats or national votes as a prerequisite for nomination. This constitutional structure makes presidential nomination an important point of contact between electoral regulation, political rights, and the broader idea of constitutional democracy. The proposal underlying this study similarly positions presidential

nomination as a constitutional mechanism through which democratic, open, and competitive elections are made possible.

Constitutional democracy requires more than the existence of elections or majority rule. Democratic authority must operate within constitutional limits that protect political equality, individual rights, and the rule of law. Asshiddiqie (2021) explains constitutionalism as a framework for regulating, limiting, and controlling public power so that governmental authority is not exercised arbitrarily. From this perspective, electoral rules cannot be assessed solely on the basis of political expediency. They must also be examined in terms of whether they preserve equal political opportunity, protect constitutional rights, and remain consistent with the constitutional allocation of political authority. In presidential elections, this concern becomes especially significant because nomination rules influence who may enter electoral competition and, consequently, the range of choices available to voters.

For several years, this constitutional debate centered on the presidential threshold contained in Article 222 of Law No. 7 of 2017 on General Elections. The provision required a presidential and vice-presidential ticket to be nominated by a political party or coalition that had obtained at least 20 percent of the seats in the House of Representatives or 25 percent of the valid national vote in the preceding legislative election. The threshold was often associated with arguments concerning political consolidation and the need to secure sufficient parliamentary support for an effective presidential government. At the same time, it generated continuing debate because access to presidential nomination was tied to electoral results from a previous election and because political parties that did not independently meet the threshold were required to form coalitions before they could nominate candidates. The tension was therefore not simply between having or removing a numerical threshold, but between two legitimate constitutional concerns: opening political competition and maintaining an effective presidential system.

The democratic implications of this arrangement had already attracted scholarly attention before the most recent constitutional development. Anindya and Musaffa (2021), for example, found that the presidential threshold affected the breadth of democratic competition by narrowing the number of presidential and vice-presidential candidates available to voters. Their study questioned whether limiting electoral alternatives through a nomination threshold was the most appropriate way to organize democratic competition. Such criticism reflects a broader constitutional issue. If nomination rules significantly restrict political alternatives, the debate inevitably extends beyond institutional efficiency to questions of political equality, citizens' electoral choices, and the constitutional position of political parties.

A major change occurred when the Constitutional Court issued Decision No. 62/PUU-XXII/2024 on 2 January 2025. The Court declared Article 222 of Law No. 7 of 2017 unconstitutional and without binding legal force. More fundamentally, the Court stated that the constitutional problem did not concern merely whether the threshold should be 20 percent, 10 percent, or another figure; rather, a nomination threshold of any percentage was considered inconsistent with Article 6A paragraph (2) of the 1945 Constitution. The ruling marked a significant shift in the Court's jurisprudence after numerous earlier challenges to the provision had failed. Consequently, the legal debate has moved from whether the presidential threshold should be maintained to how presidential nomination should be regulated after the threshold has ceased to have binding force.

This change creates a new constitutional question. Removing the threshold expands the formal opportunity of political parties participating in elections to take part in presidential nomination, but the absence of the former restriction does not, by itself, provide a complete legal design for future presidential candidacies. The regulatory framework must still address how openness in nomination can coexist with legal certainty, equal political participation, manageable electoral competition, and the institutional requirements of a

presidential system. The central issue is therefore no longer adequately framed as a simple choice between "threshold" and "no threshold." What matters is how the law should be reconstructed after the Court's decision so that broader access to nomination remains compatible with constitutional democracy and effective presidential governance. This problem is also central to the original research design, which identifies the need to reconcile political openness with the effectiveness of the presidential system.

Recent studies have begun to examine the implications of the Court's ruling. Anwar and Saleh (2025) analyze the legal consequences of abolishing the presidential threshold and highlight the fundamental change it creates in Indonesia's presidential nomination mechanism. Nurcahyani and Arsanti (2025) similarly examine Decision No. 62/PUU-XXII/2024 from the perspective of legal certainty and access to nomination, emphasizing the need for subsequent regulation capable of preventing normative overlap and providing greater certainty for political actors and the public. These studies provide important foundations for understanding the immediate consequences of the ruling. Earlier research by Anindya and Musaffa (2021), meanwhile, focused primarily on the democratic effects of applying the threshold rather than on the design of a post-threshold nomination framework.

Within the literature reviewed in this study, however, there remains room for a more systematic examination of what the presidential nomination framework should look like after the abolition of the threshold. Existing discussions largely address either the democratic problems created by the former threshold or the immediate legal implications of the Constitutional Court's decision. The issue that requires further attention is the normative reconstruction of presidential nomination rules themselves. Such reconstruction must consider several constitutional values simultaneously: popular sovereignty, equality of political rights, openness of electoral competition, legal certainty, and the effectiveness of the presidential system. The research gap identified in the original proposal likewise lies in moving beyond an examination of the consequences of abolition toward formulating an ideal model of presidential and vice-presidential nomination grounded in constitutional democracy.

Accordingly, this study examines the reconstruction of presidential nomination following the abolition of the presidential threshold under Law No. 7 of 2017 from the perspective of constitutional democracy. It has two interconnected objectives. First, it analyzes the normative problems inherent in the previous presidential nomination framework, particularly in relation to popular sovereignty, equal political rights, open political competition, and the effectiveness of presidential government. Second, it seeks to formulate a normative model for presidential and vice-presidential nomination after the abolition of the threshold that can reconcile broader political access with the institutional requirements of Indonesia's presidential system. By shifting the discussion from the constitutionality of the former threshold to the legal architecture required after its removal, this study seeks to contribute to the continuing development of Indonesian constitutional and electoral law.

2. Literature Review and Problem Statement

Constitutional Democracy and Presidential Nomination

Constitutional democracy rests on two interconnected principles: political authority derives from the people, while the exercise of that authority remains subject to constitutional limits. Democracy therefore cannot be understood merely as a mechanism for converting majority preferences into political power. It must also protect political equality, constitutional rights, legal certainty, and institutional accountability. Asshiddiqie (2021) emphasizes that constitutionalism functions to regulate, limit, and control the exercise of state power so that political authority does not operate arbitrarily. In the Indonesian constitutional structure, this relationship is reflected in Article 1 paragraphs (2) and (3) of the 1945 Constitution, which respectively

recognize popular sovereignty and affirm Indonesia as a state based on law. The research framework consequently treats constitutional democracy as the principal standard for assessing presidential nomination rules.

Within this framework, the nomination of presidential and vice-presidential candidates has constitutional significance beyond its procedural function. Nomination rules determine which political actors are able to compete for executive office and, indirectly, the range of political alternatives available to voters. Article 6A paragraph (2) of the 1945 Constitution provides that presidential and vice-presidential candidates are nominated by political parties or coalitions of political parties participating in the general election. The constitutional text does not itself prescribe a percentage of parliamentary seats or national votes that a party must obtain before exercising this nomination right.

For this reason, restrictions on presidential nomination have long generated debate over how political openness should be balanced with institutional considerations within a presidential system. On one side, nomination requirements have been defended as instruments that may encourage coalition-building and political consolidation. On the other, restrictive nomination rules have been criticized for potentially narrowing electoral competition and limiting the political alternatives available to citizens. The constitutional question therefore involves more than the numerical design of an electoral threshold; it concerns how electoral regulation interacts with popular sovereignty, political equality, and the institutional structure of presidential government.

The Presidential Threshold in Indonesia's Electoral System

Before Constitutional Court Decision No. 62/PUU-XXII/2024, Article 222 of Law No. 7 of 2017 required a presidential and vice-presidential ticket to be nominated by a political party or coalition that had secured at least 20% of the seats in the House of Representatives or 25% of the valid national vote in the previous legislative election. This arrangement linked eligibility to nominate presidential candidates with the electoral strength of political parties measured through the preceding legislative election.

The *presidential threshold* was commonly associated with the objective of strengthening political support for presidential government and encouraging party consolidation. This rationale reflects a broader concern within presidential systems: a directly elected president may face difficulties in governing when legislative support is highly fragmented. From this perspective, pre-electoral coalition formation may contribute to coordination between political parties and presidential candidates.

Nevertheless, the threshold also generated substantial constitutional and academic criticism. One concern related to the use of results from a previous legislative election as the basis for determining nomination rights in a subsequent presidential election. This created a temporal problem because the political configuration on which nomination rights were calculated might no longer reflect the preferences of voters in the current electoral cycle. The original research similarly identifies this tension between political openness, equal nomination opportunities, and the perceived need to maintain an effective presidential government.

Anindya and Musaffa (2021) found that the operation of the *presidential threshold* narrowed the number of presidential and vice-presidential candidates and consequently reduced the space for electoral alternatives. Their analysis focuses particularly on the implications of the threshold for democratic freedom and political competition. Rasfanjani, Jumadi, and Arbani (2023) likewise examined the threshold from the perspective of Indonesia's presidential system. They highlighted the conceptual difficulty of using the results of an earlier legislative election to determine eligibility for presidential nomination while also

acknowledging the argument that electoral arrangements may be designed to strengthen presidential government.

These different perspectives reveal a recurring tension in the literature. The central issue is not simply whether political parties should cooperate before an election. Rather, the issue concerns whether a legally mandated nomination threshold is constitutionally appropriate as the mechanism through which such consolidation is pursued.

Abolition of the Presidential Threshold and Its Normative Implications

The constitutional framework changed fundamentally through Constitutional Court Decision No. 62/PUU-XXII/2024, delivered on 2 January 2025. The Court granted the petition in full and declared Article 222 of Law No. 7 of 2017 contrary to the 1945 Constitution and therefore without binding legal force. Significantly, the Court's reasoning was not limited to the specific percentages of 20% of parliamentary seats or 25% of the national vote. The Court stated that the constitutional problem concerned the threshold regime itself, regardless of the percentage imposed, in relation to Article 6A paragraph (2) of the 1945 Constitution.

The ruling shifted the focus of constitutional debate. Previously, much of the discussion concerned whether the *presidential threshold* was constitutionally permissible and whether its percentage was justified. Following Decision No. 62/PUU-XXII/2024, the more immediate legal question concerns the design of presidential nomination rules after Article 222 lost its binding force.

Anwar and Saleh (2025) examine this transition by focusing on the legal consequences of the Court's decision. Their study identifies the abolition of the threshold as a fundamental change in Indonesia's presidential nomination mechanism and discusses the consequences for the regulatory structure of future elections. Nurcahyani and Arsanti (2025) similarly analyze Decision No. 62/PUU-XXII/2024 from a normative legal perspective, focusing on legal certainty, democratic participation, and access by political parties to presidential nomination. Their work indicates that the Court's ruling raises further questions regarding the formulation of subsequent electoral regulations.

The abolition of the threshold, therefore, resolves one constitutional issue while opening another field of inquiry. Eliminating Article 222 removes the previous quantitative restriction, but it does not by itself constitute a comprehensive regulatory architecture for future presidential nominations. Questions remain regarding nomination procedures, equal treatment of political parties, legal certainty, electoral manageability, and the relationship between presidential candidacy and the institutional operation of a presidential system.

Legal Reconstruction as the Research Gap

The existing literature can broadly be divided into two streams. The first examines the constitutionality and democratic consequences of the *presidential threshold* while it was still in force. Studies in this group focus on issues such as restrictions on political competition, the use of previous legislative election results, the position of smaller political parties, and the relationship between nomination thresholds and presidential government. Anindya and Musaffa (2021), for example, concentrate on the effects of the threshold on democratic competition, while Rasfanjani et al. (2023) analyze its position within Indonesia's presidential system.

The second stream emerged following Constitutional Court Decision No. 62/PUU-XXII/2024. Anwar and Saleh (2025) focus primarily on the legal consequences of abolishing the threshold, whereas Nurcahyani and Arsanti (2025) address the judgment in relation to legal certainty, democracy, and future elections. These studies are important for explaining the transition from the previous threshold regime to the post-decision constitutional situation.

However, the literature reviewed for this research leaves a more specific normative question insufficiently developed: how should the legal structure of presidential and vice-presidential nomination be reconstructed after the abolition of the presidential threshold within the framework of constitutional democracy? The original research proposal likewise identifies this distinction. Earlier studies predominantly examine either the effects of applying the threshold or the immediate consequences of its abolition, whereas the present study is directed toward the reconstruction of the nomination norm itself.

This distinction constitutes the principal research gap. The study does not proceed from the assumption that unrestricted nomination or a particular alternative mechanism is necessarily preferable. Instead, it examines what constitutional parameters must be taken into account when redesigning the legal framework. These include popular sovereignty, equality of political rights, openness of political competition, legal certainty, and the institutional requirements of Indonesia's presidential system. In this sense, legal reconstruction is treated as a normative inquiry into how these constitutional considerations can be accommodated within a coherent nomination framework.

Problem Statement

The abolition of the *presidential threshold* has fundamentally altered the legal basis for presidential nomination in Indonesia. Constitutional Court Decision No. 62/PUU-XXII/2024 removed the binding force of Article 222 of Law No. 7 of 2017, thereby eliminating the former requirement based on parliamentary seats or national vote shares. Yet the removal of the former threshold does not, in itself, resolve all questions surrounding the constitutional design of presidential nomination.

The central legal problem lies in determining how presidential nomination should be structured after the abolition of the threshold without reproducing restrictions inconsistent with the Constitution, while also addressing the institutional characteristics of presidential government. As formulated in the research proposal, this issue involves the relationship among popular sovereignty, equal political opportunity, open electoral competition, and the effectiveness of the presidential system.
Accordingly, this study addresses the following research questions:

1. What normative problems characterized the legal construction of presidential and vice-presidential nomination before the abolition of the *presidential threshold*, particularly in relation to popular sovereignty, equality of political rights, openness of political competition, and the effectiveness of the presidential system?
2. How can the legal framework for presidential and vice-presidential nomination be reconstructed following the abolition of the *presidential threshold* so that it is consistent with constitutional democracy, political equality, legal certainty, and the institutional characteristics of Indonesia's presidential system?

These questions position the study beyond a debate over whether the former threshold should be retained or abolished. Instead, the research focuses on the post-threshold constitutional architecture of presidential nomination, making normative reconstruction the central contribution of the study.

3. Method

This study employed normative legal research (*doctrinal legal research*) to examine the legal construction of presidential and vice-presidential candidacy following the abolition of the *presidential threshold* in Indonesia. Normative legal research was selected because the study focuses on legal norms, constitutional principles, judicial decisions, and legal doctrines rather than on empirical behavior or survey-based data. The analysis is directed toward evaluating the compatibility of the presidential nomination framework with

constitutional democracy and formulating a normative reconstruction of the nomination mechanism after the abolition of Article 222 of Law No. 7 of 2017.

The study applied four complementary legal approaches. First, the statute approach was used to examine the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 on General Elections, and relevant Constitutional Court decisions concerning the *presidential threshold*. This approach was used to identify the hierarchy, consistency, and normative implications of the legal provisions governing presidential nomination. Second, the conceptual approach was employed to analyze key concepts such as constitutional democracy, popular sovereignty, political equality, and the presidential system. Third, the historical approach was used to trace the development of presidential nomination requirements and the evolution of the *presidential threshold* in Indonesia following constitutional reform. Fourth, the comparative approach was employed to consider presidential nomination arrangements in other presidential systems, including the United States, Brazil, and the Philippines, as comparative references for evaluating possible directions for legal reconstruction.

The legal materials were classified into primary, secondary, and tertiary legal materials. Primary legal materials included the 1945 Constitution, Law No. 7 of 2017 on General Elections, Constitutional Court Decision No. 14/PUU-XI/2013, and Constitutional Court Decision No. 62/PUU-XXII/2024. These materials constituted the principal legal basis for examining the constitutionality and subsequent abolition of the *presidential threshold*. Secondary legal materials consisted of books, scholarly journal articles, previous studies, academic papers, and the views of constitutional law scholars relevant to constitutional democracy, electoral law, and presidential government. Tertiary legal materials, including legal dictionaries and encyclopedic sources, were used to clarify relevant legal concepts and terminology.

Legal materials were collected through library research by identifying, reviewing, and systematically documenting relevant legislation, judicial decisions, academic literature, textbooks, and other scholarly publications in both printed and electronic forms. This technique allowed the study to integrate authoritative legal sources with scholarly interpretations concerning presidential candidacy and constitutional democracy.

The collected legal materials were analyzed using descriptive qualitative legal analysis. The analysis consisted of three stages. First, the materials were inventoried and classified according to their relevance to the abolition of the *presidential threshold* and the reconstruction of presidential nomination rules. Second, the relevant constitutional and statutory provisions were interpreted through grammatical, systematic, and teleological interpretation. Grammatical interpretation was used to examine the textual meaning of legal provisions; systematic interpretation assessed the relationship between provisions within the broader constitutional framework; and teleological interpretation considered the constitutional purposes underlying presidential nomination and democratic elections. Third, legal arguments were developed to assess the consistency of the former nomination mechanism with constitutional democracy and to formulate a normative framework for presidential nomination after the abolition of the threshold.

Accordingly, the methodological framework combines doctrinal examination, constitutional interpretation, historical development, and comparative analysis. This combination enables the study not only to describe the legal consequences of Constitutional Court Decision No. 62/PUU-XXII/2024, but also to develop a normative reconstruction of presidential and vice-presidential nomination that considers political openness, constitutional equality, legal certainty, and the institutional requirements of Indonesia's presidential system.

4. Results and Discussion

Constitutional Problems in the Previous Presidential Nomination Framework

The doctrinal analysis identifies a structural tension in the presidential nomination framework previously governed by Article 222 of Law No. 7 of 2017. Under that provision, presidential and vice-presidential candidates could only be nominated by political parties or coalitions that had obtained at least 20% of the seats in the House of Representatives or 25% of the valid national vote in the preceding legislative election. The Constitutional Court subsequently declared Article 222 unconstitutional and without binding legal force through Decision No. 62/PUU-XXII/2024, issued on 2 January 2025. The Court further clarified that its constitutional objection concerned the threshold regime itself, regardless of the percentage imposed.

The central normative difficulty arose from the relationship between the statutory threshold and Article 6A(2) of the 1945 Constitution. Article 6A(2) states that presidential and vice-presidential candidates shall be nominated by political parties or coalitions of political parties participating in the general election; it does not expressly establish an electoral-support percentage as a prerequisite for nomination. The research document therefore treats the earlier threshold as raising questions concerning equal nomination rights, voter choice, and the compatibility between statutory restrictions and the constitutional design of presidential elections.

Asshiddiqie (2015) provides an important conceptual foundation for this analysis by emphasizing constitutional supremacy: statutory regulation must remain within the normative boundaries established by the Constitution. From this perspective, the issue is not whether the legislature may regulate presidential nomination, it clearly may, but how far such regulation can restrict constitutionally recognized political participation. Legislative discretion cannot be interpreted as an unlimited authority to create conditions that substantially alter the structure provided by the Constitution.

The same problem appears when the threshold is examined against the principle of simultaneous elections. Isra (2016) argues that reliance on results from a previous legislative election creates a conceptual mismatch once presidential and legislative elections operate within a simultaneous electoral framework. The research document similarly finds that the previous arrangement connected presidential nomination to an earlier political configuration that might no longer represent the electoral configuration at the time the subsequent election is held.

This temporal problem is legally important. Presidential candidacy was not determined solely by the political circumstances of the electoral cycle in which candidates competed, but partly by electoral results produced in an earlier cycle. The document therefore identifies the former arrangement as creating a tension between the logic of simultaneous elections and the logic of a threshold based on historical legislative results. Following the abolition of Article 222, presidential nomination no longer depends on that previous electoral result, which the study interprets as improving structural consistency within the simultaneous-election framework.

The issue can be summarized as follows:

Dimension	Previous Threshold Framework	Post-Decision Framework	Principal Normative Issue
Constitutional basis	Nomination linked to parliamentary seats or votes from the previous election	Article 222 no longer has binding force	Relationship between statutory restrictions and Article 6A(2)
Political parties	Parties below the threshold required coalition support	Formal nomination access becomes broader	Equality among electoral participants

Dimension	Previous Threshold Framework	Post-Decision Framework	Principal Normative Issue
Voters	Candidate supply could be narrowed by pre-nomination restrictions	Potentially broader candidate alternatives	Popular sovereignty and political choice
Simultaneous elections	Nomination relied on previous legislative results	Nomination no longer relies on the former threshold	Temporal consistency of electoral design
Presidential governance	Threshold was associated with pre-electoral coalition building	Governmental support must be addressed through other institutional mechanisms	Balance between electoral openness and governability

This comparison does not mean that the removal of a threshold automatically resolves all constitutional questions. Instead, it relocates the central problem: from whether quantitative restrictions are constitutionally permissible to how an open nomination system should be legally structured.

Decision No. 62/PUU-XXII/2024 and the Shift in Constitutional Interpretation

A significant finding concerns the changing constitutional jurisprudence surrounding the presidential threshold. Earlier Constitutional Court decisions had generally treated the threshold as falling within the legislature's open legal policy. The research document notes this pattern in decisions including Decision No. 53/PUU-XV/2017 and earlier cases. However, Decision No. 62/PUU-XXII/2024 marked a substantive departure from that position.

The Court explained that its change of position was not merely directed at the numerical size of the threshold. Rather, the Court concluded that the nomination-threshold regime, irrespective of percentage, was inconsistent with Article 6A(2) of the 1945 Constitution. This distinction is important because it changes the legal question from “what percentage is constitutionally acceptable?” to “what forms of nomination regulation remain constitutionally permissible after the threshold regime has been removed?”

From a constitutional-law perspective, open legal policy does not mean unlimited legislative discretion. Asshiddiqie (2012) argues that legislative policy remains subordinate to constitutional principles and fundamental rights. The research document applies the same reasoning: even where the legislature possesses discretion in designing an electoral system, such discretion remains reviewable when its consequences affect political equality, popular sovereignty, or constitutionally protected participation.

This development also demonstrates that constitutional interpretation can respond to changes in the institutional context. Rahardjo (2009) views legal reconstruction as part of legal reform when existing rules no longer correspond adequately to constitutional values or social and institutional developments. In this study, the abolition of the threshold is therefore treated not as the endpoint of constitutional reform, but as the starting point for reconsidering the broader nomination architecture.

The distinction is crucial. Simply deleting Article 222 leaves unanswered questions concerning candidacy procedures, administrative requirements, verification mechanisms, timelines, candidate determination, and dispute settlement. The document accordingly argues that reform should not be confined to deleting a numerical requirement. The surrounding regulatory system must also be adjusted to prevent uncertainty and inconsistency.

Political Equality, Electoral Competition, and the Rights of Voters

The second major finding concerns the relationship between nomination rules and political equality. An electoral system regulates not only how votes are converted into political outcomes but also who is

permitted to enter the political competition in the first place. In this respect, the nomination stage constitutes an important part of electoral democracy.

Dahl (1998) places political contestation and inclusiveness among the central conditions of democratic government. Political competition requires meaningful opportunities for political actors to compete and for citizens to choose among alternatives. Applying this perspective, the research document interprets a more open nomination structure as potentially expanding the opportunity of participating political parties to present presidential tickets and increasing the range of choices available to voters.

The document also connects presidential nomination with political rights. It observes that the right to vote and the opportunity to be elected form part of the broader framework of civil and political rights. The International Covenant on Civil and Political Rights is invoked to support the importance of participation in genuine elections. This does not imply that every regulation of candidacy constitutes an impermissible restriction. Rather, restrictions affecting political participation require a defensible constitutional basis and must be proportionate to the legitimate objective pursued.

Alexy's (2002) theory of proportionality is useful in this respect. According to this approach, limitations on rights should be assessed through legitimacy of purpose, necessity, and proportional balance. The research document consequently proposes that restrictions within a future nomination framework should be evaluated not simply by whether they improve administrative convenience or reduce the number of candidates, but by whether the restriction is necessary and proportionate to its constitutional objective.

International IDEA (2017) similarly emphasizes fairness and equal treatment as relevant considerations in electoral-system design. The document applies this principle to the post-threshold context by noting that participating political parties should be treated under clear and non-discriminatory rules.

The relevant distinction, therefore, is between quantitative political exclusion and administrative regulation. Eliminating a nomination threshold does not eliminate the need for candidacy requirements. Legal standards concerning candidate eligibility, documents, verification, deadlines, and dispute settlement remain necessary. The challenge is to ensure that these requirements regulate the electoral process without effectively recreating the abolished threshold through another exclusionary mechanism.

The Governability Problem in a Multiparty Presidential System

The abolition of the presidential threshold also raises an institutional question: whether broader candidacy may increase political fragmentation and complicate executive–legislative relations. The research document does not treat this concern as irrelevant. Instead, it distinguishes the objective of governmental stability from the legal instrument previously used to pursue that objective.

Linz (1990) famously identifies potential tensions within presidential systems, particularly when presidents and legislatures possess separate electoral legitimacy. These tensions may become more complex in fragmented multiparty settings where an elected president does not automatically command majority legislative support. The document therefore recognizes that broader nomination opportunities may coexist with risks of fragmentation and weaker parliamentary support.

However, the key analytical point is that nomination restriction and governmental support are not conceptually identical. A rule limiting which parties may nominate presidential candidates operates before voters cast their ballots, whereas executive–legislative coalition formation concerns the political support required to govern after or around the electoral process. The study therefore separates the question of access to candidacy from the question of governmental coalition management.

This distinction is one of the stronger contributions of the document. Instead of treating a nomination threshold as the only mechanism through which presidential stability can be pursued, it examines institutional alternatives such as political coalition-building, party discipline, legislative coordination, and the broader design of the party system. The document specifically proposes that stability concerns be addressed through non-restrictive institutional mechanisms rather than automatically through barriers to nomination.

This position can also be understood through Lijphart's (2012) broader comparative analysis of democratic institutions: institutional outcomes arise from combinations of electoral, party, executive, and legislative arrangements rather than from a single electoral rule. Accordingly, removing the nomination threshold should not be evaluated independently from the rest of Indonesia's institutional framework.

The implication is that future legislation needs to separate two questions that were previously partly combined. The first concerns who may nominate a presidential candidate; the second concerns how a president obtains sufficient political support to govern effectively. The document's reconstruction places the first within constitutional equality and electoral participation, while locating the second within coalition politics and institutional design.

From a Restrictive Nomination Model to an Open Nomination Model

The study identifies a broader paradigm shift from a restricted nomination system toward an open nomination system. In the proposed model developed in the document, every political party participating in the election would possess an equal legal opportunity to nominate a presidential and vice-presidential ticket without first satisfying a threshold based on previous parliamentary seats or votes.

This model derives its principal constitutional justification from Article 6A(2), which identifies political parties or coalitions participating in the election as the actors entitled to nominate candidates. The study interprets this provision together with the principles of political equality and open democratic contestation articulated by Asshiddiqie (2015) and Dahl (1998).

However, an open nomination model should not be equated with an unregulated nomination process. The document proposes replacing the former quantitative political barrier with stronger objective administrative mechanisms. These would include clear nomination procedures, administrative qualifications, nomination schedules, verification and candidate determination mechanisms, and procedures for resolving nomination disputes.

This distinction improves the normative coherence of the proposed reconstruction. Quantitative electoral thresholds determine access according to prior political strength, whereas administrative requirements may serve process-related purposes such as legal certainty, authenticity of candidacy, procedural order, and accountability. Nevertheless, such administrative requirements would themselves still need to satisfy standards of objectivity, equality, and proportionality so that they do not become indirect substitutes for the abolished threshold.

Indrati (2007) emphasizes the importance of clarity of formulation and implementability in legislation. Applied to presidential nomination, these principles imply that a reconstructed Election Law should specify requirements sufficiently clearly to minimize conflicting interpretations and implementation disputes. The legal reform therefore requires more than a declaration of equal nomination rights; it requires detailed procedural architecture capable of operationalizing those rights.

Regulatory Harmonization after the Abolition of Article 222

Another important result of the study is that Decision No. 62/PUU-XXII/2024 has consequences beyond Article 222 itself. The Election Law constitutes an interconnected regulatory system, and provisions concerning nomination procedures, candidate verification, election stages, electoral administration, and dispute settlement were developed within a framework in which the threshold previously existed.

Friedman (1975) conceptualizes the legal system through the interaction of legal substance, legal structure, and legal culture. The document applies this systemic perspective to argue that removing one substantive rule inevitably affects the institutions and procedures surrounding its implementation.

The study distinguishes vertical harmonization from horizontal harmonization. Vertically, the removal of Article 222 changes the relationship between the Election Law and the constitutional framework of Article 6A(2). Horizontally, however, other provisions and implementing regulations must be reviewed so that they no longer presuppose the existence of the former threshold. The document specifically identifies the need to revise nomination procedures, administrative requirements, verification and supervision arrangements, compatibility with simultaneous elections, and legal-certainty mechanisms.

This point is particularly relevant for legal reform because normative gaps may arise when judicial review invalidates a central provision while surrounding statutory and administrative rules remain structurally linked to the invalidated norm. The document therefore treats regulatory reconstruction as an integrated process rather than a one-article amendment.

Proposed Normative Model for Post-Threshold Presidential Nomination

Synthesizing the constitutional, institutional, and regulatory analysis, the research document formulates a post-threshold nomination model around five interconnected elements: an open nomination framework; equal legal opportunity for political parties participating in the election; objective administrative requirements in place of electoral-strength barriers; institutional mechanisms for sustaining presidential government without restricting candidacy; and party-system management through electoral mechanisms rather than presidential nomination restrictions.
For journal presentation, the normative architecture can be expressed as follows:

Component	Normative Direction	Constitutional/Institutional Rationale
Nomination rights	Equal access for participating political parties	Article 6A(2), political equality
Candidate regulation	Administrative and eligibility requirements	Legal certainty and electoral integrity
Verification	Objective and transparent verification by election authorities	Prevent arbitrary or discriminatory application
Presidential legitimacy	Maintain the constitutionally prescribed majority/runoff mechanism	Majority-based electoral legitimacy
Governmental support	Coalition-building and executive–legislative coordination	Governability without pre-election exclusion
Party-system management	Address through legislative electoral rules	Separate party-system simplification from presidential candidacy
Regulatory framework	Harmonized amendment of the Election Law and implementing regulations	Avoid normative gaps and conflicting provisions

An important feature of this model is the role of the two-round mechanism. Article 6A(3) of the Constitution establishes the conditions for first-round victory, while Article 6A(4) provides for a subsequent direct vote between the two leading tickets when no candidate satisfies the constitutional requirements. Thus, the post-threshold framework does not begin from an institutional vacuum: the Constitution already contains a mechanism capable of narrowing electoral competition at the voting stage rather than at the nomination stage.

The research document therefore views the two-round structure as relevant to reconciling broader nomination access with majority-based presidential legitimacy. Analytically, this produces a meaningful distinction between pre-electoral exclusion and electoral selection. A nomination threshold reduces the number of candidates before citizens vote, whereas a runoff allows the electorate itself to determine which candidates proceed when no ticket satisfies the constitutional first-round requirement.

Theoretical Contribution of the Study

The principal contribution of this study lies in shifting the scholarly discussion from the constitutionality of the former presidential threshold toward the architecture of presidential nomination after its abolition. Earlier debates concentrated heavily on whether Article 222 restricted political rights, narrowed electoral alternatives, or strengthened the presidential system. Following Decision No. 62/PUU-XXII/2024, those questions remain historically relevant, but they no longer exhaust the current legal problem.

The document develops a different analytical focus: once the threshold has lost binding legal force, constitutional democracy requires attention to the rules that replace the former arrangement. This involves simultaneously considering openness, political equality, governability, proportionality, and legal certainty. The study therefore does not conceptualize reconstruction as simply "removing a threshold," but as redesigning the legal relationship among parties, candidates, voters, electoral institutions, and presidential government.

Within the framework developed in the document, five principles structure that reconstruction: open candidacy, political equality, governmental effectiveness, legal certainty, and proportionality. These principles need not always point in the same direction. Greater openness may increase electoral competition, while greater competition may create additional coordination challenges within a multiparty presidential system. Conversely, measures designed to simplify competition may affect political equality if they operate as excessive barriers to candidacy. The normative task is therefore one of constitutional balancing rather than maximizing a single institutional objective.

Accordingly, the study's central analytical contribution is the distinction between access to presidential candidacy and mechanisms for ensuring effective presidential government. The former is principally associated with constitutional participation and political equality; the latter concerns coalition formation, party institutionalization, legislative relations, and governmental coordination. Treating these as separate but interconnected legal problems provides a more systematic foundation for evaluating post-threshold electoral reform.

In this formulation, Decision No. 62/PUU-XXII/2024 is not treated merely as the judicial abolition of one percentage requirement. It is treated as a constitutional turning point that requires the legislature to reconsider the broader architecture of presidential nomination while remaining within the constitutional structure established by Article 6A. The Constitutional Court's official ruling confirms that Article 222 no longer has binding legal force, while Article 6A continues to provide the constitutional framework governing nomination, election, and the runoff process.

This makes the post-threshold question fundamentally one of institutional reconstruction: how to operationalize constitutionally open nomination while preserving legal certainty and addressing the practical demands of a multiparty presidential system. That focus differentiates the present study from analyses concerned only with the validity or invalidity of the previous threshold and provides a clearer normative contribution to Indonesian constitutional and electoral-law scholarship.

5. Conclusion

This study concludes that the abolition of the *presidential threshold* has substantially changed the constitutional framework of presidential and vice-presidential nomination in Indonesia. Constitutional Court Decision No. 62/PUU-XXII/2024 declared Article 222 of Law No. 7 of 2017 unconstitutional and without binding legal force. The Court's reasoning addressed not merely the former numerical threshold but the threshold regime itself in relation to Article 6A paragraph (2) of the 1945 Constitution. The analysis in this study identifies several normative problems in the previous framework, particularly the dependence on prior legislative-election results, unequal practical access among political parties, restrictions on electoral alternatives, and tension with the logic of simultaneous elections.

The removal of Article 222, however, does not by itself provide a complete legal architecture for future presidential nominations. The findings indicate that post-threshold regulation still requires clear rules concerning nomination procedures, administrative requirements, candidate verification, electoral schedules, candidate determination, and dispute settlement. Such reconstruction also requires horizontal harmonization of provisions within the Election Law and its implementing regulations so that the abolition of the threshold does not produce regulatory gaps or inconsistencies.

Within the normative framework developed in this research, the proposed reconstruction is based on open nomination, equal legal opportunity for political parties participating in elections, objective administrative requirements, legal certainty, and proportionality. The study further distinguishes access to presidential candidacy from the question of governmental effectiveness. Concerns regarding executive–legislative relations and political fragmentation are therefore treated as institutional issues that may be addressed through coalition formation, party-system arrangements, and other mechanisms rather than through the former quantitative nomination threshold.

Accordingly, the study contributes to the post-threshold debate by shifting the analytical focus from the constitutionality of Article 222 toward the reconstruction of presidential nomination rules after its abolition. The resulting framework places constitutional democracy, political equality, popular sovereignty, legal certainty, and institutional effectiveness as interconnected considerations in the future design of Indonesia's presidential nomination system.

6. References

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