



Challenges and the direction of legal politics after the abolition of the presidential threshold in Indonesia's democratic system

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ARTICLE INFO

Keywords:

Democracy;
Electoral System;
Legal Politics;
Political Participation;
Presidential Threshold.

Article history:

Received Aug 2, 2025;
Revised Aug 8, 2025;
Accepted Aug 21, 2025;
Online Oct 30, 2025.

ABSTRACT

The abolition of the Presidential Threshold in Indonesia's presidential election system has significant implications for the configuration of political power, the dynamics of the party system, and the direction of national legal politics. The presidential threshold has long been regarded as a political instrument that restricts democratic space, limits citizen participation, and strengthens party oligarchy. In practice, the threshold has hindered the emergence of alternative candidates outside major coalitions, resulting in stagnation in national leadership regeneration. Once this provision is abolished either through judicial rulings or legislative reform Indonesia faces a major challenge in maintaining a balance between political openness and governmental stability. This article aims to examine the political and legal challenges following the abolition of the threshold and to formulate a relevant legal-political direction within the context of constitutional democracy. Using a qualitative approach through normative-juridical methods and legal-political analysis, this study finds that the abolition of the threshold must be accompanied by electoral system reform, the strengthening of democratic institutions, and the development of a presidential candidate selection mechanism that is democratic, accountable, and responsive to public aspirations. Future legal politics must serve as an instrument for the transformation of substantive democracy, rather than merely adapting to procedural changes.

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1. Introduction

Presidential Threshold is a part of the post reform legal and political configuration intended to simplify the party system and strengthen government stability (Songga,2022). In the context of Indonesia's transitional politics after the fall of the New Order regime, the simplification of the presidential nomination system was seen as a strategy to avoid excessive power fragmentation. The expectation was that, by setting a certain threshold, only political actors with significant

support in parliament would be eligible to nominate presidential candidates, thereby fostering a more solid and effective government.

However, in practice the presidential threshold provision has become an obstacle to both procedural and substantive democracy. This provision limits the opportunity to nominate presidential candidates to only large parties or dominant coalitions, indirectly consolidating power in the hands of political oligarchs. Such restrictions create political exclusivity, making it difficult for new political actors, smaller parties, or independent candidates with leadership quality and vision to participate. As a result, the space for political competition narrows, and the people's choices, the core element of democracy become restricted (Hanan et al., 2025).

The impact of this exclusivity becomes increasingly apparent in electoral processes, where presidential elections are reduced to contests between two major blocs, perpetuating political polarization (Zulfan et al., 2025). In the long term, this condition risks eroding public trust in the democratic process and exacerbating social fragmentation due to binary political contestation. The threshold, originally intended as a tool to simplify the system, has effectively transformed into a limiting mechanism within representative democracy.

Presidential threshold has a significant impact on strengthening political oligarchy while simultaneously hindering the regeneration of national leadership. This restriction serves as a tool for concentrating power in the hands of oligarchic groups (Zainal et al., 2025). The requirement for political parties to hold a certain level of representation in the Dewan Perwakilan Rakyat (for example, at least 20% of seats or 25% of the popular vote) makes it difficult for smaller parties to nominate presidential candidates the presidential candidacy restriction has so far strengthened political oligarchy by centralizing power and leadership access exclusively among certain elites, while also hindering the emergence of competent and democratic national leadership. Therefore, eliminating or reducing this restriction is seen as a viable solution to promote a more open, healthy, and people oriented democratic process.

When the threshold is abolished, whether through judicial mechanisms such as a Constitutional Court ruling or via legislative reform by parliament Indonesia enters a new chapter in designing a more open political institutional framework. The removal of the presidential threshold opens up nomination opportunities to a wider array of candidates from diverse backgrounds, reflecting the pluralism of Indonesian society and strengthening political representation (Rifka,2021). Normatively, the abolition aligns with the principles of electoral justice and political equality in modern democracy.

The abolition of the presidential threshold in Indonesia has the potential to significantly reshape the configuration of political power and the dynamics of the party system (Wijaya, 2025). With the removal of the threshold, smaller parties and independent candidates gain greater opportunities to enter the presidential race, making competition more open and inclusive. This change also alters the pattern of political coalition-building, as parties are no longer compelled to join large alliances solely to meet nomination requirements, allowing for the formation of more flexible and situational coalitions. However, this condition could also lead to political fragmentation, with a greater number of candidate pairs offering more choices to voters but potentially causing polarization and vote splitting. On the other hand, the removal of the threshold pushes political parties to improve the quality of their cadres and seek candidates who are truly competent and appealing to the public, resulting in healthier and more competitive political competition. Overall, this shift encourages a more fluid, democratic, and representative party system, although it still faces challenges in maintaining long-term political stability.

This opportunity does not come without challenges. Excessive openness without adequate regulation can lead to extreme power fragmentation and dysfunction within the presidential system (Umagapi,2022). The potential emergence of numerous presidential candidates in a single election could increase the likelihood of no candidate securing a strong majority, which

in turn weakens the legitimacy and effectiveness of the elected government. In such situations, the risk of unstable and fragile governing coalitions rises significantly.

Therefore, the abolition of the threshold must be accompanied by legal-political strategies capable of responding to the institutional design needs in a balanced manner. The state is expected not only to open political space but also to develop fair and democratic systems for candidate selection and filtering. Institutional and electoral reforms become imperative to ensure that political openness does not backfire by undermining effective governance.

2. Method

This research adopts a qualitative approach, employing a normative juridical method in conjunction with a legal-political framework (Haryanto & Muslih, 2025). The data are sourced from a comprehensive literature review encompassing statutory regulations, decisions of the Constitutional Court, peer-reviewed academic journals, and other relevant scholarly works. The analysis is conducted through a descriptive-analytical lens, aiming to systematically identify the prevailing challenges and articulate the trajectory of legal-political development necessary to uphold a substantive democratic order following the abolition of the presidential threshold.

3. Analysis and Results

analysis regarding the challenges and future direction of legal politics in the aftermath of the abolition of the presidential threshold within Indonesia's democratic framework demonstrates a significant transformative potential. The removal of the threshold is projected to open the political landscape to broader and more diverse participation, thereby fostering a more inclusive, competitive, and representative configuration of power. By eliminating formal barriers that have historically restricted presidential candidacy to dominant parties or coalitions, the reform would enable the emergence of new political actors, including smaller parties and independent candidates, who possess leadership qualities and public legitimacy but have been institutionally marginalized. This shift not only enhances the democratic character of the electoral process but also aligns with fundamental democratic principles such as equal political opportunity and electoral justice. Moreover, the abolition could stimulate healthier political competition and mitigate oligarchic consolidation, which has been one of the critical drawbacks of the threshold mechanism. Nevertheless, this transformation must be accompanied by legal and institutional safeguards to ensure that the openness does not lead to excessive fragmentation or undermine the functionality of presidential governance. In this context, the direction of legal politics must involve a careful reengineering of the electoral system to maintain stability while expanding democratic access.

In a situation without a presidential threshold, political competition becomes healthier and more open. Political parties are encouraged to carry out better cadre development and candidate selection, choosing figures who truly possess the capacity and enjoy public support, rather than those coming solely from certain elite circles (Muhammad Mutawalli Mukhlis et al., 2025). Transparency and accountability then become the main pillars, in which presidential candidates are required to fully disclose their track records and policy programs clearly to the public, particularly by optimizing the use of information media. Thus, the elimination of the presidential threshold does not weaken the process of candidate screening by voters; instead, it opens opportunities for a more inclusive, competitive, and high-quality democracy.

3.1. Transformation of legal politics

Transformation of legal politics in this context must be understood through a transformational approach, as articulated by Nonet and Selznick (Zada et al., 2023), who distinguish between three stages of legal development: repressive law, autonomous law, and responsive law. In the current phase of abolishing the presidential threshold, Indonesia stands at the threshold of a legal paradigm shift from an autonomous legal system toward one that is more responsive to the democratic aspirations of its citizens. Within this framework, legal politics must be able to

respond to societal demands for openness and justice without being confined by rigid legal formalism. Furthermore, the legal-political perspective advanced by Moh. Kusnardi and Harmaily Ibrahim, which underscores the interrelationship between power and law, is particularly pertinent in this context (Febriyanto et al., 2025). The removal of the threshold necessitates a recalibration of power among political actors, wherein legal politics functions as a critical instrument for constructing a new equilibrium in the distribution of power. In this sense, law is not merely a tool of authority, but also serves as the architect of democratic governance. The challenge lies in ensuring that legal reform not only facilitates political participation but also institutionalizes mechanisms that protect pluralism and prevent the monopolization of political space.

Challenges and direction of legal politics following the abolition of the presidential threshold within Indonesia's democratic system, the country's legal system and electoral regulations must promptly adapt to this new landscape (Ariyadi,2024). The provisions of the Election Law, particularly those concerning presidential candidacy, require comprehensive revision to align with the conditions of a threshold-free nomination process. This transformation necessitates the formulation of nomination mechanisms that are transparent, inclusive, and non-discriminatory ensuring fair access for smaller political parties and qualified independent candidates with sufficient public support. Moreover, this shift presents significant technical challenges, especially in the administrative and factual verification of an increased number of candidates, thus requiring enhanced institutional capacity within the electoral management bodies.

Political environment where the opportunity for more candidates becomes a reality, there is also an increased risk of identity politics, populism, and the manipulation of primordial issues, all of which pose serious threats to democratic integrity (Suryana et al., 2025). Under conditions of intense electoral competition and heightened political fragmentation, candidates may be inclined to adopt identity-based campaign strategies, which could deepen societal polarization and weaken national cohesion. In this regard, legal politics must be anticipatory and proactive in addressing political practices that undermine democratic values. This includes strengthening campaign regulations, reinforcing political ethics, and expanding civic education to foster a more informed and resilient electorate.

Indonesia's democratic system marked a significant historical milestone during the 2004 presidential election, which was the first direct presidential election held after the Reformasi era and notably conducted without the application of a substantial presidential nomination threshold (Warhyuni,2024). In this election, five pairs of presidential and vice-presidential candidates successfully advanced to the national contest. Despite the relatively high number of candidates, the selection process unfolded organically through the mechanism of electoral support from the people, illustrating that the electorate was capable of serving as the primary filter in determining the most suitable candidates based on political preferences, integrity, and leadership capacity.

The open competition in the 2004 election did not lead to political chaos or instability. On the contrary, it created space for a broader spectrum of political ideas and platforms. Each candidate pair presented distinct visions and missions that voters could evaluate rationally, and the campaign process was carried out in a relatively healthy and educational atmosphere (Shadiqi et al., 2025) especially when compared to elections held under the threshold system. This experience indicates that a system without a presidential threshold can function effectively, provided that it is supported by adequate technical regulations, a professional electoral management body, and a politically aware citizenry nurtured through sustained civic education.

The 2004 presidential election also underscored the critical importance of political pluralism during a transitional phase of Indonesia's democratic development. By allowing more candidates to compete, the electorate was not confined to a narrow set of political options nor subjected to the dominance of major party oligarchies (Sinta,2020). This served as a clear

example that an open political system can foster healthy competition without relying on restrictive administrative mechanisms such as the presidential threshold. In this context, the term “natural selection mechanism” refers to the public’s capacity to assess and choose candidates based on direct evaluations of their track records, ideas, and leadership qualities rather than merely on party strength or financial resources.

The successful administration of the 2004 election should serve as a key point of reference in current debates surrounding the abolition of the threshold. It demonstrates that fears of excessive fragmentation are not entirely justified, provided that electoral regulations and institutional frameworks are designed around principles of inclusiveness, transparency, and accountability (Robertus, 2024). More importantly, the 2004 experience offers empirical evidence that Indonesia’s democracy is capable of thriving under conditions of broad political openness, wherein the people act as the central agents in determining the nation’s leadership direction.

Within the framework of legal politics, this situation serves as a critical warning that the threshold mechanism may, in fact, generate systemic dysfunction within the structure of electoral democracy (Ambarwati, 2023). Rather than fostering governmental stability, as it is often justified to do the threshold has instead entrenched existing power structures and impeded political regeneration. Alternative candidates with proven capabilities but lacking support from major parties or sufficient political resources are systematically excluded from the electoral contest. This condition signifies a broader systemic failure to accommodate the diverse will of the people and reflects the dominance of political elitism within Indonesia’s democratic architecture.

Consequently, the primary challenge for legal politics moving forward lies in designing an electoral system that effectively bridges political openness with the imperative of governmental stability. Legal politics must operate within a responsive framework—one that actively addresses public aspirations for inclusivity without inducing excessive instability. A viable approach involves strengthening institutions and developing candidate selection mechanisms grounded in meritocracy and public accountability, rather than relying on administrative barriers such as the threshold. In this regard, the direction of electoral legal reform should prioritize the quality of political competition, the leadership capacities of candidates, and the provision of broad and equitable opportunities for public participation, so that Indonesia’s democracy evolves not merely in procedural terms, but also in substantive form.

3.2. The direction of Indonesia’s legal politics in the post-threshold

The direction of Indonesia’s legal politics in the post-threshold era must focus on building a legal and institutional framework that supports a more open yet accountable democracy. First and foremost, the reformulation of the electoral system is an urgent necessity (Satria, 2025). This reform must take into account both the procedural and substantive quality of elections. One viable option is the adoption of a tiered electoral system, the implementation of a preliminary selection mechanism based on a minimum threshold of public support such as petitions or verified endorsements, or the temporal separation of legislative and executive elections to prevent the entanglement of competing interests.

In the context of political openness following the abolition of the presidential threshold, it is crucial to develop a more comprehensive, objective, and merit-based system for the selection and verification of presidential candidates (Meutia et al., 2025). Legal politics holds a strategic role in designing regulations that not only facilitate candidacy but also ensure that every individual entering the presidential race has undergone a rigorous selection process based on leadership competence, moral integrity, and a clear vision for national governance. These criteria must be institutionalized both legally and operationally through statutory instruments to ensure binding authority and to guard against short-term political interests.

Transparency is a key element in building public trust toward national leadership candidates. Therefore, a structured and independent public debate mechanism organized periodically by

the electoral commission should be made mandatory. In addition, there must be open access to public information regarding each presidential candidate's educational background, career history, organizational affiliations, and sources of wealth. Legal politics must ensure that all such information is disclosed honestly and made verifiable by the public and independent oversight bodies. In this way, the presidential candidate selection process is not merely administrative in nature but also normative and ethical (Zuhdi et al., 2025).

The strengthening of democratic institutions constitutes a fundamental pillar for establishing a healthy and sustainable political system (Yandra et al., 2024), particularly in the context of the post presidential threshold era. The General Elections Commission (Komisi Pemilihan Umum or KPU), as the primary electoral management body, must be equipped with robust institutional capacity including qualified human resources, advanced information technology systems, and sufficient logistical infrastructure. The independence and professionalism of the KPU are essential prerequisites to ensure that elections are conducted in a fair, honest, and accountable manner. Furthermore, adequate and stable funding – free from dependence on the executive branch is crucial to preserve the commission's autonomy and protect it from undue political influence.

Mahkamah Konstitusi, as the judicial guardian of the Constitution, plays a crucial role in safeguarding the integrity of the democratic process (Yani, 2025). It must be able to resolve electoral disputes promptly and fairly, grounded in the principle of constitutional supremacy. To that end, the integrity of its justices, the transparency of its proceedings, and public access to its key decisions must be consistently upheld and strengthened. Without the optimal functioning of Mahkamah Konstitusi, the legitimacy of electoral outcomes may be undermined, potentially triggering political instability.

These collective efforts underscore the importance of inter-institutional synergy in building a democratic electoral governance framework (Bisc. Legal politics must guide regulatory and institutional policies to ensure that all electoral management and oversight bodies operate in accordance with their constitutional mandates, free from political interference, and oriented toward protecting voting rights and ensuring electoral justice (Maulidi, 2025). Without the strengthening of democratic institutions, political openness in the post-threshold era risks leading to disorder and the broader delegitimization of the political system. In response to the challenges arising from the abolition of the presidential threshold, concrete and targeted legal-political reforms are essential to guarantee a more inclusive and just democratic quality.

The first necessary step is the drafting of a new Election Law that explicitly accommodates a system without a presidential threshold (Zuhdi et al., 2025). This legislation must establish a more open nomination mechanism, for instance, by requiring a minimum level of direct electoral support from the public such as 3% of the national electorate – applicable to both small party candidates and independent candidates. This approach would broaden political participation without compromising the quality of candidacy.

Furthermore, an independent and non-partisan National Selection Council should be established to verify the integrity, capacity, and track record of presidential candidates (Ambarwati, 2020). This body would function as a preliminary filter to ensure that only candidates who meet objective criteria can advance to the formal nomination stage, thereby reducing the risk of instant populism or artificially manufactured political figures. In addition, the temporal separation of legislative and executive elections should be seriously considered. By holding them at different times, public attention can be more focused on the substantive issues of each contest, and sharp polarization caused by simultaneous partisan interests can be mitigated. In modern democratic systems, political ethics is not merely a supplement to legal norms, but serves as a moral foundation that guides the behavior of political actors in fulfilling their public roles and responsibilities (Abou-Chadi & Krause, 2020).

Comprehensive code of ethics for political actors, including presidential candidates, political parties, and campaign teams must be systematically formulated and strictly enforced. Violations of ethical standards, such as the dissemination of fake news, hate speech, exploitation of identity politics, or vote-buying practices, must be addressed through clearly defined sanction mechanisms (Krumm & Regalia, 2022). These may include legal penalties (administrative, criminal, or civil) as well as social sanctions (such as public condemnation or the revocation of political rights). The consistent enforcement of political ethics is essential to fostering a healthy, rational, and civilized electoral competition, while also restoring the fundamental purpose of elections as a means of expressing the people's sovereignty (Syafriadi & Santri, 2025).

Reforming the political ethics framework must go hand in hand with expansive and sustained civic education initiatives (Amelia,2024). Citizens must be equipped with adequate political literacy to critically evaluate the track records, policy platforms, and ethical standards of prospective leaders. In this regard, electoral commissions, educational institutions, the media, and civil society organizations play a crucial role in shaping an ethical and rational public discourse (Malik,2023).

This overarching reform agenda is aimed at constructing a robust legal-political foundation that is responsive to the demands of modern democracy (Sultoni,2023). It not only supports an open and competitive post-threshold electoral system, but also ensures the substantive quality of democracyone that is rooted in values rather than merely procedural formalities. In this way, political law functions not merely as a regulatory tool, but as the architect of a dignified and just political civilization.

4. Conclusion

The abolition of the presidential threshold marks a pivotal step in Indonesia's democratic development, opening the political arena to broader competition and fostering inclusivity, representation, and responsiveness to public aspirations. While this reform removes formal barriers to candidacy, it also brings challenges such as maintaining political cohesion, avoiding excessive fragmentation, and ensuring stable governance necessitating comprehensive institutional redesign grounded in accountability and legitimacy. Beyond increased voter turnout, genuine democratic progress requires deeper civic engagement through political education, transparency, and active citizen participation. This policy change should thus be seen not as the endpoint of reform, but as the starting point for building an institutionally resilient and ethically grounded democracy rooted in the sovereignty of the people.

To achieve greater aspirations, the direction of Indonesia's legal politics after the abolition of the presidential threshold should be built by balancing political openness with the need for long-term governmental stability, through the development of a democratic, inclusive, and accountable legal and institutional framework. Legal policy should promote political openness by removing candidacy thresholds, thereby providing broader opportunities for smaller political parties and independent candidates to compete, while also strengthening a balanced separation of powers and establishing effective checks and balances among the executive, legislative, and judicial branches. At the same time, it must emphasize transparency and accountability for public officials, and prioritize continuous political and civic education so that citizens become more mature in exercising their voting rights.

The institutions that must be prioritized to achieve this goal are independent state institutions such as, Komisi Pemilihan Umum (KPU), Komisi Pemberantasan Korupsi (KPK), and Mahkamah Konstitusi. In addition, the mechanisms of separation of powers and effective checks and balances between the executive, legislative, and judicial branches must be strengthened to ensure both political stability and a healthy democracy. Equally important, institutions that support public participation including political education bodies and credible mass media should be prioritized so that citizens can become informed and active voters,

ensuring that elections are conducted democratically and with high quality. By strengthening all these institutional aspects in an integrated manner, the abolition of the presidential threshold will not merely constitute a procedural reform, but will bring about substantial change that enhances the quality of Indonesia's democracy and ensures long-term governmental stability.

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