



MULTIPARTY PRESIDENTIALISM AFTER THE CONSTITUTIONAL COURT'S ABOLITION OF INDONESIA'S PRESIDENTIAL THRESHOLD

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Abstract: *This article examines the consistency of Indonesia's presidential system within a multiparty setting after the Constitutional Court changed its long-standing position on the presidential nomination threshold. Earlier decisions generally treated the threshold in Article 222 of Law No. 7 of 2017 as part of the legislature's open legal policy, although several petitions were dismissed on standing or admissibility grounds. That trajectory changed fundamentally through Constitutional Court Decision No. 62/PUU-XXII/2024, delivered on 2 January 2025, which declared Article 222 unconstitutional and without binding legal force. Using normative legal research with statutory, conceptual, and case approaches, this study compares the Court's earlier reasoning with the 2025 constitutional reversal and evaluates its implications for multiparty presidentialism. The analysis shows that presidential stability cannot be attributed to a nomination threshold alone. Coalition formation, party institutionalization, cabinet bargaining, and legislative incentives remain decisive. The Court's new approach strengthens political equality and voter choice while leaving room for constitutional engineering that does not rely on seat or vote percentages. The article argues that post-threshold reform should focus on party institutionalization, transparent coalition rules, meaningful public participation, and stronger executive-legislative accountability rather than recreating the former threshold in another form.*

Keywords: *Multiparty Presidentialism; Presidential Threshold; Constitutional Court; Open Legal Policy; Electoral Reform.*

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Introduction

Indonesia's constitutional architecture is presidential. The President and Vice President are elected directly, hold a fixed term, and are not politically responsible to the House of Representatives in the manner of a parliamentary cabinet. The 1945 Constitution nevertheless places this presidential arrangement within a competitive party system in which no single party has consistently dominated legislative politics. The result is a form of multiparty presidentialism that requires continuous interaction between separately elected institutions (Asshiddiqie, 2010, 2016; Budiardjo, 2008).

The institutional combination is not inherently self-defeating, but it creates recognizable coordination problems. Mainwaring (1993) identified executive-legislative deadlock and coalition complexity as recurring risks in multiparty presidential systems. Later work has shown that presidential institutions also shape party organization and incentives in ways that cannot be reduced to the number of parties alone (Samuels & Shugart, 2010; Sartori, 2005). In Indonesia, coalition bargaining has often been broad and flexible, producing governments with extensive parliamentary support but also raising questions about opposition, accountability, and programmatic competition (Hanan, 2014; Mietzner, 2013; Slater, 2004, 2018; Slater & Simmons, 2013).

Against this background, the presidential nomination threshold became one of the most contested instruments of electoral engineering. Article 222 of Law No. 7 of 2017 required a party or coalition to control at least 20% of seats in the DPR or to have obtained 25% of valid national votes in the preceding legislative election before it could nominate a presidential and vice-presidential pair. Supporters linked the rule to governability and coalition consolidation. Critics argued that it limited candidate supply, privileged established parties, used electoral support from a previous cycle, and distorted the logic of simultaneous elections (Abadi & Arsil, 2022; Ghoffar, 2018; Sumodiningrat, 2021; Sukmawan & Pratama, 2023).

For many years, the Constitutional Court did not invalidate the rule. Its earlier decisions generally accepted substantial legislative discretion in setting nomination requirements, often using the language of open legal policy. Some later petitions were not examined on the merits because the applicants lacked constitutional standing or the applications were otherwise inadmissible. Decision No. 74/PUU-XVIII/2020, delivered in 2021, and Decision No. 66/PUU-XIX/2021, delivered in 2022, illustrate this procedural pattern. Those cases therefore should not be described simply as merits decisions affirming the substantive constitutionality of the threshold (Constitutional Court of the Republic of Indonesia, 2021, 2022).

The constitutional position changed on 2 January 2025. In Decision No. 62/PUU-XXII/2024, the Court expressly departed from its earlier position and declared Article 222 unconstitutional and without binding legal force. The Court held that a presidential nomination threshold, regardless of its percentage, was inconsistent with Article 6A(2) of the 1945 Constitution and with constitutional principles concerning political equality, collective participation, and fair legal certainty. The judgment also responded to practical concerns about narrowing presidential competition, including the recurring tendency toward only two candidate pairs and the associated risk of severe electoral polarization (Constitutional Court of the Republic of Indonesia, 2025; Hanan et al., 2025).

This development requires a different research frame from the one used when Article 222 was still operative. The relevant question is no longer whether the Court will continue to classify the threshold as an open legal policy. The more important issue is what the reversal means for the relationship between presidentialism, multiparty competition, coalition formation, and constitutional engineering. Recent scholarship has begun to assess the Court's shift, while earlier literature remains valuable for identifying the problems that accumulated under the threshold regime (Hanan et al., 2025; Soeod, 2023; Sukmawan & Pratama, 2023).

This article addresses three questions. First, how did the Court's treatment of the presidential threshold evolve from the earlier open-legal-policy approach to Decision No. 62/PUU-XXII/2024? Second, does the abolition of the threshold weaken presidential stability in a multiparty system, or were the claimed stabilizing effects overstated? Third, what form of legal-political redesign is constitutionally defensible after the threshold's abolition? The article contributes by separating nomination access from post-election governability. That distinction is essential because a rule that controls who may enter a presidential election is not the same instrument as one that determines whether an elected President can build effective legislative support.

Method

This study uses normative legal research, also described as doctrinal legal research. Its object is the legal construction of presidential nomination rules and the constitutional reasoning developed by the Constitutional Court. It does not use interviews, surveys, or quantitative measurements of voter behavior. The analysis is prescriptive: it identifies the applicable legal norms, compares judicial reasoning across decisions, and evaluates the institutional implications of those norms within Indonesia's presidential system (Marzuki, 2019).

Three approaches are used. The statutory approach examines the 1945 Constitution and Law No. 7 of 2017, particularly Article 6A of the Constitution and Article 222 of the Election Law. The case approach compares relevant Constitutional Court decisions, including Decisions No. 14/PUU-XI/2013, 53/PUU-XV/2017, 74/PUU-XVIII/2020, 66/PUU-XIX/2021, and 62/PUU-XXII/2024. The conceptual approach draws on presidentialism, party-system theory, legal politics, electoral engineering, and open legal policy to assess the doctrinal and institutional consequences of the Court's change in position (Mahfud MD, 2017; Mainwaring, 1993; Norris, 2004).

Primary legal materials consist of the Constitution, legislation, and Constitutional Court decisions. Secondary legal materials comprise peer-reviewed articles and academic books on presidential government, political parties, electoral reform, coalition politics,

and constitutional adjudication. Materials were collected through document study, with court decisions checked against the Constitutional Court's official repository and scholarly metadata verified against journal or publisher records where available. The analysis uses grammatical and systematic interpretation, comparison of ratio decidendi, and a historical reading of the Court's jurisprudential trajectory. The final stage develops a prescriptive synthesis for the post-threshold electoral framework

Discussion

Table 1. Key Constitutional Court decisions relevant to the presidential threshold

Decision	Date	Outcome	Editorial significance
14/PUU-XI/2013	23 Jan 2014	Simultaneous national elections required from 2019	Changed the electoral context in which the previous-election threshold operated.
53/PUU-XV/2017	11 Jan 2018	Threshold challenge rejected; other parts of petition partly granted	Key authority for the earlier open-legal-policy position.
74/PUU-XVIII/2020	14 Jan 2021	Application inadmissible	A standing/admissibility outcome, not a new merits endorsement.
66/PUU-XIX/2021	24 Feb 2022	Application inadmissible	Again illustrates the importance of separating procedural outcomes from merits rulings.
62/PUU-XXII/2024	2 Jan 2025	Article 222 declared unconstitutional and non-binding	Express reversal: percentage-based presidential threshold abolished.

Source: Authors' compilation from Constitutional Court decisions.

From Open Legal Policy to Constitutional Reversal

The history of the presidential threshold shows that the Court's jurisprudence was not static, even before the 2025 reversal. Earlier cases accepted a broad legislative role in designing nomination requirements. Decision No. 53/PUU-XV/2017, delivered in 2018, rejected the challenge to Article 222 insofar as the presidential threshold was concerned, while granting other parts of the petition concerning party verification. This decision became one of the principal references for the proposition that the threshold belonged to the legislature's policy space (Constitutional Court of the Republic of Indonesia, 2018; Ghoffar, 2018).

The Court's decision on simultaneous elections also shaped the debate. Decision No. 14/PUU-XI/2013, delivered in 2014, required legislative and presidential elections to be held simultaneously beginning in 2019. That change weakened the practical logic of using the results of a previous legislative election as a gateway to a later presidential contest. Academic criticism subsequently focused on the temporal mismatch between simultaneous elections and a nomination threshold derived from an earlier electoral cycle (Constitutional Court of the Republic of Indonesia, 2014; Sumodiningrat, 2021).

Later applications did not always produce substantive rulings. Decision No. 74/PUU-XVIII/2020 held that the applicants lacked the required legal standing, and Decision No. 66/PUU-XIX/2021 was likewise declared inadmissible. These procedural outcomes are important because they differ from a judgment that fully considers and rejects a constitutional argument on the merits. Treating every failed petition as a fresh substantive endorsement of Article 222 overstates the continuity of the Court's reasoning (Constitutional Court of the Republic of Indonesia, 2021, 2022).

Decision No. 62/PUU-XXII/2024 broke with the previous constitutional position. The Court concluded that the nomination threshold had exceeded the permissible limits of legislative discretion. It emphasized the constitutional right of political parties participating in the relevant election to nominate presidential and vice-presidential candidates and held that this right could not be conditioned on a percentage of DPR seats or national votes from an earlier election. The judgment therefore transformed the doctrinal question: open legal policy remained a relevant concept, but it could no longer shield a nomination rule that the Court considered contrary to the constitutional structure and fundamental political rights (Constitutional Court of the Republic of Indonesia, 2025; Hanan et al., 2025).

The Constitutional Limits of Open Legal Policy

Open legal policy does not mean unlimited legislative freedom. The doctrine is ordinarily used when the Constitution leaves room for the legislature to choose among several policy designs. Even within that area, the choice remains subject to constitutional rights, rationality, equality, and the structure of the Constitution. Long before Decision No. 62/PUU-XXII/2024, scholarship questioned whether the threshold had been insulated too easily from substantive review by labeling it an open legal policy (Ghoffar, 2018; Soeod, 2023; Sukmawan & Pratama, 2023).

The 2025 decision is significant because the Court expressly relied on the accumulated effects of the rule. It observed that the threshold had contributed to a political environment in which presidential nominations were concentrated among dominant party groupings and voter choice could become unduly narrow. The Court also considered the danger of repeated two-candidate contests and the possibility that such a pattern could intensify polarization. This reasoning reflects a move from formal deference toward a more consequences-sensitive constitutional review (Constitutional Court of the Republic of Indonesia, 2025; Hanan et al., 2025).

The judgment should not be read as eliminating all legislative authority over presidential nomination. The Court itself provided guidance for future constitutional engineering. All parties participating in the election must retain the right to nominate; candidacy may not be conditioned on a percentage of DPR seats or national valid votes; party coalitions remain possible but should not be designed to create dominance that restricts candidate choice; and the redesign of election law must involve meaningful public participation. The Court also contemplated sanctions for a participating party that does not nominate a candidate. These directions show that the constitutional problem lies in exclusion through percentage thresholds, not in every form of regulation concerning nomination procedures (Constitutional Court of the Republic of Indonesia, 2025).

Multiparty Presidentialism Without a Nomination Threshold

The central argument for Article 222 was that a pre-election threshold would strengthen presidential government by ensuring early coalition support. The relationship is less direct than that claim suggests. Presidential stability depends on a fixed constitutional term, impeachment rules, the distribution of legislative powers, party discipline, coalition incentives, and the President's ability to negotiate support after the election. A nomination threshold addresses candidate entry before voting; it does not guarantee that the coalition formed for nomination will remain cohesive during the presidential term (Mainwaring, 1993; Samuels & Shugart, 2010).

Indonesia's experience reinforces this distinction. Broad coalitions have often expanded after presidential elections, regardless of the configuration used to nominate candidates. Hanan (2014) argues that multiparty presidentialism can function through institutional adaptation and coalition management rather than through a single electoral formula. Slater's studies of Indonesian power-sharing likewise show that presidents have strong incentives to include multiple parties in government, sometimes to the point of weakening a clearly identifiable opposition (Slater, 2004, 2018).

The threshold also did not simplify the party system in a mechanical sense. Party-system fragmentation is shaped by legislative electoral rules, district magnitude, parliamentary thresholds, party organization, and voter behavior. Presidential nomination requirements may influence coalition formation, but they do not eliminate the incentives that sustain multiple parties. Research criticizing the threshold found little empirical basis for assuming that it necessarily reduces the number of parties or creates durable legislative support for the President (Abadi & Arsil, 2022; Sukmawan & Pratama, 2023).

Abolition therefore does not automatically produce executive instability. It may increase the number of potential candidate pairs, but the Constitution already anticipates a second round if no pair secures the required first-round majority. The more relevant risk is unmanaged fragmentation in the nomination process. That risk should be addressed through constitutionally permissible rules on party participation, coalition formation, ballot access administration, and electoral scheduling rather than by reviving a seat- or vote-based threshold under a different label (Norris, 2004; Renwick, 2010).

Coalition Politics, Cabinet Formation, and Democratic Opposition

The original manuscript linked the threshold directly to cabinet transactionalism. The relationship requires a more careful formulation. Coalition bargaining is a structural feature of multiparty presidentialism; it can occur with or without a nomination threshold. A threshold may encourage pre-election alliances, but ministerial bargaining and legislative accommodation are driven by broader incentives involving parliamentary support, party financing, access to state resources, and the President's governing strategy (Mietzner, 2013; Slater & Simmons, 2013).

Indonesia's record also cautions against assuming that large coalitions necessarily strengthen presidentialism. Extensive power-sharing can reduce short-term legislative conflict, yet it may weaken opposition and blur accountability. Slater (2018) describes an Indonesian form of party cartelization in which presidential power-sharing can absorb potential opposition. Mietzner (2013), however, offers a more qualified account of party institutionalization and warns against treating all interparty cooperation as evidence of a single cartel. These perspectives suggest that coalition breadth must be assessed in relation to accountability, not only governability.

Cabinet composition illustrates the same point. Article 17 of the Constitution gives the President authority to appoint and dismiss ministers, but political coalitions influence how that authority is exercised in practice. This does not transform Indonesia into a parliamentary system. The President remains independently elected and constitutionally fixed in office. The more precise concern is that excessive coalition accommodation can reduce programmatic accountability and weaken institutional checks. The solution lies in transparent coalition agreements, clearer standards of ministerial responsibility, stronger parliamentary oversight, and better party institutionalization rather than in a presidential nomination threshold (Asshiddiqie, 2016; Hanan, 2014; Samuels & Shugart, 2010).

Post-Threshold Constitutional Engineering

The abolition of Article 222 creates an opportunity to redesign nomination rules around current electoral participation rather than past election results. Electoral-system reform should begin with the constitutional premise that all parties participating in the election possess an opportunity to nominate a presidential ticket, individually or through coalition, without a minimum share of DPR seats or previous national votes. This premise aligns the nomination process with the same electoral period and removes the representational distortion that attracted sustained criticism under the former rule (Sumodiningrat, 2021; Constitutional Court of the Republic of Indonesia, 2025).

At the same time, the redesign must recognize that electoral rules have interactive effects. Candidate supply, party competition, legislative fragmentation, and coalition incentives respond to the wider electoral system, not to one threshold in isolation. Comparative electoral scholarship therefore cautions against reform based on a single mechanical assumption (Norris, 2004; Renwick, 2010). Indonesia's own reform

experience similarly shows that changes in electoral rules can produce consequences across party competition and institutional behavior (Lestari et al., 2024).

Legislators should also avoid recreating Article 222 indirectly. A new rule that formally abandons percentages but gives established parliamentary parties exclusive practical control over nomination would conflict with the logic of Decision No. 62/PUU-XXII/2024. Constitutional engineering should instead focus on fair nomination procedures, transparent coalition registration, internal party democracy, meaningful participation in statutory reform, and safeguards against arrangements that artificially suppress voter choice (Constitutional Court of the Republic of Indonesia, 2025; Hanan et al., 2025).

Finally, strengthening presidentialism requires attention to the party system itself. Better party financing, internal democracy, programmatic competition, and institutionalized opposition can reduce the pressure for purely transactional coalition politics. Removing the presidential threshold expands formal nomination access; it does not by itself solve party fragmentation or patronage-based bargaining. The post-threshold agenda should therefore combine electoral inclusion with reforms that improve the quality of parties and executive-legislative accountability (Mietzner, 2013; Sartori, 2005; Slater, 2018).

Conclusion

The central premise of the original draft—that the Constitutional Court consistently upheld the presidential threshold through 2026—is no longer legally accurate. The decisive development is Decision No. 62/PUU-XXII/2024, delivered on 2 January 2025, which declared Article 222 of Law No. 7 of 2017 unconstitutional and without binding legal force. The Court moved beyond its earlier reliance on open legal policy and held that the percentage-based nomination regime conflicted with the constitutional design of presidential elections and with protected political rights.

This reversal does not resolve every tension in Indonesia’s multiparty presidential system. Abolishing the threshold broadens nomination access and strengthens voter choice, but governability still depends on party institutionalization, coalition incentives, cabinet management, legislative relations, and the quality of opposition. The earlier claim that a nomination threshold was necessary for presidential stability overstated the capacity of an entry rule to control post-election political behavior.

The appropriate post-threshold policy is not to reconstruct the same barrier under a new name. Election-law reform should follow the constitutional directions in Decision No. 62/PUU-XXII/2024: all participating parties must retain nomination rights, percentage requirements based on seats or national votes should not return, coalition rules must not generate dominance that unduly narrows candidate choice, and statutory redesign should be undertaken through meaningful public participation. Further reform should focus on transparent coalitions, stronger party institutions, professional executive governance, and effective parliamentary accountability. These measures are more closely connected to the actual functioning of presidentialism than the former presidential threshold.

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