

# Nomination of Presidential and Vice-Presidential Candidates Based on the 1945 Constitution of the Republic Indonesia

Yusdiyanto

Department of Constitutional Law, Faculty of Law, University of Lampung, Indonesia;  
yusdiyanto.1980@fh.unila.ac.id

## Keywords:

Elections;  
President and vice  
president;  
Presidential system.

**Abstract.** Indonesia adheres to a presidential system of government as stipulated in the 1945 Constitution, the application of which is consistently reflected in the arrangements of the party system, the legislative election system, and the election of the President. The Constitutional Court Decision Number 62/PUU-XXII/2024 confirms the abolition of the presidential threshold. So far, in the implementation of the Presidential and Vice-Presidential Elections, the threshold has been understood not as a condition for the election of candidate pairs, but as a prerequisite for nomination. In fact, this provision has created structural barriers that limit political representation, narrow the space for public participation, and create significant injustice. These conditions encourage political parties to form pragmatic coalitions that are not based on common ideology or the interests of the people, thus potentially weakening the stability and robustness of the presidential system of government. In the future, the elimination of the presidential threshold in the Presidential and Vice-Presidential elections needs to be outlined in an Election Law that is in line with the dynamics of democracy, based on the decision of the Constitutional Court, and upholds the principles of justice, broad political representation, and meaningful public participation.

## 1. INTRODUCTION

The election of the President and Vice President in 2024 leaves various issues related to constitutionality, political ethics, and democracy both substantively and procedurally. In terms of constitutionality, the Vice-Presidential nomination requirements stipulated in the Constitutional Court Decision Number 90/PUU-XXI/2023 have generated polemics and received widespread public attention. In terms of political ethics, issues such as the nomination of the President's children, allegations of power intervention, and doubts about the neutrality of the state apparatus have emerged. Meanwhile, in the context of democracy, the performance of election organizers is considered less independent, indecisive, and often accompanied by regulatory changes that actually increase the complexity of the electoral stages starting from the voter registration process, nomination requirements, campaigns, to vote counting (Huda, 2016). Presidential candidate Anies Baswedan expressed doubts about the results of the 2024 presidential election, especially in terms of the foundations of democracy, justice, and the principles of government that should reflect a state system that is sovereign over the people (Kurniawan, 2003). He questioned whether the nation was at a crossroads between a republic that upholds the rule of law or is heading towards rule by law, between democratic progress or regression that is difficult to correct in the near future. The same thing was also conveyed by the Ganjar-Mahfud pair, who considered that the 2024 presidential election was full of serious violations, including abuse of power that undermined sovereignty (Tim Pemenangan Nasional, 2009).

After the elections, the Constitutional Court issued Decision Number 62/PUU-XXII/2024 regarding the judicial review of Article 222 of Law Number 7/2017 on General Elections against the 1945 Constitution of the Republic of Indonesia. The test was based on Article 6A paragraph (2), Article 22E paragraph (1), Article 27 paragraph (1), Article 28C paragraph (2), Article 28D paragraph (1), and Article 28I paragraph (2) of the 1945 Constitution. In the decision, the Court stated that Article 222 of Law No. 7/2017 is unconstitutional and therefore has no binding legal force. Before being declared invalid, the presidential threshold provision had become a real obstacle to the constitutional rights of citizens, especially in the context of providing diverse choices in the election of the President and Vice President. The nomination threshold of 20% of DPR seats or 25% of national valid votes had created structural barriers that limited political representation, narrowed the space for public participation, and created serious democratic inequalities (Harianja, 2024), this provision also encourages the formation of pragmatic coalitions without strong ideological foundations, simply to fulfill administrative requirements-without considering the similarity of vision and mission between supporting parties. As a result, the stability and cohesiveness of the presidential system of government is threatened.

In addition, the presidential nomination threshold policy has also failed to create a coattail effect, where the popularity of presidential candidates should have boosted the votes of supporting parties in the legislative elections. Instead, what has happened is a decrease in the diversity of candidates and a strengthening of the dominance of major parties, which has implications for the limited choices for voters and contradicts the spirit of democracy that upholds diversity and freedom in making political choices. The Constitutional Court's decision emphasizes the institution's role as guardian of the constitution, guardian of democratic principles, and protector of the fundamental constitutional rights of citizens (. It is known that the presidential threshold provision has been tested 33 times in the Constitutional Court, the highest number in the history of constitutional judicial review, which shows the strong public rejection of the policy. With this decision, the debate on the presidential threshold as an open legal policy was declared over. Unfortunately, the legislators (DPR and the Government) did not show partiality to the constitutional aspirations of the people, and even tended to ignore them, as if the people were only positioned as objects in the democratic process, not as the main subject that must be heard and considered (Supriyanto, 2015).

With the abolition of the presidential threshold, the constitutional space for citizens to exercise their right to vote and be elected is reopened, as guaranteed in Article 28D paragraph (3) of the 1945 Constitution, which states that every citizen has the right to obtain equal opportunities in government. This policy also opens up opportunities to strengthen democracy and the efficiency of the presidential system of government (Cornelia, 2024). The hope is that there will be harmony between the vote acquisition of the Presidential and Vice-Presidential candidates and their supporting parties in the legislative elections, as well as encouraging the simplification of the party system ahead of the 2029 elections. Therefore, the Presidential and Vice-Presidential election system needs to be reorganized to emphasize the principles of justice that prioritize transparency, accountability, and improve the quality of party regeneration. This step is considered a more realistic and effective approach in strengthening the quality of democracy and governance. Electoral regulatory reform is a crucial step to ensure that the people's voice is truly represented in the electoral process. In addition, such reforms will contribute to strengthening the integrity and credibility of the EMB so as to foster public confidence in Indonesia's democratic system (Baswedan, 2024).

## 2. LITERATURE REVIEW

### 2.1. Theory of Government

Government is a science and art, said to be a scientific discipline because government has fulfilled the requirements of science such as being able to be studied and taught, having material and formal objects, being universal and systematic and specific (typical). According to Surya Ningrat, government is a group of individuals who have certain authority to exercise power. Government is the act or business or governing. Etymologically, the definition of government is an order means doing the work of ordering (2 parties, namely the commanding and the ordered) (Labolo, 2023). The theory of government is a conceptual study that discusses the basis, form, function, and purpose of government in the life of a state. In the history of political thought, the theory of government has developed from the thoughts of classical philosophers such as Plato and Aristotle. Aristotle distinguished three forms of government, namely monarchy, aristocracy, and politeia, each of which can degenerate into tyranny, oligarchy, and bad democracy. In the modern period, there is the social contract theory proposed by Hobbes, Locke, and Rousseau. Locke emphasized that government power comes from the consent of the people. The social contract became the basis for legitimizing power and the people's right to replace an unjust government. In addition, Montesquieu developed the theory of trias politica which divides power into legislative, executive and judicial. This division aims to prevent absolute power and ensure the freedom of citizens. These classical theories became the foundation for the development of the modern concept of government.

In the context of liberalism, government is seen as a servant of society that is obliged to protect individual rights. Liberal states emphasize the rule of law, civil liberties, and free markets as basic principles. The government should not interfere in the economic affairs or private lives of its citizens. However, in a welfare state, the government is expected to actively ensure the welfare of the people through social policies and redistribution. This shows a shift from the concept of minimal state to active state. In this theory, the role of the state is more complex and includes interventions in various sectors. The government is no longer just about maintaining order, but is also responsible for social justice. This theory is heavily influenced by the thoughts of Keynes who emphasized the importance of state intervention in the economy. Theories of governance continue to adapt to the needs of the times. In addition to liberalism and the welfare state, government theory also includes the Marxist approach. In Marx's view, government is a tool of the dominant class to maintain its power. The state is not neutral, but serves to oppress the working class and perpetuate capitalism. The government in a capitalist state is a representation of the interests of the bourgeoisie. This theory criticizes the liberal system of government, which is considered to hide social inequality. Therefore, in a socialist system of government, the state must take over the means of production for the sake of social justice. The government is centralized with the aim of eliminating exploitation and creating a classless society. However, the implementation of this theory in practice often leads to authoritarianism. Even so, Marxist theory remains an important reference in understanding the relationship between power and social class. It offers a critical perspective on conventional government structures.

The theory of government also includes the idea of democracy as the ideal form of government. Democracy places the people as the source of legitimizing power through mechanisms of participation and representation. In direct democracy, citizens are directly involved in political decision-making. However, in modern practice, democracy mostly takes the form of representative democracy. Governments are elected through elections and are accountable to the people. Democracy demands transparency, accountability and the rule of law. Robert Dahl developed the concept of polyarchy to describe a complex yet inclusive democratic system. Democracies also rely on strong and independent institutions to oversee power. The theory of democracy provides a foundation for the development of a system of government that respects human rights. However, democracy also faces challenges such as populism, corruption and political apathy (Levitsky, et., 2019). In contemporary literature, governance theory has also emerged. This concept emphasizes the importance of collaboration between the government, private sector and civil society in managing public affairs. Governance is not just about the formal structures of government, but also includes processes, actors and networks of power. This model demands broad participation, transparency and effectiveness. Good governance is considered a prerequisite for sustainable development. Indicators such as accountability, rule of law, and efficiency are the benchmarks of government performance. The concept of governance has become popular in public policy and international development studies. Global institutions such as the World Bank widely use this theory in designing government reform programs. Governance also emphasizes the importance of decentralization and local empowerment. This theory reflects a paradigm shift from centralized to participatory governance.

Max Weber introduced the concept of rational-legal bureaucracy as the ideal form of government organization. Bureaucracy in Weber's view is hierarchical, rule-based, and run by professional apparatus. The goal is efficiency, predictability, and neutrality in governance. However, this theory has also been criticized because it tends to lead to rigidity and inefficiency. Michael Crozier, for example, highlights that bureaucracy can be an obstacle to innovation and participation. Therefore, the idea of a more flexible and adaptive post-bureaucratic organization emerged. In the context of government reform, many countries are implementing new public management that combines bureaucratic efficiency with market values. Bureaucratic theory remains relevant but needs to be adapted to the demands of the times. The theory of local governance or decentralization is an important study in the context of multiethnic and multicultural countries. Decentralization gives local governments the authority to manage their own affairs. The aim is to bring services closer to the people and accelerate development. This theory is also related to the principle of subsidiarity, which states that public decisions should be made at the level closest to the citizens.

Decentralization can take administrative, fiscal or political forms. However, in practice, decentralization requires a strong oversight system to avoid corruption or conflicts of interest. Local governments must have adequate institutional capacity and resources. In this theory, community participation is the key to success. Decentralization is also considered to strengthen local democracy and accountability. Therefore, the study of local governance is very important in state institutional reform.

Governance theory is also influenced by the dynamics of globalization. National governments must now interact with global actors such as international organizations, multinational corporations and NGOs. This poses challenges to state sovereignty and capacity. Global governance theory emerged as a response to this complexity. The state is no longer the sole actor in governance, but part of a global network. This concept changes the way we understand legitimacy and accountability in government. Governments are required to be more open and responsive to global and domestic pressures. This theory illustrates the shift from traditional sovereignty towards a more inclusive and multilevel form of government. In addition, the theory of governance has also begun to incorporate elements of information technology in its models. Digital government or e-government is a new approach that utilizes technology to improve efficiency and transparency. This theory focuses on how technology can strengthen public services and citizen participation. Digital government changes the interaction between government and citizens to be faster and more responsive. However, there are also challenges such as the digital divide and cybersecurity threats. Digital governance theory requires the state to build inclusive and secure infrastructure. This concept is an important part of smart governance that combines technology, data and innovation in the decision-making process. Future governments are predicted to be increasingly dependent on integrated digital systems. Therefore, the understanding of governance theory must always keep up with technological developments. This reflects that governance theory is a dynamic study.

## 2.2. Presidential Threshold Theory

The presidential threshold is the threshold of political party vote support required to nominate a pair of presidential and vice-presidential candidates. This concept first emerged as part of efforts to maintain the stability of the presidential system in democratic countries. In the Indonesian context, the presidential threshold is regulated in the Election Law and has undergone several changes. Initially, this threshold was intended to prevent too many presidential candidates from dividing the popular vote. Some experts consider that the presidential threshold helps strengthen the party system. However, there are criticisms that arise because it is considered to hamper the constitutional rights of small parties. In addition, the threshold is considered not to reflect the conditions of an inclusive democracy (Foweraker, 1998). Constitutional law studies highlight that this threshold has the potential to create a political oligarchy. In other countries, such as the Philippines and the United States, a strict presidential threshold is not applied, showing that a democratic system can remain stable without a presidential nomination threshold. Presidential thresholds are usually set based on the results of the previous legislative elections. In Indonesia, the current figure is 20% of the DPR seats or 25% of the national valid votes. This means that only large parties or large coalitions can nominate a president. This threshold raises debates about representation and political justice. Some academics say that it narrows people's choices in elections. In addition, the effect of the threshold can also trigger transactional politics in order to form coalitions. Some countries choose not to apply the threshold because it is considered irrelevant in a multiparty system. The effectiveness of the threshold in screening presidential candidates is also questionable.

The purpose of the presidential threshold is to create government stability, by limiting the number of candidates so that the electoral process becomes more efficient and directed. But in reality, the threshold often causes political polarization. The formation of large coalitions that are not ideological is a consequence of this system. The politics of accommodation trumps the politics of ideas and platforms. Coalitions are formed not because of a common vision, but to fulfill administrative requirements. This has an impact on the quality of government and public policy-making. In the long run, the public loses trust in the political process. Some observers refer to the threshold as a form of "power consolidation". Therefore, it is important to reassess the relevance of the threshold to the quality of democracy. From a legal perspective, the presidential threshold has generated controversy regarding its constitutionality. The Indonesian Constitutional Court has been asked several times to test the validity of this threshold. However, the Court's decisions tend to maintain the threshold as an instrument of political stability. This view has been criticized by a number of constitutional law experts. They argue that the presidential threshold limits the right of political parties to nominate candidates. In fact, the constitution guarantees fair and equal political participation. Another argument is that the threshold strengthens the dominance of large parties. This is contrary to the principle of electoral justice. Therefore, many parties have called for a judicial review of this rule. Reforming the electoral legal system is an important issue that must be addressed immediately (Mainwaring, 1993).

The effect of the presidential threshold also has an impact on the behavior of political parties. Small parties tend to depend on large parties to participate in the presidential contest. This creates an unhealthy structural dependency in democracy. Then the big parties become too dominant and difficult to control. This implication can weaken accountability in the presidential system. Therefore, the presidential threshold is considered to worsen the quality of political institutions. Some reformers have suggested alternative models of nomination, such as an open nomination system. This way, all parties have an equal chance. In terms of electoral system theory, the presidential threshold is considered an instrument of party system engineering. The aim is to limit party fragmentation in presidential elections. However, many experts argue that this effect is not always achieved. In fact, in some cases, the threshold actually complicates the coalition process. Multiparty systems tend to be difficult to combine with high thresholds. This is because many small parties have no chance of nominating candidates. What happens is a pragmatic coalition without a clear platform. This has a negative impact on the stability of the post-election government. Comparative studies show that a healthy presidential system requires open competition. Too high a threshold inhibits regeneration and political innovation.

Criticism of the presidential threshold also comes from civil society, many democracy advocacy groups see the threshold as an obstacle to democratization. They consider this threshold irrelevant in the context of citizens' political rights. In addition, the influence of oligarchs in the nomination process is getting stronger. It is difficult for independent candidates or those from small parties to emerge in the contestation. This makes elections tend to be controlled by the same political elites. This condition weakens the spirit of democracy and openness. Public participation becomes just a formality without real choice. Some activists even call the threshold a form of political discrimination. Therefore, revision of this system is a major demand in electoral reform. In the academic debate, the presidential threshold raises a dilemma between stability and democracy. Some argue that without a threshold, democracy could become too fluid and uncontrollable. However, others believe that democracy should allow as

much space as possible for political contestation. Countries with established democracies generally do not set a presidential nomination threshold. They rely on natural selection through public debate and popular support. On the other hand, the threshold is considered to artificially intervene in this process. A healthy democracy should encourage free and fair competition. Therefore, it is important to balance the need for stability and openness. The threshold policy must be evaluated periodically. The goal is to remain relevant to the evolving political and social dynamics.

### 3. MATERIALS AND METHODS

Based on these thoughts, this research is conducted to analyze the mechanism for submitting candidates for President and Vice President after the Constitutional Court Decision Number 62/PUU-XXII/2024, in the framework of strengthening the presidential system of government in Indonesia. This research uses normative legal research methods, with a statute approach, case approach, and conceptual approach. Legal materials were collected through primary legal materials (laws and regulations and court decisions), secondary legal materials (literature, legal journals, and scientific documents), and tertiary legal materials (legal dictionaries, legal encyclopedias, and other supporting sources). The analysis is done descriptively to systematically describe how the reform of the Presidential and Vice-Presidential nomination system should be designed in a legal framework that is coherent, comprehensive, and in line with constitutional principles.

## 4. RESULTS AND DISCUSSION

### 4.1. The Complexity of Election Arrangements

Democracy is a system of government that reflects the sovereignty of the people, as embodied in the classic phrase government of the people, by the people, and for the people. According to Joseph Schumpeter, democracy can be understood as an institutional mechanism used to reach political decisions, in which individuals compete openly for popular support and seize power through a competitive electoral process (Saputra, 2024). A government based on the constitution can be understood within the framework of constitutionalism, where state power must be limited and regulated by law in order to ensure the implementation of a fair, orderly and democratic government. General elections serve as the main instrument in the formation of government and the administration of the state for the next period. In this context, there are two fundamental aspects that need attention: the electoral system/laws and the electoral processes (Cheibub, 2003). These two aspects are the basis for determining the leaders and representatives of the people, so electoral regulations need to be carefully designed to be in line with the principles of justice, fair representation, and encourage active community participation.

There are a number of reasons that explain the importance of periodic elections. First, the dynamics of people's aspirations that are constantly evolving demand a democratic channel to channel them. Second, the changing needs of the community are influenced by the development of global and national situations. Third, there is a growing number of novice voters who need to be given space to participate. Fourth, elections guarantee the continuity of the mechanism for changing power, both in the legislative and executive institutions. Through elections, the will of the people is channeled directly and legitimately as a form of legitimization of state power exercised during a certain period, such as in Indonesia, which takes place every five years. Elections also provide greater space for people to engage in the political process and make choices based on their preferences. Therefore, reforms in electoral systems and regulations are a crucial step in strengthening the foundations of Indonesian democracy and maintaining public trust in the current political system (Fitriyani, etc., 2024).

### 4.2. System of Government Based on the 1945 Constitution

The system of government adopted by Indonesia according to the 1945 Constitution of the Republic of Indonesia is the presidential system. In Yusdiyanto's view, the designation of this system as presidential has a strong constitutional basis, characterized by a number of key characteristics. Among these are important shifts in the Presidential election mechanism which is now carried out directly by the people, the existence of a strict separation of powers between state institutions, especially between the executive and legislative branches, and the application of the principle of checks and balances in the relationship between the President and the DPR. In addition, the position of the President as the central figure in the formation of the cabinet and the filling of other important positions, the existence of an impeachment mechanism, as well as provisions regarding the limitation of the President's term of office (fixed term) also emphasize the presidential character (Yusdiyanto, 2019).

This presidential system is then further elaborated in the design of an electoral system that consistently regulates the party system, legislative elections, and Presidential elections. The implementation of elections is a tangible manifestation of popular sovereignty. In this context, the people hold the supreme power in the state, but in order for the exercise of this power to be orderly and structured, elections are held to elect representatives of the people who are mandated to run the wheels of government, both at the executive and legislative levels. However, if examined further since the 1999 elections, the implementation of the presidential system in Indonesia has not run optimally. This is due to regulative provisions that are considered too loose and political practices that are more like a parliamentary system. This phenomenon is evident from the fall of President Abdurrahman Wahid and the rampant use of the right of inquiry during the reign of President Susilo Bambang Yudhoyono, which illustrates the rowdy political dynamics and creates government instability. Learning from this experience, during the two-term administration of President Joko Widodo, there has been a tendency to strengthen executive power which has weakened the legislative oversight function (Sikumbang, etc., 2022). This can be seen from how every executive policy tends to be approved without significant resistance from the parliament, as seen in the process of passing the Job Creation Law and revising the Corruption Eradication Commission (KPK) Law. For this reason, there are several ideas for the nomination of the President and Vice President in the Presidential system of government, namely:

#### 4.2.1. Towards a Democratic Presidential Election

The election of the President and Vice President as stipulated in Law Number 7/2017 on General Elections has become a means of meaningful participation of the people in determining the Head of State and Head of Government of the Republic of



Indonesia. Through this mechanism, the modern party-political system is strengthened, where the elected President not only obtains a constitutional mandate, but also strong legitimacy from the people (Lincoln, 1998). During their term of office, the President and Vice President are under public scrutiny because they have a constitutional responsibility to realize the vision, mission, campaign promises, and programs that have been delivered to the voters. This causal relationship between the voters and the elected reflects the improvement of the quality of democracy, as illustrated in the implementation of the 2024 Election. In addition, the simultaneous holding of elections between the Presidential and legislative elections also strengthens the principle of checks and balances between the executive and legislative institutions (Sudjatmiko, 1996). The synergy and collaboration between these institutions are expected to create an effective government and produce policies that favor the interests of the people. However, behind these achievements, there are still constitutional issues, especially related to the nomination requirements and the mechanism for proposing candidates for President and Vice President. This needs to be evaluated and improved in order to welcome the 2029 elections.

#### 4.2.2. Towards An Effective Presidential System

The combination of a presidential system and a multiparty system is not easy, as both have different characteristics and often cause tensions. According to Scott Mainwaring, a multiparty system in a presidential context can lead to deadlock and stagnation in decision-making. Some of the main causes include: ideological polarization, complex power sharing between parties, personalization of presidential power, and strained institutional relations between the executive and legislature. In addition, the conduct of presidential elections in practice is often influenced by the political interests of lawmakers, from nomination requirements to the determination of results (Liddle, 2006). The unclear rules on coalitions also exacerbate the situation, as they have the potential to create fragile and inconsistent governments. Jose Antonio Cheibub emphasized the importance of formalizing coalitions in the cabinet to prevent fragmentation and strengthen political stability.

In order for the presidential system to run effectively, a solid coalition of parties is needed from the nomination period until the government runs, not just pragmatically. In the future, the holding of simultaneous elections is expected to realize: (1) strong support from parties or a coalition of parties in the DPR for presidential candidates; (2) opportunities for political parties to regenerate leaders who are competent and have integrity; (3) simplification of the party system; and (4) the election of leaders who are able to make strategic decisions and maintain national political stability (Asshiddiqie, 2008).

#### 4.2.3. Presidential Candidacy According to the 1945 Constitution

The Principle of Popular Sovereignty Article 1(2) of the 1945 Constitution affirms that sovereignty resides in the hands of the people and is exercised in accordance with the Constitution, which indicates a system of constitutional democracy in Indonesia, where the law acts as a controller of the direction of democracy. The Role of Political Parties in Presidential Elections Article 6A paragraph (2) of the 1945 Constitution states that candidates for President and Vice President are nominated by political parties or a coalition of parties before the election. This means that the candidate pairs are the main participants in the election, not the parties. The party only functions as a proposer, the proposal is made before the legislative and presidential elections, political parties also play a role in shaping and preparing prospective leaders of the nation. Presidential Threshold as a Requirement to be Elected, Not to Nominate Article 6A paragraph (3) states that a candidate pair must obtain more than 50% of the national votes and at least 20% of the votes in more than half of the provinces. This is a threshold for election, not nomination (Singajuru, 2022). Similar practices exist in Brazil, Ecuador and Argentina with variations in the victory requirements.

Types of Elections Regulated by the Constitution Article 22E paragraph (2) states that elections are held to elect the DPR, DPD, President/Vice President, and DPRD. This shows a unified electoral framework in Indonesia. Equal Rights in Government Article 27 paragraph (1) and Article 28D paragraph (3) guarantee the equality of citizens in law and government, as well as the right to elect, be elected, and participate in government. This is reinforced by Human Rights Law No. 39 of 1999, which gives citizens the right to be actively involved in government. The Complexity of Electoral Arrangements Although there have been many electoral regulations since reformasi, including Law No. 7/2017, the electoral system still has problems, including frequent changes to laws ahead of elections and many judicial reviews at the Constitutional Court. Overlapping, duplication, and disharmony of legislative and executive election rules. Simultaneous election efforts have not fully resolved this issue. The idea of Electoral Reform and the Elimination of the Presidential Threshold the Constitutional Court through Decision No. 62/PUU-XXII/2024 suggested that presidential candidacy should no longer be limited by the presidential threshold. The principles suggested are that all parties have the right to nominate a presidential candidate, not depending on the acquisition of seats or votes previously, and party coalitions should not dominate so as to narrow the people's choices.

### 5. CONCLUSIONS

The complexity of the arrangements in the Election Law, especially the election of the President and Vice President which is carried out simultaneously by the House of Representatives, the Regional Representatives Council, and the Regional Representatives Council, needs to be changed. Indonesia has conducted simultaneous elections, and the simultaneity has given two effects at once: First, early coalition, because political parties are forced to form coalitions early to be solid in order to win the Presidential and Vice-Presidential Election competition; second, the coattail effect where the election of the President will affect the election of the national parliament. Brazil's experience of simultaneous elections shows that the elected President not only gains strong legitimacy from the Voters, but also significant support in parliament, this combination encourages the effectiveness of presidentialism, while positively contributing to the simplification and party system. The elimination of the Presidential Threshold for the Indonesian context in the future, should be interpreted as a requirement for the election of Presidential and Vice-Presidential candidate pairs, and not interpreted as a requirement for the nomination of the President and Vice President.

## REFERENCES

- Asshiddiqie, J. (2008). *Pokok-Pokok Hukum Tata Negara Indonesia, Pasca Reformasi*. Bhuana Ilmu Populer.
- Baswedan, A. (2024). *Demokrasi Indonesia di Persimpangan Jalan*. Pidato pada Sidang Sengketa Hasil Pemilu di Mahkamah Konstitusi.
- Cheibub, J. A. (2003). Minority governments, deadlock situations, and the survival of presidential democracies. *Comparative Political Studies*, 35(3), 285–325. <https://doi.org/10.1177/0010414002250222>
- Cornelia, G., et al. (2024). Implementasi prinsip demokrasi dalam hukum tata negara: Tinjauan terhadap sistem pemilihan umum di Indonesia. *Jurnal Kewarganegaraan*, 8(1). <https://doi.org/10.33143/pkn.v8i1.6139>
- Fitriyani, A., Rosadi, A. D., Laila, F., Puspita, D., & Imron, A. (2024). Determinan persepsi perilaku generasi milenial dengan generasi Z mempengaruhi keputusan dalam pemilihan umum tahun 2024. *Journal of Education Science*, 10(1). <https://doi.org/10.33143/jes.v10i1.3695Jurnal UUI>
- Foweraker, J. (1998). Institutional design, party systems, and governability: Differentiating the presidential regimes of Latin America. *British Annual of Political Science*, 28(4), 651–676. <https://doi.org/10.1017/S0007123400005078>
- Harianja, G. P. D., et al. (2024). Strategi Komisi Pemilihan Umum Kota Denpasar dalam meningkatkan partisipasi pemilih pada Pemilihan Kepala Daerah Serentak Tahun 2020. *Socio-political Communication and Policy Review*, 1(3). <https://doi.org/10.61292/shkr.120>
- Huda, N. (2016). *Sengketa kewenangan lembaga negara dalam teori dan praktik di Mahkamah Konstitusi*. FH UII Press. <https://doi.org/10.20885/iustum.vol24.iss2.art2Journal Portal>
- Kurniawan, Y. (2024). Mahkamah Konstitusi tidak terhormat, dalam Pilpres 2024 Kesaksian Para Penulis. Satupena.
- Labolo, M. (2023). *Memahami Ilmu Pemerintahan*. PT. RajaGrafindo Persada. <https://books.google.co.id/books?id=EOveEAAQBAJ>
- Levitsky, S., et al. (2019). *Bagaimana Demokrasi Mati*. Gramedia Pustaka Utama. <https://books.google.co.id/books?id=TJSeDwAAQBAJ>
- Liddle, W. R., & Mujani, S. (2006). A new multiparty presidential democracy. *Asian Survey*, 46(1), 5–34. <https://doi.org/10.1525/as.2006.46.1.5>
- Lincoln, A. (1998). The Gettysburg Address. In R. Blaug & J. Schwarzmantel (Eds.), *Democracy: A Reader* (pp. 3–5). Edinburgh University Press.
- Mainwaring, S. (1993). Presidentialism, multipartism, and democracy: The difficult combination. *Comparative Political Studies*, 26, 198–228. <https://doi.org/10.1177/0010414093026002001>
- Saputra, M. R., Setiadi, W., & Thohari, A. A. (2024). Analisis potensi implementasi sistem politik tanpa partai di Indonesia dan dampaknya terhadap demokrasi dan tata kelola pemerintahan. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4). <https://doi.org/10.55606/eksekusi.v2i4.1531Journal STIAYAP PIM Makassar>
- Sikumbang, Y. P., & Saragih, G. M. (2022). Konstitusionalitas penggunaan metode omnibus law sebelum dan sesudah berlakunya Undang-Undang Nomor 13 Tahun 2022 tentang Perubahan Kedua Atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan. *Lakidende Law Review*, 1(3). <https://doi.org/10.47353/delarev.v1i3.31>
- Singajuru, R. E. M. (2022). Politik hukum penyelesaian sengketa pemilu: Menggagas pembentukan pengadilan pemilu di Indonesia. Ringkasan disertasi, Program Studi Hukum Program Doktor Fakultas Hukum Universitas Islam Indonesia Yogyakarta.
- Sudjatmiko, I. G. (1996). Reformasi sistem pemilu Indonesia. *Jurnal Masyarakat Sosiologi*, 4. FISIP UI.
- Supriyanto, D. (2015). Pemilu serentak versi MK justru merepotkan. In P. Indra (Ed.), *Pemilu Serentak dalam Sistem Pemerintahan Indonesia* (pp. 45–60). P3DI Setjen DPR RI dan Azza Grafika.
- Tim Pemenangan Nasional Ganjar-Mahfud. (2014). Permohonan pembatalan keputusan Komisi Pemilihan Umum Nomor 360 Tahun 2024 tentang Penetapan Hasil Pemilihan Umum Presiden dan Wakil Presiden, Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, DPRD Provinsi, DPRD Kabupaten/Kota secara Nasional dalam Pemilihan Umum.
- Yusdiyanto. (2019). The development of presidential system of government based on the 1945 constitution. disertasi, Program Doktor Ilmu Hukum, Bandung: Fakultas Hukum, Universitas Padjadjaran.