

Reconstructing Indonesia's Presidential Election Law Through Pancasila Values and Constitutional Principles

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Abstract: This study examines the reconstruction of Indonesia's presidential and vice-presidential election law by integrating Pancasila values and constitutional principles into the national democratic system. The research is motivated by ongoing debates concerning the Presidential Threshold and Parliamentary Threshold policies, which are considered to limit political equality, weaken democratic inclusiveness, and create inconsistencies within Indonesia's presidential system in the context of a multiparty democracy. This study aims to formulate a more just, participatory, and constitutionally oriented electoral framework based on the philosophical values of Pancasila. The research employs a socio-legal approach using a mixed-methods design that combines normative legal analysis with empirical and conceptual examination of electoral practices in Indonesia. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 concerning General Elections, Constitutional Court decisions, and related regulations. These materials are analyzed through statutory, conceptual, and philosophical approaches grounded in democratic theory and Pancasila jurisprudence. The findings reveal that the Presidential Threshold mechanism imposes discriminatory limitations by restricting political parties' equal opportunities to nominate presidential candidates, thereby undermining substantive democratic principles and constitutional justice. Furthermore, the implementation of simultaneous elections has contributed to political polarization and weakened the effectiveness of presidential governance. This study proposes several legal reforms, including the abolition of the Presidential Threshold, the reevaluation of simultaneous elections, the introduction of independent presidential candidates, and the strengthening of candidate qualifications through stricter requirements for leadership experience, public achievements, and national integrity. This research contributes to the development of constitutional and electoral law studies by offering a Pancasila-based reconstruction model for a more inclusive, equitable, and democratic presidential election system in Indonesia.

Keywords: Constitutional Principles; Democracy; Pancasila Values; Presidential Election Law; Political Reconstruction.

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INTRODUCTION

The democratic transition in Indonesia following the 1998 Reformasi era has significantly transformed the state's constitutional and political landscape, particularly in the implementation of direct presidential elections. The constitutional amendments to the 1945 Constitution marked an important milestone in strengthening democratic governance, public participation, and the sovereignty of the people in determining national leadership.¹ Under the direct election mechanism, the President and Vice President are no longer selected by the People's Consultative Assembly (MPR), but are directly elected by citizens, embodying constitutional democracy and popular sovereignty. Nevertheless, despite these democratic developments, the legal framework governing presidential elections continues to generate substantial constitutional, political, and sociological debates, especially concerning the Presidential Threshold and Parliamentary Threshold provisions under Law Number 7 of 2017 concerning General Elections.²

The Presidential Threshold policy, which requires political parties or coalitions to secure a certain percentage of parliamentary seats or national votes before nominating presidential candidates, has become one of the most controversial issues in Indonesian electoral law. In practice, this regulation limits smaller political parties' equal participation in presidential nominations and tends to centralize political power among dominant elites. Consequently, the presidential election process often becomes exclusive and oligarchic, reducing the democratic space for broader public representation. This condition contradicts the constitutional principles of equality before the law, political justice, and participatory democracy guaranteed by the Indonesian Constitution. From the perspective of Pancasila values, particularly the principles of just and civilized humanity and social justice for all Indonesians, the Presidential Threshold mechanism potentially creates discriminatory political practices that marginalize minority political forces and weaken substantive democracy.³

In addition, the simultaneous election system implemented in Indonesia has also raised serious concerns regarding electoral effectiveness, political polarization, administrative neutrality, and the quality of democratic participation. Simultaneous elections are often considered overly burdensome for election organizers and voters

¹ Bayu Arjunah et al., "Electoral Integrity and Criminal Policy: Addressing Regional Election Offences in Democratic Governance," *Nusantara: Journal of Law Studies* 5, no. 1 (June 2026): 746–769, <https://doi.org/10.66325/nusantaralaw.v5i1.207>.

² Djayadi Hanan, Tri Sulistianing Astuti, and Luthfi Widagdo Eddyono, "Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia: Reformasi Elektoral Melalui Mahkamah Konstitusi: Konstitusionalitas Ambang Batas Pencalonan Presiden Di Indonesia," *Jurnal Konstitusi* 22, no. 2 (June 2025): 260–292, <https://doi.org/10.31078/jk2223>.

³ Adhi Priamarizki and Muhamad Haripin, "The Guardian of the Votes? Purnawirawan Politics in Indonesia's 2024 National Legislative Elections," *Asian Politics and Policy* 18, no. 2 (2026), <https://doi.org/10.1111/aspp.70082>.

due to the complexity of managing multiple elections at once. Furthermore, this system has contributed to increasing transactional politics, vote-buying practices, and political polarization within society. The concentration of political competition in a single electoral cycle frequently prioritizes pragmatic political interests over the substantive quality of democratic leadership. As a result, the current electoral system tends to emphasize procedural democracy while neglecting the philosophical objectives of constitutional justice and public welfare embodied in Pancasila.⁴

Several previous studies have discussed the issue of presidential elections and the Presidential Threshold in Indonesia. The first study primarily focused on the constitutionality of the Presidential Threshold and concluded that the policy was intended to strengthen the presidential system by simplifying politics.⁵ However, the study was limited to normative constitutional analysis and did not examine the broader implications for democratic justice and political equality. The second study analyzed the effectiveness of simultaneous elections in Indonesia and found that simultaneous elections contributed to political efficiency and reduced electoral costs.⁶ Nevertheless, the research failed to critically examine the sociological impacts of political polarization, electoral manipulation, and the weakening of public trust in democratic institutions. The third study examined the relationship between multiparty systems and presidential governance in Indonesia, arguing that the Presidential Threshold was necessary to create governmental stability.⁷ However, the study overlooked the philosophical dimensions of Pancasila justice and did not propose a comprehensive reconstruction model for Indonesia's electoral law system.

Based on these previous studies, this research identifies several significant gaps. First, earlier studies tend to focus separately on constitutional legality, electoral effectiveness, or political stability without integrating Pancasila values and constitutional principles into a comprehensive legal reconstruction framework. Second, existing scholarship generally emphasizes procedural aspects of elections while paying insufficient attention to substantive democratic justice, inclusiveness, and equal political participation. Third, there remains limited socio-legal research

⁴ Priamarizki and Haripin.

⁵ Djayadi Hanan, Tri Sulistianing Astuti, and Luthfi Widagdo Eddyono, "Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia: Reformasi Elektoral Melalui Mahkamah Konstitusi: Konstitusionalitas Ambang Batas Pencalonan Presiden Di Indonesia," *Jurnal Konstitusi* 22, no. 2 (June 2025): 260–292, <https://doi.org/10.31078/jk2223>.

⁶ Rizki Bagus Prasetyo and Febri Sianipar, "The Relevance of the Application of the Presidential Threshold and the Implementation of Simultaneous Elections in Indonesia," *Jurnal Penelitian Hukum De Jure* 21, no. 2 (June 2021): 267–284, <https://doi.org/10.30641/dejure.2021.V21.267-284>.

⁷ Eugen Mohamad, "Penerapan Sistem Pemilu Campuran Sebagai Upaya Purifikasi Sistem Presidensial di Indonesia: Implementation of Mixed-Election System as a Way to Purify Indonesian Presidential System," *Jurnal Konstitusi* 22, no. 3 (September 2025): 528–553, <https://doi.org/10.31078/jk2236>.

employing progressive legal perspectives to reconstruct Indonesia's presidential election law in response to contemporary democratic challenges. Therefore, this study offers novelty by developing a Pancasila-based reconstruction model that combines constitutional principles, progressive legal theory, and socio-legal analysis to formulate a more inclusive and equitable presidential election system in Indonesia.

The novelty of this research lies in three major contributions. First, this study reconstructs presidential election law not merely from the perspective of constitutional legality but through the philosophical framework of Pancasila justice as the ideological foundation of the Indonesian state. Second, the study proposes either abolishing or reevaluating the Presidential Threshold mechanism and introduces broader opportunities for independent presidential candidates to strengthen democratic inclusiveness. Third, this research proposes a progressive reconstruction of candidate qualifications, emphasizing leadership experience, public achievement, and national integrity as substantive standards for presidential leadership. Through these innovations, the study seeks to move beyond procedural electoral reforms toward a more substantive and justice-oriented democratic system.

This study raises a central research question: How can Indonesia's presidential election law be reconstructed to align with Pancasila values and constitutional principles, thereby creating a more inclusive, just, and democratic electoral system? The significance of this research lies in both its theoretical and practical implications. Theoretically, this study contributes to the development of constitutional law, electoral law, and socio-legal studies by integrating Pancasila justice theory, legal system⁸ theory, and progressive legal theory into the discourse on democratic reform in Indonesia. Practically, the research provides policy recommendations for lawmakers, election organizers, political parties, and constitutional institutions regarding the future reformulation of presidential election regulations. Furthermore, this study is expected to strengthen democratic consolidation in Indonesia by promoting electoral justice, equal political participation, and constitutional governance rooted in Pancasila values.

METHOD

This study employs a socio-legal research⁹ design within the constructivist paradigm to examine the reconstruction of Indonesia's presidential election law through Pancasila values and constitutional principles. The constructivist paradigm is

⁸Azam M, Mashdurohatun Anis, Harmonizing Contemporary International Commercial Law with Sharia-Based National Legal Systems: A Comparative Study of Pakistan, Turkey, Indonesia, Malaysia, and Saudi Arabia, *MIL.Rev: Metro Islamic Law Review* 4, no 2 (2025) 1074 – 1096, DOI: 10.32332/milrev.v4i2.11334.

⁹ Andri Winjaya Laksana, "Sociological Analysis of Narcotics Circulation Treatment on Students," *Jurnal Pembaharuan Hukum* 8, no. 1 (April 2021): 105–117, <https://doi.org/10.26532/JPH.V8I1.15377>.

used because legal reality is understood as socially constructed through political interactions, constitutional practices, and public interpretations of justice within democratic governance. This research is descriptive-analytical¹⁰ in nature, aiming not only to describe the existing legal and political conditions surrounding presidential and vice-presidential elections in Indonesia, but also to critically analyze the inconsistencies between electoral regulations and the philosophical values of Pancasila justice. The study integrates normative legal analysis with empirical investigation to explore how the Presidential Threshold, Parliamentary Threshold, and simultaneous election system influence democratic inclusiveness, political equality, and constitutional justice. The theoretical framework of this research is grounded in Yudi Latif's theory of Pancasila justice, Lawrence M. Friedman's legal system theory, and Satjipto Rahardjo's progressive legal theory to formulate a more equitable and substantive electoral reconstruction model.

Data collection was conducted through both library and field research techniques.¹¹ Primary data were obtained through interviews and direct observations with academics,¹² election practitioners, political actors, and legal experts with competence in constitutional and electoral law. Secondary data were collected from constitutional provisions, statutes, Constitutional Court decisions, scholarly journals, books, and related legal documents concerning presidential elections in Indonesia. The data were analyzed qualitatively using an interactive analysis model consisting of data reduction, data presentation, and conclusion drawing to identify patterns, legal inconsistencies, and reconstruction models relevant to constitutional democracy and Pancasila values. To ensure the validity and reliability of the findings, this study employed triangulation techniques, including source triangulation, theoretical triangulation, and methodological triangulation, by comparing data obtained from interviews, legal documents, and academic literature. This validation process was intended to strengthen the credibility, consistency, and objectivity of the research findings in the reconstruction of Indonesia's presidential election law.

RESULTS AND DISCUSSION

The Legal Politics of Indonesia's Presidential Election System Have Not Fully Reflected Pancasila Justice

The implementation of presidential and vice-presidential elections in Indonesia represents one of the most important constitutional mechanisms

¹⁰ Mashdurohatun, A., Sulistiyono, A., & Susilo, A. B. (2024). *Metodologi Penelitian Hukum*. PT RajaGrafindo Persada. ISBN 9786230824418.

¹¹ Andri Winjaya Laksana, Bambang Manumayoso, and Arida Turymshayeva, "The Effect of Tax Transparency on the Effectiveness of Indonesia's Mining Tax Policy," *Contrarius* 2, no. 2 (March 2026): 183–204, <https://doi.org/10.53955/contrarius.v2i2.290>.

¹² Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does It Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–150, <https://doi.org/10.18196/jmh.v32i1.25678>.

within the democratic system established after the Reformasi era.¹³ The direct election system was initially expected to strengthen popular sovereignty, increase public participation, and produce national leaders with strong democratic legitimacy. However, in practice, the legal politics governing presidential elections has generated various constitutional and sociological problems, particularly regarding the Presidential Threshold mechanism under Article 222 of Law Number 7 of 2017 on General Elections. The findings of this research demonstrate that the current presidential election framework has not fully reflected the principles of justice embodied in Pancasila, especially social justice, equality of political opportunity, and participatory democracy.¹⁴

From Yudi Latif's perspective on Pancasila justice, justice is not merely procedural legality but also substantive equality that guarantees fair opportunities for all citizens and political entities. Pancasila emphasizes distributive, legal, and commutative justice as interconnected principles in state governance. Within the context of presidential elections, distributive justice requires the state to provide equal political opportunities for all political parties and citizens to participate in leadership contests. Nevertheless, the Presidential Threshold creates structural discrimination because only political parties or coalitions achieving a certain percentage of parliamentary seats or popular votes may nominate presidential candidates. Consequently, smaller political parties, new parties, and minority political groups are excluded from participating equally in the democratic process.¹⁵

The research findings indicate that the Presidential Threshold indirectly strengthens political oligarchy by concentrating presidential nominations among dominant political elites. Although Indonesia constitutionally recognizes a multiparty political system, the threshold mechanism substantially limits political competition and reduces democratic inclusiveness. In reality, many political parties can participate in legislative elections but lack the constitutional right to nominate presidential candidates independently. This condition contradicts the democratic principle that every citizen and political organization should possess equal political rights under the Constitution. Moreover, the Presidential Threshold has created political pragmatism among political parties. Instead of

¹³ Muhammad Faisal et al., "Government Social Media Communication as a Political Public Relations Strategy for Advancing Social Welfare," *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 421–435, <https://doi.org/10.66325/nusantaralaw.v5i1.215>.

¹⁴ Putri Lina Wahyuni, Elidar Sari, and Mukhlis M., "Presidential Threshold Terhadap Pemilihan Presiden Dan Wakil Presiden Republik Indonesia Dalam Sistem Ketatanegaraan," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 1, no. 1 (October 2018), <https://doi.org/10.29103/jimfh.v1i1.2542>.

¹⁵ Restiyani and Isharyanto, "Anomali Presidential Threshold Dalam Sistem Presidensiil Di Indonesia," *Res Publica: Jurnal Hukum Kebijakan Publik* 4, no. 3 (December 2020): 303–316, <https://doi.org/10.20961/respublica.v4i3.58430>.

developing ideological platforms and substantive leadership programs, many parties prioritize coalition-building merely to fulfill nomination requirements. This phenomenon weakens ideological competition and transforms presidential elections into transactional political negotiations dominated by elite interests. As a result, the democratic process becomes more procedural than substantive, with political access heavily dependent on electoral calculations rather than meritocratic leadership selection.¹⁶

The findings further reveal that the current electoral system contributes to the narrowing of leadership alternatives available to the public.¹⁷ By restricting candidate nominations, the system limits the emergence of competent national leaders from diverse political backgrounds. The Presidential Threshold often forces political parties to support already dominant figures rather than developing new leaders through institutionalized political recruitment. Consequently, democratic competition becomes less dynamic, and public political participation tends to decrease due to limited electoral choices. From a constitutional perspective, the Presidential Threshold raises questions about equality before the law and the political rights guaranteed under the 1945 Constitution. The constitutional principle of popular sovereignty requires that political participation should not be excessively restricted by administrative barriers that benefit only certain political groups. The findings suggest that the current electoral framework does not fully align with constitutional democracy because it restricts equal political access and potentially undermines substantive representation within Indonesia's diverse society.¹⁸

The implementation of simultaneous elections has additionally intensified these democratic problems. Simultaneous elections, while intended to improve efficiency, have generated administrative complexity, political polarization, and voter fatigue. The concentration of multiple elections within one political moment increases the burden on election organizers and reduces the quality of public political deliberation.¹⁹ Furthermore, simultaneous elections encourage the dominance of short-term political campaigns over long-term, policy-oriented

¹⁶ Karmel Hebron Simatupang, "Multi-Party Systems and Parliamentary Thresholds: The Case of Indonesia's Presidential System with Comparisons to Germany and Taiwan," *Journal of Political Issues* 6, no. 2 (January 2025): 99–109, <https://doi.org/10.33019/jpi.v6i2.291>.

¹⁷ Majed Alsarhan and Nader Alsarhan, "The Scene of Electronic Fraud Crimes: A Comparative Study of Jordanian and Spanish Legislation," *Al-Biruni Journal of Humanities and Social Sciences*, December 2, 2025, 20, <https://doi.org/10.64440/BIRUNI/BIR0010>.

¹⁸ Hayat Hayat, "Korelasi Pemilu Serentak Dengan Multi Partai Sederhana Sebagai Penguatan Sistem Presidensial," *Jurnal Konstitusi* 11, no. 3 (2014): 468–491, <https://doi.org/10.31078/jk1134>.

¹⁹ Adithiya Diar, Beny Saputra, and Hartati, "Ultra Petita Practices in Regional Head Election Disputes before the Constitutional Court of Indonesia," *Jurnal Media Hukum* 33, no. 1 (2026): 1–20, <https://doi.org/10.18196/jmh.v33i1.27208>.

democratic engagement. The incompatibility between the Presidential Threshold and Pancasila justice can be summarized in the following table:

Tabel 1. The incompatibility between the Presidential Threshold and Pancasila Justice

Aspect	Pancasila Principles ²⁰	Justice	Current Presidential Threshold Practice	Impact
Political Equality	Equal opportunities for all citizens and parties	political for and	Only parties can nominate candidates	Political discrimination
Democratic Participation	Broad participation		Restricted nomination mechanism	Limited public choice
Social Justice	Fair access to political power		Dominance of elite coalitions	Political oligarchy
Constitutional Rights	Equal rights before the law		Unequal nomination opportunities	Weak constitutional inclusiveness
Leadership Recruitment	Merit-based leadership selection		Coalition-based pragmatic selection	Reduced leadership quality

Source: Author's Interpretation

The findings therefore demonstrate that the current legal politics of presidential elections remain heavily influenced by procedural and pragmatic considerations rather than substantive democratic justice. Pancasila, as the philosophical foundation of the Indonesian state, requires democratic governance that promotes equality, participation, deliberation, and social justice. However, the Presidential Threshold mechanism tends to prioritize political stability and elite consolidation over democratic inclusiveness and constitutional fairness.

Weaknesses in the Current Legal Politics of Presidential and Vice-Presidential Elections

The study identifies several structural, substantive, and cultural weaknesses within Indonesia's current presidential election system. These weaknesses reflect

²⁰ Gulo Meilinus Adriganti Pelindung Hati, Mashdurohatun Anis, et.al Regulatory reconstruction of ultra petita in industrial disputes: Aligning with justice principles, Edelweiss Applied Science and Technology 9, no 1: 321 – 330, DOI: 10.55214/25768484.v9i1.4107.

broader problems in the institutionalization of democracy, political party governance, and electoral regulation. Using Lawrence M. Friedman's legal system theory,²¹ the weaknesses can be analyzed through three dimensions: legal structure, legal substance, and legal culture.

a. Weaknesses in Legal Structure

Structurally, political parties play a central role in presidential nominations because they function as constitutional institutions responsible for political recruitment and democratic representation. However, the findings indicate that many Indonesian political parties still lack institutionalized mechanisms for cadre development, leadership training, and merit-based candidate recruitment. Political parties frequently prioritize popularity, financial resources, and political pragmatism over competence, integrity, and ideological commitment. The emergence of "instant cadres" in Indonesian politics illustrates the institutional weakness of political parties. Several public figures without long-term party experience have rapidly become presidential or vice-presidential candidates due to popularity and electoral calculations. This phenomenon demonstrates that political parties often function more as electoral vehicles than as institutions for democratic leadership development. Furthermore, the dominance of party elites within the nomination process limits internal party democracy.²² Decisions regarding presidential nominations are frequently centralized among party leaders, reducing participatory deliberation within party structures. Consequently, political parties become instruments of elite interests rather than democratic representation.

b. Weaknesses in Legal Substance

Substantively, the current presidential election regulations contain several constitutional and juridical inconsistencies. First, the Presidential Threshold has repeatedly generated constitutional debates regarding its compatibility with democratic principles and constitutional rights. Although the Constitutional Court has upheld the threshold mechanism, many legal scholars argue that the policy contradicts the constitutional principle of equal political participation. Second, the simultaneous election system has created practical and constitutional challenges. Election organizers face enormous administrative burdens in managing legislative and presidential elections simultaneously. This complexity increases the risk of logistical problems, inaccuracies in vote counting, and

²¹ Arpangi Arpangi et al., "Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers' Rights in Indonesia: An Islamic Legal Perspective," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (March 2025): 51–62, <https://doi.org/10.31958/juris.v24i1.13423>.

²² Bayu Indra Pratama et al., "Mapping National and Local Political Coalitions in Indonesia: Multistage Social Network Analysis Oversized Coalition Governor, Regent, and Mayor Elections 2024," *Cogent Social Sciences* 12, no. 1 (2026), <https://doi.org/10.1080/23311886.2025.2611443>.

administrative inefficiency. Third, the existing legal framework does not provide opportunities for independent presidential candidates. Unlike regional elections, where independent candidates are permitted, presidential elections are controlled exclusively by political parties. This restriction limits democratic participation and prevents non-partisan national figures from participating in presidential contests.²³ Fourth, candidate qualification standards remain relatively procedural rather than substantive. Current regulations primarily emphasize administrative eligibility without sufficiently considering leadership experience, public achievements, ethical integrity, and national commitment. As a result, the quality of presidential candidates depends largely on political popularity rather than demonstrated leadership capacity. The weaknesses of the current system can be summarized below:

Table 2. Structural Weaknesses in Indonesia's Electoral System and Their Democratic Consequences

Weakness Dimension	Current Condition	Consequences
Political Party Recruitment	Weak institutional cadre system	Emergence of instant political elites
Presidential Threshold	Restrictive nomination mechanism	Political discrimination
Simultaneous Elections	Administrative complexity	Electoral inefficiency
Candidate Qualification	Administrative-oriented standards	Weak leadership quality
Independent Candidates	No legal accommodation	Limited democratic participation

Source: Author's Interpretation

c. Weaknesses in Legal Culture

Culturally, Indonesia's democratic practices remain heavily influenced by transactional politics, political patronage, and elite dominance. Although Indonesian political culture emphasizes deliberation and cooperation as reflected in Pancasila, electoral practices frequently prioritize pragmatic political interests. Vote-buying, identity politics, and political polarization continue to influence electoral behavior. The findings further reveal that public trust in political parties remains relatively low due to perceptions of corruption, oligarchy, and elite-

²³ Muhammad Rio Fariza et al., "Faith-Filtered Political Communication: Negotiating Meaning Among First-Time Voters in Indonesia's 2024 Presidential Election," *Howard Journal of Communications*, ahead of print, 2026, <https://doi.org/10.1080/10646175.2026.2665291>.

centered politics.²⁴ Many citizens perceive political parties as disconnected from public aspirations, which contributes to declining democratic engagement and political cynicism. In addition, the culture of constitutionalism within electoral politics remains underdeveloped. Electoral regulations are often designed to serve short-term political interests rather than to promote long-term democratic consolidation.²⁵ Consequently, legal reforms frequently become instruments of political negotiation rather than constitutional improvement.

Reconstructing Presidential Election Law Through Pancasila Values and Constitutional Principles

The reconstruction of Indonesia's presidential election law requires a comprehensive transformation of electoral regulations, political institutions, and democratic culture. This reconstruction should be grounded in Pancasila values²⁶, constitutional democracy, and progressive legal principles to ensure a more inclusive, fair, and substantive democratic system.

a. Abolishing the Presidential Threshold

One of the main reconstruction proposals is the abolition of the Presidential Threshold mechanism. The findings demonstrate that the threshold creates political discrimination and limits equal participation among political parties. Eliminating the threshold would allow all qualified political parties to nominate presidential candidates independently, thereby strengthening democratic competition and leadership diversity.²⁷ The abolition of the Presidential Threshold does not necessarily weaken the presidential system. Instead, political simplification can still be achieved through the Parliamentary Threshold mechanism in legislative elections. The Parliamentary Threshold is considered sufficient to maintain governmental stability while preserving equal opportunities within presidential elections.

²⁴ Thomas B. Pepinsky, "Cleavages, Institutions, and Democracy in Indonesia: The 2024 Elections in Comparative Perspective," *Journal of Current Southeast Asian Affairs* 44, no. 3 Special Section: Presidentialism and Democracy in Indonesia (2025): 345–365, <https://doi.org/10.1177/18681034251349467>.

²⁵ M. Rizal Qosim et al., "The Politicization of Religion and Law Enforcement in Indonesia's Democratic Elections: An Islamic Legal Perspective," *Al-Manabij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 313–334, <https://doi.org/10.24090/mnh.v19i2.15244>.

²⁶ Mashdurohatun A., Legal reform for rectifying child violence in educational settings through the lens of justice, *Edelweiss Applied Science and Technology* 9, no 2 (2025): 1082 – 1089, DOI: 10.55214/25768484.v9i2.4658

²⁷ Ali Umar Harahap et al., "Legal Framework for Resolving Election Violations in Indonesia: Towards Electoral Justice," *Indonesian Journal of Criminal Law Studies* 10, no. 2 (2025): 985–1014, <https://doi.org/10.15294/ijcls.v10i2.24541>.

b. Reevaluating Simultaneous Elections

The study also recommends reevaluating simultaneous elections. Presidential elections should be separated from legislative elections to reduce administrative burdens and improve electoral quality. Separate elections would allow voters to focus more carefully on presidential leadership issues rather than simultaneously evaluating numerous political contests. Moreover, separating elections could reduce political polarization and minimize the dominance of short-term coalition politics. Political parties would have greater incentives to develop substantive policy platforms rather than relying solely on electoral pragmatism.

c. Introducing Independent Presidential Candidates

Another important proposal for reconstruction is the introduction of independent presidential candidates. Allowing independent candidates would broaden democratic participation and give national figures outside political parties a chance to compete for leadership positions. Independent candidacy mechanisms could strengthen democratic inclusiveness and reduce excessive dependence on political party oligarchy. However, independent candidates should still fulfill certain constitutional and administrative requirements to ensure electoral seriousness and legitimacy.

d. Strengthening Candidate Qualifications

The reconstruction also includes strengthening substantive qualifications for presidential and vice-presidential candidates. Candidate requirements should not focus solely on age and administrative documents, but also on leadership experience, public achievements, ethical integrity, and national commitment. The study proposes additional qualifications, including: at least 10 years of leadership experience in executive or legislative institutions; demonstrated public achievements and governance performance; leadership education and constitutional training; and a strong commitment to Pancasila and constitutional values. The proposed reconstruction model can be summarized as follows:

Table 3. Proposed Reconstruction of Indonesia's Electoral System: Current Arrangements and Reform Measures

Reconstruction Area	Current System		Proposed Reform
Presidential Threshold	20–25% requirement	nomination	Abolished
Parliamentary Threshold	4%		Maintained
Election System	Simultaneous elections		Separated elections
Candidate Nomination	Party monopoly		Inclusion of independent candidates
Candidate Qualifications	Administrative standards		Merit-based standards

Source: Author's Interpretation

Implications of Electoral Reconstruction for Indonesia's Constitutional Democracy

The proposed reconstruction carries significant implications for Indonesia's constitutional democracy, political stability, and democratic consolidation. First, the abolition of the Presidential Threshold would strengthen political equality and democratic inclusiveness. All political parties would possess equal constitutional opportunities to nominate presidential candidates, thereby expanding public political choices and reducing elite domination. Second, introducing independent candidates would create a more open democratic system by allowing broader citizen participation. Independent candidacies could encourage the emergence of national leaders with strong professional backgrounds, social legitimacy, and public trust outside traditional party structures.²⁸

Third, strengthening candidate qualifications would improve leadership quality and governance effectiveness. Merit-based leadership recruitment aligns with Pancasila's emphasis on moral integrity, social justice, and public welfare. Democratic leadership should not merely rely on popularity but also on competence, ethical responsibility, and constitutional commitment.²⁹ Fourth, reevaluating simultaneous elections could improve electoral management and democratic deliberation. Separate elections would allow greater public focus on presidential leadership issues and reduce electoral complexity. Election organizers would also face lower administrative burdens, potentially improving electoral integrity and transparency.³⁰

From the perspective of progressive legal theory, electoral law reconstruction must prioritize justice and public welfare over rigid procedural formalism. Law should function as an instrument of democratic transformation capable of responding to evolving social and political realities. Therefore, reconstructing presidential election law should not only address technical electoral mechanisms but also strengthen constitutional morality and democratic ethics. The broader implications of reconstruction are presented below:

Table 4. Democratic Impacts of Electoral System Reconstruction in Indonesia

²⁸ Denny Indra Sukmawan and Syaugi Pratama, "Critical Review of the Constitutional Court's Decision on the Presidential Threshold: Tinjauan Kritis Mengenai Putusan Mahkamah Konstitusi Tentang Ambang Batas Pencalonan Presiden," *Jurnal Konstitusi* 20, no. 4 (December 2023): 556–575, <https://doi.org/10.31078/jk2041>.

²⁹ Rizqi Bachtiar, "Clientelism Rewired: Interim Leadership and Electoral Manipulation in Indonesia's 2024 Presidential Elections," *Contemporary Southeast Asia* 47, no. 2 (2025): 282–309, <https://doi.org/10.1355/cs47-2l>.

³⁰ Suparto Suparto, "Pelaksanaan Sistem Pemerintahan Presidensial Dengan Multi Partai Di Indonesia," *SASI* 27, no. 4 (December 2021): 516–531, <https://doi.org/10.47268/sasi.v27i4.600>.

Democratic Aspect	Current Condition	Reconstruction Impact
Political Participation	Limited by thresholds	More inclusive participation
Leadership Diversity	Restricted candidates	Broader leadership alternatives
Electoral Justice	Procedural dominance	Substantive democratic justice
Constitutional Equality	Unequal nomination rights	Equal political opportunity
Democratic Consolidation	Elite-centered democracy	Participatory constitutional democracy

Source: Author's Interpretation

Ultimately, this study concludes that reconstructing Indonesia's presidential election law in line with Pancasila values and constitutional principles is necessary to strengthen substantive democracy, constitutional justice, and inclusive political participation. Electoral reform should move beyond procedural adjustments toward a comprehensive transformation of democratic governance rooted in equality, justice, deliberation, and public welfare.³¹ Through such reconstruction, Indonesia can develop a more democratic presidential election system consistent with the philosophical foundations of Pancasila and the constitutional aspirations of the Indonesian people.

CONCLUSION

This study concludes that the current legal politics governing Indonesia's presidential and vice-presidential elections have not fully reflected the principles of Pancasila justice and constitutional democracy. The implementation of the Presidential Threshold under Article 222 of Law Number 7 of 2017 has created discriminatory limitations, restricting equal opportunities for all political parties to nominate presidential candidates and thereby weakening political inclusiveness and substantive democratic participation. In addition, the emergence of "instant cadres" within political parties demonstrates the weak institutionalization of political recruitment and leadership development in Indonesia's democratic system. Political parties have not optimally functioned as institutions for preparing competent, experienced, and ideologically mature national leaders. As a result, the presidential election process tends to be dominated by political pragmatism, elite interests, and transactional coalitions rather than merit-based democratic competition rooted in constitutional justice and public welfare.

³¹ Riezka Eka Mayasari et al., "Speedy Trial in Election Crimes in Indonesia: Between Judicial Efficiency and Evidentiary Integrity," *Indonesian Journal of Criminal Law Studies* 10, no. 2 (2025): 953–984, <https://doi.org/10.15294/ijcls.v10i2.29811>.

Therefore, this research proposes a reconstruction of Indonesia's presidential election law by abolishing the Presidential Threshold while maintaining the Parliamentary Threshold, thereby simplifying the multiparty system. The study also recommends separating simultaneous elections, opening opportunities for independent presidential candidates, and strengthening the substantive qualifications of presidential and vice-presidential candidates through leadership experience, public achievements, and national integrity standards. These reforms are expected to create a more inclusive, participatory, and justice-oriented democratic system consistent with Pancasila values and constitutional principles. For future research, scholars are encouraged to conduct comparative studies on presidential election systems in other democratic countries, examine the constitutional implications of independent candidacies, and explore the relationship between electoral reform, political party institutionalization, and democratic consolidation in Indonesia from interdisciplinary legal and political perspectives.

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AUTHOR CONTRIBUTIONS STATEMENT

Rais Firdaus Handoko contributed to the conceptualization, research design, and development of the theoretical framework. Arpan contributed to the literature review, data collection, and analysis. Helmi Hamdani contributed to the methodological design, interpretation of findings, and critical revision of the manuscript. Wilpan contributed to data analysis, discussion of the results, and manuscript preparation. Widayati contributed to the validation of the arguments, literature synthesis, and critical review of the manuscript. Mahmoud Ali Kanakri contributed to the comparative analysis, interpretation of the findings, and substantive revision of the manuscript. All authors contributed to the development and refinement of the manuscript, approved the final version, and agreed to be accountable for all aspects of the work.

AI USAGE STATEMENT

The authors acknowledge the use of artificial intelligence (AI) tools during the preparation of this manuscript. AI-assisted tools were used solely to support language refinement, grammar checking, and improvements in clarity and readability. The authors independently reviewed and verified all AI-assisted outputs and remain fully

responsible for the accuracy, originality, interpretation, and scholarly integrity of the manuscript. No AI tool was used to generate research data, fabricate findings, or replace the authors' academic judgment and critical analysis.

CONFLICT OF INTEREST

The authors declare that they have no conflicts of interest that could have influenced the research, analysis, or publication of this manuscript. All authors have participated in the research process independently and have no financial, personal, or institutional interests that could be perceived as affecting the objectivity of the study.

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