



THE RELEVANCE OF THE PRESIDENTIAL THRESHOLD IN THE SIMULTANEOUS PRESIDENTIAL ELECTION (PILPRES) IN 2024

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ABSTRACT

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The 2024 Simultaneous Presidential Election (Pilpres) will be one of the most interesting elections in Indonesia in history. In the 2024 Simultaneous Presidential Election, the Presidential Threshold will be a key factor influencing the results of the Presidential Election. The Presidential Nomination Threshold is the number of votes required by a candidate to be able to nominate for President. In this regard, there needs to be research on the urgency of using the 20% threshold in Presidential nominations in the 2024 simultaneous presidential elections. Setting the Presidential Threshold system in Indonesia. And the relevance of the Presidential Threshold in Indonesia with a multiparty system. This type of research uses normative legal research. Research legal materials are collected by inventorying and classifying then analyzed qualitatively and presented in descriptive form. The approach used is the Presidential Threshold legislative approach which is closely related to simultaneous elections, the Presidential Threshold can determine the final results of a presidential election. The Presidential Threshold also determines the alignment that will occur between the legislative and executive institutions. Taking the threshold as a condition for nominating the President is considered irrelevant because it uses the vote share of the previous five years which does not necessarily have the same electability in the following year.



INTRODUCTION

If you look at Indonesia's constitutional political system, it can be seen that Indonesia adheres to a democratic system. This can be seen from the aim of establishing the state as stated in the Preamble to the 1945 Constitution, where the aim of the state is to protect the entire Indonesian nation and all of Indonesia's blood and to advance general welfare, educate the life of the nation, and participate in implementing world order based on independence. Lasting peace and social justice, the Indonesian state was formed based on popular sovereignty, where the people's sovereignty is carried out by the Constitution.

In the Constitution, a form of government was formulated to achieve the goals aspired to by the Indonesian people, where to realize these ideals a general election was held to elect the people's representatives who sat in legislative seats (DPR, DPD, MPR) and seats executive (President and vice President). The holding of general elections is a form of representation of people's sovereignty, where basically the people have the highest power and authority, but to ensure order in the process of exercising their power, elections are held to elect the people's representatives in order to run the government itself, both in the executive branch and legislative.

Democracy is the best principle and system in the constitutional system that cannot be denied. Khsana thought and political reform in various countries have come to a common ground regarding this. Democracy is the best choice among various other options. A study report sponsored by one of the UN organs, namely UNESSCO, in the early 1950s stated that no one rejected "democracy" as the most appropriate and ideal foundation for all political organizations and modern organizations.

As stated by Moh. Kusnardi and Harmaily Ibrahim, in the understanding of popular sovereignty (democracy), it is the people who are considered to be the owners and holders of the highest power in a country. To guarantee a regular cycle of power, a general election mechanism is needed which is held periodically so that democracy can be guaranteed, and government is truly truly serving the interests of all the people and truly working effectively and efficiently. 4 In this case a number of laws were made to support the election process starting from Law Number 7 of 1953 concerning the Election of Constituent Members and DPR Members, Law Number 15 1969 concerning General Election of Members of the People's Consultative/Representative Body, Law Number 4 of 1975 concerning Amendments to Law Number 15 of 1969 concerning General Election of Members of the People's Consultative/Representative Body, Law Number 2 of 1980 concerning Amendments to Law Number 15 of 1969 concerning the General Election of Members of the People's Consultative/Representative Body, Law NO 23 of 2003 concerning the general election of the President and Vice President and finally Law Number 7 of 2017 concerning Elections. In Law No. 7 of 2017 concerning Elections, there are a number of important points that have been ratified, one of which is related to the Presidential Threshold.

Presidential Threshold is a threshold rule for political parties or combinations of political parties to be able to nominate candidates for President and Vice President in the 2019 elections. Where the Presidential threshold used in the 2019 Presidential elections is 20 percent. This is in accordance with article 222 of Law no. 7 of 2017 concerning Elections "Candidate pairs are proposed by Political Parties or Associations of Political Parties Contending in the Election that meet the requirements for obtaining seats of at least 20% (twenty percent) of the total number of seats in the DPR or obtaining 25% (twenty five percent) of the valid votes nationally in the previous DPR member elections Knowing how important elections are in order to uphold people's sovereignty, especially presidential elections, the author wants to analyze the political-legal process in determining the presidential threshold, which he says is aimed at strengthening the presidential system itself, although another aim of holding the Presidential Threshold is to select the number of candidates who will be nominated to take part in the presidential election. In fact, the presidential election is a very important agenda for the Indonesian people, because the presidential election aims to elect presidential and vice presidential candidates who will lead the nation for the next 5 years.

Therefore, of course, in making regulations related to the Presidential Threshold, both the legislature and the executive should pay more careful attention so that there are no deviations from the aim of holding the presidential election to produce quality presidential and vice presidential candidates. Because the election of the President and Vice President is a mandate from the 1945 Constitution which is a form of implementation of people's sovereignty. The 20% Presidential Threshold policy was taken based on the agreement of a number of political parties, although there were several political parties who walked out when the decision was made, namely the Democratic Party, Gerindra Party, Justice Prosperous Party and the National Mandate Party (PAN). The



government stated the reason for continuing to use the Presidential Threshold of 20 %, namely because candidates for President and Vice President need real support as well as selecting legislative candidates.

If you look closely at how important the agenda for electing the President and Vice President is, because of the large amount of authority possessed by the President and Vice President in a nation, it is known that the Indonesian government system uses a presidential system where the President doubles as head of government and head of state.

However, a number of authorities currently possessed by the President have not been able to improve people's welfare, because the policies made by the President are hampered by various political interests in the House of Representatives. Therefore, the Presidential threshold appears as a reference for support for someone to be nominated as a candidate for President and Vice President, in this case the President needs strong enough support so that he needs a strong political party or coalition of political parties so that the President can govern well. What the President of the Republic of Indonesia needs in the current Presidential system is good cooperation with the DPR so that synergy is formed in government. It is hoped that differences in views between the President and the DPR (or political parties) will not hinder the President in carrying out his duties as head of the executive body. Therefore, a President needs strong support from various parties, especially members of the DPR, therefore forming coalitions is a common thing for parties to seek support for the candidates they nominate, because the policy-making process of a President when he is elected will depend on how much a President has support in parliament.

However, it cannot be denied that the Presidential Threshold system has received many objections and has received 13 lawsuits at the Constitutional Court (MK). Even though there have been many lawsuits, the Presidential Threshold system, up to the 2019 presidential election, is still used as a threshold requirement for presidential candidacy. To date, the Constitutional Court has not yet granted a single request for the Presidential Threshold system. Many lawsuits arise because the threshold percentage for Presidential candidacy which is set at 20% is considered too large by several political parties and figures and is considered to be detrimental to the existing constitution where every citizen is free to vote and be elected. In the Presidential Threshold system, the election between the President and the DPR is carried out simultaneously and is said to be a simultaneous general election, with the election being carried out simultaneously or at the same time, the 20% threshold requirement used is the vote share obtained from five (5) election votes. Last year, this was also a strange thing where the election conditions used for this year were taken from past elections. The vote results obtained in the past five (5) years should no longer be relevant to be used in the new election. This is no longer ideal for use, according to Airlangga University (Unair) professor Prof Ramlan.

However, it needs to be looked further into whether the Presidential threshold will have an impact on strengthening the Presidential system itself? Bearing in mind that the President and the DPR are two separate state institutions and have their respective roles, in this case the DPR consists of various political party factions where the things they bring are not always the interests of the people, but more of the political interests of their party or group, while the President is an institution that plays a direct role in the realm of policy, but the policies made by the President are sometimes held hostage to the interests of the DPR. Therefore, is the existence of a Presidential threshold in line with the spirit of strengthening the Presidential system? In a Presidential government system, coalitions are a difficult choice. However, this is unavoidable, especially when the political party that supports the President does not have majority support in the DPR. In fact, Scott Mainwaring stated that a Presidential government with a plural party system is a difficult and dilemmatic combination. With a position as a minority government, in order to get support in the DPR, the President is trying to form a coalition government by embracing a number of political parties. In the "Presidential Coalition Simalakama" it is stated that the most common method used by the President is to distribute cabinet ministerial positions to political parties that provide support. In fact, emergency steps to form a coalition are never conducive to a presidential government system. However, what is often forgotten is that in a presidential government system, the legislative position cannot simply be subordinated to the executive. In fact, even if they come from a political party supporting the President, the political parties in the DPR still have a different political position from the President. Bearing in mind that political interests in party elites sometimes influence the decisions of their members in parliament, we take the example of the coalition formed by the government of President Susilo Bambang Yudhoyono when he was President in the second volume, at which time the government formed a large coalition in which one of the coalition members was his party, namely the Golongan Karya (Golkar) party in making the decision to form a century special committee where the coalition of government parties all rejected the idea of forming a century special committee, but the Golkar party instead supported the idea of forming a century special committee.



From this it can be seen that the government coalition parties are not always aligned in making policies. Apart from that, many parties consider that the rule regarding the Presidential Threshold of 20% in the new election law is unconstitutional considering that the 2019 elections were held simultaneously with both the Presidential and Legislative Elections, this is in accordance with the Constitutional Court decision number 14/PUU-XI/2013 which regulates simultaneous elections in 2019. However, in the ratification of this law there was a lot of controversy among the public and academics, because many parties considered that the presidential threshold could no longer be used considering that the 2019 elections were held simultaneously, and the results of the legislative elections could not be used as a reference. requirements for a political party or coalition of political parties to nominate a candidate for President who will be supported by their party. So many parties have submitted a Judicial Review to the Constitutional Court regarding the new election law. Therefore, a clear basis is needed regarding the Presidential Threshold regulations if they are to continue to be used in the future, especially those related to strengthening the Presidential system. So there is a need for a methodology to verify whether the presidential threshold used so far has had an impact on improving the Presidential system. If it really has a clear impact then it is necessary to reformulate a clear mechanism for using the rules regarding the Presidential Threshold.

METHOD

The author uses descriptive research. Descriptive research aims to accurately describe the nature of an individual, situation, symptom or certain group or to determine the cause of a symptom or determine whether or not there is a relationship between a symptom and other symptoms in society. The author uses a type of normative legal research or research conducted in a library which is This is research that examines document studies, namely using various secondary data such as statutory regulations, court literature, legal theory and can be in the form of opinions of scholars and experts.

RESULTS AND DISCUSSION

From the description presented in the background of the problem above, several problems can be formulated as follows:

1. The urgency of using a 20% threshold in presidential candidacy (Presidential Threshold) in the simultaneous presidential elections

The beginning of the implementation of the Presidential Nomination threshold system (Presidential Teshhrold). The Presidential Threshold is a setting of the threshold level of support from the DPR, both in terms of the number of votes cast (ballot) or the number of seats cast, which must be obtained by political parties participating in the election in order to be able to nominate President from that political party or by a combination of political parties. The Presidential Threshold is an additional provision regarding the regulation of the conditions for the nomination of President and Vice President in article 6A paragraph (2) which states that "pairs of candidates for President and Vice President are proposed by political parties or combinations of political parties participating in the election before the election is held. This Presidential nomination threshold has been used from 2004 to 2019 with different threshold ranges or determinations. The following are the rules for determining the threshold for presidential candidacy from 2004 to 2019:

a. 2004 Presidential Election (Pilpres).

The direct presidential election (Pilpres) in 2004 was the first time the Presidential Threshold was implemented. In this election there are provisions for being able to submit the names of presidential and vice presidential candidates. Political parties or combinations of political parties must obtain at least 15 percent of the number of seats in the DPR or 20 percent of the valid national votes in the DPR member elections. This is stated in Law Number 23 of 2003 concerning the General Election of President and Vice President article 5 paragraph (4) which reads: "Candidate pairs as referred to in paragraph (1) can only be proposed by political parties or combinations of political parties that obtain at least at least 15% (fifteen percent) of the number of seats in the DPR or 20% (twenty percent) of the number of valid votes nationally in the DPR member elections." In the 2004 elections, the couple Susilo Bambang Yudhoyono and Muhammad Jusuf Kalla were elected President and Vice President.

b. 2009 Presidential Election (Pilpres).

In the direct presidential election (Pilpres) in 2009 there were changes to the provisions on the size of the Presidential Threshold following the issuance of the latest Election Law. In this election there are new provisions for submitting the names of presidential and vice presidential candidates. Political parties or combinations of political parties must have at least 20 percent of the seats in the DPR or 25 percent of



the valid national votes in legislative elections. This is stated in Law Number 42 of 2008 General Election of President and Vice President article 9 which reads: "Candidate Pairs are proposed by Political Parties or Associations of Political Parties participating in the Election that meet the requirements for obtaining seats of at least 20% (twenty percent) of the total number of seats in the DPR or obtaining 25% (twenty five percent) of the valid national votes in the Election of DPR members, before holding the Presidential and Vice Presidential Elections" In the 2009 elections, the pair Susilo Bambang Yudhoyono and Boediono were elected President and Vice President.

c. 2014 Presidential Election (Pilpres).

In the direct presidential election (Pilpres) in 2014 there were no changes to the provisions on the size of the Presidential Threshold. Still the same as the previous provisions used in the 2009 Presidential Election (Pilpres) Law Number 42 of 2008 General Election of President and Vice President article 9. In the 2014 Election the couple Joko Widodo and Muhammad Jusuf Kalla were appointed as elected President and Vice President.

d. 2019 Presidential Election (Pilpres).

The direct presidential election (Pilpres) in 2019 saw another change which is often referred to as the 20 percent Presidential Threshold. The new provisions in the 2019 Presidential Election for political parties or combinations of political parties to submit names of candidates for President and Vice President are that they must obtain at least 20 percent of the number of seats in the DPR or 25 percent of the valid national votes in the DPR member election. This is stated in Law Number 7 of 2017 Article 222 concerning General Elections which reads: "Candidate Pairs are proposed by Political Parties or Associations of Political Parties Participating in the Election that meet the requirements for obtaining seats of at least 20% (twenty percent) of the number of seats in the DPR or obtained 25% (twenty five percent) of the valid votes nationally in the previous DPR member election"

The difference between the presidential elections held in 2009 and 2014 and the 2019 presidential elections is that the legislative elections and presidential elections were held simultaneously, the parliamentary threshold increased from 3.5% to 4% in 2019, the electoral districts increased by 3 electoral districts from West Kalimantan, North Kalimantan and West Nusa Tenggara, bringing the total electoral districts in 2019 to 80 regions. The increase in electoral districts resulted in an increase in the number of DPR seats from 560 seats in 2014 to 575 in 2019. The method for calculating DPR seats in 2019 used the Sainte Lague method. And the amount of campaign funds for individuals has increased to 2.5 billion rupiah from previously only 1 billion rupiah. In the 2019 elections, the pair Joko Widodo and KHMa'ruf Amin were appointed President and Vice President-elect. Indeed, the reason for each Presidential Threshold is to strengthen the Presidential system, also for the effectiveness of government administration. This mechanism also functions to streamline the number of election participants and the number of political party groups in the presidential election.

2. **Setting the Presidential Threshold threshold system in Indonesia** Law regulating Presidential Threshold.

In the presidential election which will be held in 2024, the same rules as the presidential election in 2019 will still be used. Currently, there are no further changes in the election law which will be implemented in 2024. The Presidential Threshold in 2024 will still use Law number 7 of 2017 concerning elections. The threshold for nominations for President and Vice President candidates is regulated in article 222 of Law number 7 of 2017 which reads "Candidate Pairs are proposed by Political Parties or Associations of Political Parties Participating in the Election that meet the requirements for obtaining seats of at least 20% (twenty percent) of the total DPR seats or obtaining 25% (twenty five percent) of the valid votes nationally in the previous DPR member elections."

Candidates for President and Vice President after meeting the criteria to become a candidate for President and candidate for Vice President in accordance with Article 169 of Law Number 7 of 2017, the candidate pair must also be nominated by a party or combination of parties that meets the threshold requirements. Candidate pairs for President and Vice President must be nominated or nominated through a party or combination of political parties participating in the election that meets the presidential and vice presidential nomination threshold requirements (Presidential Threshold). In other words, the presidential and vice presidential candidates must come from a political party, and someone from a non-party or independent route (individual route) cannot run for president or vice president without a party. This is regulated in the 1945 Constitution in article 6A paragraph (2) which reads: "Pairs of candidates for President and Vice President are proposed by political parties or combinations of political parties participating in the general election before holding the general election."



Because the legislative election is simultaneous with the Presidential election, the votes used to fulfill the requirements for the nomination of President and Vice President for 2024 are taken from the ballots obtained in the 2019 general election.

The method used is the Sainte-Laguë method which was introduced by a French mathematician named Andre Sainte Lague in 1910. The method used is to divide by odd numbers such as 1, 3, 5, 7 and so on. This method has been legalized in Law No. 17 of 2017 concerning elections. This Law combines previous laws, namely Law No. 8 of 2012 concerning legislative elections, Law No. 14 of 2011 concerning the administration of elections and Law No. 42 of 2008 concerning elections. President and vice president. In article 414 paragraph 1 of Law No. 17 of 2017, the parliamentary threshold is set at 4 percent, while article 415 paragraph 2 validates the Sainte-Laguë calculation method.

The first thing to remember is that political parties whose votes can be divided using this system are those that have met the parliamentary threshold of 4 percent of the total number of votes (Article 414 paragraph 1 of the Election Law). After that, the Sainte Lague system was used to convert political party votes into seats in parliament. For example, here is how to calculate the number of seats using the Sainte Lague system if there are 6 seats available in one electoral district (dapil).

Party A received a total of 240,000 votes

Party B got 150,000 votes

Party C got 90,000 votes

Party D got 50,000 votes

1. How to Determine the First Chair

To determine the first seat, each party will be divided by the number 1.

a. Party A $240,000/1 = 240,000$

b. Party B $150,000/1 = 150,000$

c. Party C $90,000/1 = 90,000$

d. Party D $50,000/1 = 40,00$



With the results of this distribution, the first seat in the electoral district was Party A with 240,000 votes.

2. How to Determine the Second Chair

Since Party A has won in division 1, henceforth Party A will be counted with division number 3. Meanwhile Parties B, C and D will still be divided by number 1.

- a. Party A $240,000/3 = 80,000$
- b. Party B $150,000/1 = 150,000$
- c. Party C $90,000/1 = 90,000$
- d. Party D $40,000/1 = 40,000$

So the one who got the second seat was Party B with 150,000 votes.

3. How to Determine the Third Chair

To determine the third seat, Party A and Party B will be divided by the number 3. Meanwhile, Parties C and D will be divided by the number 1.

- a. Party A $240,000/3 = 80,000$
- b. Party B $150,000/3 = 50,000$
- c. Party C $90,000/1 = 90,000$
- d. Party D $40,000/1 = 40,000$

So the one who got the third seat was party C with 90,000 votes.

. How to Determine the Fourth Chair

To determine the fourth seat, Party A, Party B and Party C will each be divided by the number 3, while Party D will still be divided by 1.

- a. Party A $240,000/3 = 80,000$
- b. Party B $150,000/3 = 50,000$
- c. Party C $90,000/3 = 30,000$
- d. Party D $40,000/1 = 40,000$

So the one who got the fourth seat was Party A with 80,000 votes.

5. How to Determine the Fifth Chair

Since Party A has won two seats, namely the first seat and the fourth seat, Party A will then be divided by the number 5. Meanwhile, Party B, Party C and Party D will be divided by the number 3 each.

- a. Party A $240,000/5 = 48,000$
- b. Party B $150,000/3 = 50,000$
- c. Party C $90,000/3 = 30,000$
- d. Party D $40,000/1 = 40,000$

Thus, the one who got the fifth seat was Party B with 50,000 votes.⁴²

6. How to Determine the Sixth Chair

Since Party A and Party B have each won two seats, the two parties will be divided by 5. Meanwhile, Party C and Party D will still be divided by 3.

- a. Party A $240,000/5 = 48,000$
- b. Party B $150,000/5 = 30,000$
- c. Party C $90,000/3 = 30,000$
- d. Party D $40,000/1 = 40,000$

Thus, the person who got the sixth seat was Party A with 48,000 votes. Continue until the seats in the electoral district run out. 26

As stated in the Election Law, political parties must obtain at least 4 percent of the votes from the election to be able to enter Parliament. Those whose votes do not reach 4 percent are declared not to have met the threshold.



This means that the party failed to place its cadres in the DPR RI. Based on the KPU's calculations, the total number of valid votes in the 2019 Legislative Election for the election of DPR members was 139,970,810 votes and the total number of seats in the DPR was 575 seats. Following are the results of the 2019 Legislative Election in order of the party that received the highest votes.

1. PDI Perjuangan - valid votes 27,053,961 (19.33%) got 128 seats
2. Gerindra Party - valid votes 17,594,839 (12.57%) got 78 seats
3. Golkar Party - valid votes 17,229,789, (12.31%) got 85 seats
4. PKB - valid votes 13,570,097 (9.69%) got 58 seats
5. Nasdem Party - valid votes 12,661,798 (9.05%) got 59 seats
6. PKS - valid votes 11,493,663 (8.21%) got 50 seats
7. The Democratic Party had 10,876,057 valid votes, (7.77%) got 54 seats
8. PAN - valid votes 9,572,623 (6.84%) got 44 seats
9. PPP - valid votes 6,323,147 (4.52%) got 19 seats

The parties that do not meet the parliamentary threshold are:

1. Indonesian Unity Party (Perindo) - valid votes 3,738,320 (2.67%)
2. Berkarya Party - valid votes 2,929,495, (2.09%)
3. PSI - valid votes 2,650,361 (1.89%)
4. Hanura Party - valid votes 2,161,507, (1.54%)
5. PBB - valid votes 1,099,848, (0.79%)
6. Garuda Party - valid votes 702,536 (0.50%)
7. PKPI - valid votes 312,775, (0.22%)
 1. The scope of households in this Law includes:
 - a. husband, wife, and children;
 - b. people who are related to ora



46. How to Determine the Sixth Chair

Since Party A and Party B have each won two seats, the two parties will be divided by 5. Meanwhile, Party C and Party D will still be divided by 3.

- a. Party A $240,000/5 = 48,000$
- b. Party B $150,000/5 = 30,000$
- c. Party C $90,000/3 = 30,000$
- d. Party D $40,000/1 = 40,000$

Thus, the person who got the sixth seat was Party A with 48,000 votes. Continue until the seats in the electoral district run out. 26

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2. The scope of households in this Law includes:

- a. husband, wife, and children;
- b. people who are related to people
as intended there is letter a due to blood, marriage, breast-feeding, parenting and guardianship relations, which reside in the household; and/or
- c. people who work to help the household and live in the household.

3. People who work as referred to in letter c are considered as family members for the period of time they are in the household concerned. Furthermore, according to Dedy Fauzi Elhakim, domestic violence based on the cause of its occurrence can be divided into 2 (two) parts, namely as follows:

1. Domestic violence as an expression of gradual emotional outburst

This type of violence is the first. Starting from non-physical violence, starting from unwanted attitudes and behavior, as well as hurtful statements directed at family members towards other family members. The process that occurs continues over time, resulting in a buildup of disappointment, annoyance and anger which ultimately leads to physical violence. This can occur as a result of an emotional outburst that can no longer be controlled. Manifestations of acts of violence can take the form of light abuse, serious abuse and murder. Domestic violence as an expression of spontaneous emotional outbursts is a form of violence that is carried out without prior planning, occurs suddenly (spontaneously) without being supported by a complete background of events. However, the facts



before our eyes are felt to offend the perpetrator's self-esteem and dignity, in the form of a situation that the perpetrator does not want. Emotional explosions arise so quickly that the power of the mind to control oneself is defeated by mounting lust/emotions. Then the person concerned gave a strong reaction by committing acts in the form of other criminal acts in the form of abuse or murder of other family members.

CONCLUSION

1. *Presidential Threshold* is a threshold system for political parties participating in elections to be able to nominate candidates for President and Vice President. This system was created and implemented with the intention of strengthening the Presidential system itself, where the Indonesian state adheres to a multiparty Presidential system where the parliamentary system is supposed to have many parties in it. Therefore, the government uses the Presidential Threshold system with the hope that the President as head of state and at the same time head of government will have and receive minimal support from parliament. The threshold rules for Presidential candidacy are enforced with a number of objectives. First, strengthen the Presidential system. Second, the implementation of the Presidential Threshold is for the effectiveness of government administration. Finally, the reason for implementing the Presidential Threshold is to simplify the multiparty system through natural selection. In presidential candidacy there is a threshold (Presidential Threshold) that has been set by the government contained in Law Number 7 of 2017 concerning General Elections article 222 which reads "Candidate Pairs are proposed by Political Parties or Associations of Political Parties Participating in the Election that meet the requirements for obtaining seats at least 20% (twenty percent) of the total number of seats in the DPR or obtaining 25% (twenty five percent) of the valid votes nationally in the previous DPR member elections." The implementation of the Presidential Threshold system has the advantage of making the president's position or standing stronger and at the same time strengthening the presidential system because the president has great political support in parliament. However, the Presidential Threshold also has weaknesses which mean that there are very few candidates who can compete on the election stage, making there are few presidential candidate pairs that can be chosen by the people. And the Presidential Threshold makes it impossible for new parties to participate in nominating candidates because they don't have a threshold and the same goes for old parties that don't meet the threshold.
2. The Presidential Threshold system that will be used in the 2024 elections will still be the same as that used in the 2019 elections, namely that political parties or combinations of political parties can nominate candidates for President and Vice President if they meet the Presidential Threshold. Namely, the supporting party must have 20% of the number of seats in the DPR or 25% of the valid national votes in the DPR member elections. This is stated in Law Number 7 of 2017 Article 222 concerning General Elections. The legislative and presidential elections are held simultaneously. Regarding the use of the Presidential Threshold system, many parties disagree and have requested a judicial review from the Constitutional Court, but none of the many tests that have been carried out have been granted. However, there was a dissenting opinion with the Constitutional Court judges, namely Judges Suhartoyo and Saldi Isra, while the other seven judges rejected the material test. Constitutional Justice Suhartoyo believes that the existence of a threshold in the process of filling the highest executive position forces the logic of filling executive positions in the parliamentary system into the Presidential system. "The threshold regime is losing its relevance." Suhartoyo also believes that maintaining the threshold means maintaining something that is unconstitutional. Moreover, it is placed in the design of a government system that uses the results of legislative elections to fill the highest executive positions. "Clearly undermines the logic of the Presidential government system." Constitutional Justice Saldi Isra believes that the use of thresholds to nominate candidates for President and Vice President has the potential to amputate the function of political parties in providing potential leaders. "With the Presidential Threshold regime, the public does not have a wide opportunity to know and evaluate the candidates produced by the political parties participating in the election." Presidential Threshold decisions are seen as unconstitutional and have no binding force. 3 basic reasons the Constitutional Court rejected and declared the article constitutional. Firstly, the applicant was deemed to have no legal standing, then the Constitutional Court also assessed that it was an open legal policy of the legislators, and finally, the Constitutional Court assessed that the implementation of the Presidential threshold was one way to strengthen the Presidential system.



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