

JURNAL CITA HUKUM

Indonesian Law Journal



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Presidential Threshold Between The Threshold of Candidacy and Threshold of Electability*

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Abstract:

In judicial review on Article 9 of Law Number 42 of 2008 on The Election of President and Vice-President which regulates *Presidential threshold*, the Constitutional Court refused on the grounds that it is an *open legal policy* which mandated by Article 6 paragraph (5) of the 1945 Constitution that the administration of the election of President and Vice-President will be further regulated in a Law. This reasoning is insufficient because Article 6 paragraph (5) regulates procedures (phases of the process), not requirements for candidates of President and Vice President to be eligible on participating in the election. Moreover Article 9 of Law Number 42 of 2008 has the potential to expand the norms as stipulated in Article 6A paragraph (2) of the 1945 Constitution that the candidates for President and Vice President shall be nominated by a political party or coalition of political parties participating in the election before the election without any other frills (the threshold).

Keywords: Presidential Election, Presidential Threshold

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Presidential Threshold Antara Ambang Batas Pencalonan dan Ambang Batas Keterpilihan

Abstrak:

Dalam pengujian Pasal 9 Undang-Undang Nomor 42 Tahun 2008 tentang Pemilihan Umum Presiden dan Wakil Presiden mengatur tentang Presidential threshold. Mahkamah Konstitusi menolak dengan alasan hal tersebut merupakan open legal policy dengan bersandarkan pada Pasal 6 ayat (5) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 bahwa tata laksana pelaksanaan pemilihan Presiden dan Wakil Presiden lebih lanjut diatur dalam Undang-Undang. Argumentasi tersebut kurang tepat karena Pasal 6 ayat (5) mengatur tata laksananya (proses tahapan pelaksanaan) bukan persyaratan bagi pasangan calon Presiden dan Wakil Presiden untuk menjadi peserta pemilu. Selain itu, Pasal 9 Undang-Undang Nomor 42 Tahun 2008 tersebut berpotensi memperluas norma sebagaimana yang diatur dalam Pasal 6A ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 bahwa pasangan calon Presiden dan Wakil Presiden diusulkan oleh partai politik atau gabungan partai politik peserta pemilu sebelum pemilu tanpa adanya embel-embel lain (adanya ambang batas).

Kata Kunci: *Pemilu Presiden, Presidential Threshold*

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Introduction

The direct general election of the President and Vice President can be said to be more democratic than the appointment of the President and Vice President by the People's Consultative Assembly (MPR) because of its implementation mechanism which involves the people directly. Therefore, the President and Vice President, in this case, get a direct mandate as well as real support as a form of direct interaction between the electorate and the elected. To reinforce this view there are at least 2 (two) reasons why the election of President and Vice President need to be implemented directly. *First*, direct election opens the door for the appearance of the President and Vice President in accordance with the will of the majority of the people. *Second*, to maintain the stability of the government so as not to be easily dropped in the middle of the road in accordance with that prevailing in the Presidential system. Based on these views and reasons, it becomes logical if there is a public expectation that the general election of the President and Vice President is expected to create a democratic state government and independent of the authoritarian authority based on Pancasila and the 1945 Constitution of the State of the Republic of Indonesia, and can build a complete sovereignty of the people.²

In its journey so far since the election was conducted directly, the general election of President and Vice President always preceded by legislative elections, General Election of DPR (House of People's Representatives), DPD (Regional Representative Board), and DPRD (Regional House of Representatives). It means the election of President and Vice President is done separately with legislative elections. Based on this legislative election result then a political party or a coalition of political parties that fulfill the threshold set by the Act, proposes the candidate for the President and Vice President to compete in the election of President and Vice President. One of the reasons why the legislative election is conducted in advance of the election of the President and Vice President is that the electoral political parties have sufficient time to consolidate or coalition with other political parties in nominating the pair of President and Vice President.

Separate general elections among the legislative and presidential and vice-presidential elections are considered to have many negative impacts, among those are, in terms of cost, time and energy in organizing the elections.

²Moh. Mahfud MD, *Perdebatan Hukum Tata Negara Pasca Amandemen Konstitusi*, (Jakarta: Rajawali Press), p. 137-139. Compared to Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, (Jakarta: Gramedia, 2008), p. 47.

In addition, the legislative elections and the election of the President and Vice President are conducted separately (legislative election done first), politically it is the will of the big parties to propose candidates and to suppress or eliminate the small parties by making a threshold the minimum limit for the nomination of partner of Presidents and Vice Presidents.

Separation of the general electoral system, both national and local, executive and legislative is considered less effective and efficient in a Presidential system, and also causes many conflicts between groups or between individuals and impact on the efficiency of the use of state budget associated with the implementation of general elections.³

Based on those reasons, the coalition of civil society for the simultaneous elections represented by Efendy Ghazali filed a *Judicial Review* of Law Number 42 the Year 2008 on the General Election of President and Vice President to the Constitutional Court. Article 3 paragraph (5), Article 9, Article 12 paragraph (1) and (2), Article 14 paragraph (2) and Article 112 of Law Number 42 Year 2008. Based on the petition, the Court the Constitution grants part of Ghazali Effendy's petition and states Article 3 paragraph (5), Article 12 paragraph (1) and (2), Article 14 paragraph (2), and Article 112 of Law Number 42 the Year 2008 is invalid and has no legal force which is binding, with the record of it being applicable to the presidential and vice-presidential elections in 2019.

In the ruling, the Constitutional Court declared that Article 9 of Law Number 42 the Year 2008 is still valid and has a legal force which binds the meaning to the Constitutional Court. The application of *Presidential threshold* in the election is simultaneously considered as *legal policy* and submitted its arrangement to the legislator. Actually, Effendi Ghazali in his petition stated that with the enactment of simultaneous elections, Article 9 of Law Number 42 the Year 2008 which regulates the *Presidential threshold* should automatically be declared null and void, since the application of *Presidential threshold* in the simultaneous elections is irrelevant.⁴

In his application, Effendi Ghazali asserted that the proposed pair of candidates for President and Vice President should use the provisions of Article 6A paragraph (2) of the 1945 Constitution of the State of the Republic of

³ Hayat. "Korelasi Pemilu Serentak Dengan Multi Partai Sederhana Sebagai Penguatan Sistem Presidensial", in Constitution Journal, Vol.11, No. 3, September 2014, p. 471.

⁴ Moch. Zaini, "Analisis Yuridis Putusan MK No. 14/PUU-XI/2013 Berkaitan dengan Pemilu Serentak dengan Penetapan Presidential Threshold Terhadap Pemilu Presiden dan Wakil Presiden", in Fisipol UNS Journal, Vol. 3, No. 5, 2014, p. 9.

Indonesia or do not use the provisions of a *Presidential threshold*. Sometime later, after the verdict of the petition for judicial review by Effendi Ghazali was decided, the Constitutional Court also issued Decision Number 108/PUU-XI/2013 petitioned by Yusril Ihza Mahendra. In his petition Yusril appealed to the Constitutional Court to carry out a constitutional interpretation of the general election of the President and Vice President. The main substance of Yusril's petition is about the abolition of the provisions of the *Presidential threshold* as a condition of a party or a coalition of political parties to nominate candidates for President and Vice President. Yusril believes that the *Presidential threshold* is a provision that violates the constitutional right of a person to run for the candidate pair of President and Vice President in addition to the 1945 Constitution of the State of the Republic of Indonesia does not stipulate the matter, for Yusril the provision of *Presidential threshold* is considered contradictory to the constitution. The Constitutional Court through Decision Number 108/PUU-XI/2013 remains consistent with the previous decision (Decision Number 14/PUU-XI/2013) while maintaining the provisions of *Presidential threshold* in the general election of President and Vice President.⁵

If further investigated of the MPR (People's Consultative Assembly) session discussing Article 6A in general and paragraph (2) in particular, the fractions and members of the MPR no one touched on the issue of the threshold. Coupled with the provisions of paragraph (5) of Article 6A has locked up the meeting of the addition of prerequisite for the submission of candidates, unlike the personal prerequisites which are deliberately delegated to the law to impose additional restrictions, not only in the norms of the 1945 Constitution under Article 6 paragraph (2).⁶

Based on the description in the background, the author will discuss the following issues; Why is the Constitutional Court Judge in Resolving Case Number 14 / PUU-XI / 2013 About the Tests of Law Number 42 the Year 2008 refused to cancel the minimum threshold requirement of Presidential (*Presidential Threshold*) and what is meant by *Presidential Threshold*?

⁵ Look at Grand Court Constitution No. 108/PUU-XI/2013 About the testing of legislation number 42 the year 2008, about President and Vice President General Election.

⁶ Ziffany Firdinal, "Perubahan Makna Pasal 6A Ayat (2) UUD 1945", in Constitution Journal, Vol. 10, No. 4, Desember 2013, p. 670.

Testing of Law Number 42 on the General Election of President and Vice President in the Constitutional Court

Decision Number 14/PUU-XI/2013 About the Testing of Law Number 42 the Year 2008 About the General Election of President and Vice President, The Court has decided that the election of President and Vice President with legislative elections conducted simultaneously. However, against Article 9 of Law Number 42 the Year 2008 which regulates the threshold of the nomination of the couple President and Vice President or *Presidential threshold* of the Constitutional Court rejected the petition of the appellant. The reason is that the Court in its function as a guardian of the constitution is unlikely to cancel the Act or part of its contents if the norm is an open authority delegation that can be determined as legal policy by the legislator. Even if the content of a law is considered bad, as well as the provisions of the *Presidential threshold* and the separation of election schedules in the *quo* case, the Court can not cancel it anyway, since it is not always unconstitutional, unless the legal policy product violates morality, intorelable⁷ rationality and injustice. Such legal opinion is in line with the Decision of the Constitutional Court Number 010 / PUU-III / 2005 dated May 31, 2005, stating that as long as the policy choice is not beyond the authority of the legislator, it is not an abuse of authority and is not clearly contrary to the Constitution 1945, then such policy choice cannot be annulled by the Court.⁸

The author does not agree with the Constitutional Justices who consider the *Presidential threshold* is the legal policy of the legislator. Because the *Presidential threshold* on Law Number 42 the Year 2008 actually extends the meaning of Article 6A paragraph (1) of the 1945 Constitution or even create a new norm (Article 9 of Law Number 42 Year 2008). The same thing was also conveyed by Ahmad Farhan S, stating that Article 9 is clearly and explicitly contrary to Article 6A paragraph (2) of the 1945 Constitution.⁹

⁷ Look at Grand Court Constitution No. 14/PUU-XI/2013 About the testing of legislation number 42 the year 2008, about President and Vice President General Election.

⁸ Look at Grand Court Constitution No. 010/PUU-III/2005 About the testing of legislation number 32 the year 2004, about local government.

⁹ Ahmad Farhan Subhi, "*Pengusulan Pasangan Calon Presiden dan Wakil Presiden Sebagai Peserta Pemilu Menurut Undang-Undang Pilpres*", in Cita Hukum Journal, Vol. II, No. 2, Desember 2015, p. 347. See also: Nur Rohim Yunus, *Teori Dasar Penelitian Hukum Tata Negara*, Jakarta: Poskolegnas, 2017, p.55.

Presidential Treshold of General Election President and Vice President

If examined in article 6A paragraph (2) of the 1945 Constitution, the election participants of the President and Vice President are clearly the candidate pairs proposed by a political party or a coalition of political parties participating in the general election prior to the election. Unfortunately, the very clear formulation was engineered in such a way by the various political forces that existed in the DPR. This Engineering can be seen in the 2004 Presidential and Vice Presidential elections as stipulated in Article 5 paragraph (4) of Law Number 23 Year 2003 regarding the Presidential and Vice Presidential Election that the candidate pairs can only be proposed by political parties or coalitions of political parties that earn at least - at least 15% (fifteen percent) of the total seats of Parliament or 20% (twenty percent) of the national legitimate vote in the general election of members of the People's Legislative Assembly. For the 2009 elections, Law Number 42 the Year 2008 regarding the General Election of the President and Vice President requires the voting support of at least 20% (twenty per cent) of seats in the DPR or 25% (twenty five per cent) of the national legitimate votes in the DPR political party or coalition of political parties to nominate candidates for President and Vice President.

According to the authors, if reading the provisions contained in Article 6A paragraph (5) of the 1945 Constitution, the opportunity for the legislators to use the legal policy prohibition is only possible in relation to the election procedure rather than the application of minimum threshold conditions. This is in line with what is conveyed by the expert statement of Philip M.Ejonjon which states that since there is no delegation of the 1945 Constitution, the *Presidential threshold* in Article 9 of Law Number 42 the Year 2008 regarding the Presidential Election is made without authority (*onbevoegd*) the legislator. Therefore, the rejection of the Constitutional Court on the application of a number of political parties to the provisions contained in Article 9 of Law Number 42 the Year 2008 with the construction of *legal policy* arguments is difficult to understand.

The same thing was also conveyed by 3 Constitutional Justices who submitted *dissenting opinion*, he argued that the nomination of the candidate pair of President and Vice President by a political party or a coalition of political parties participating in General Election as stated in Article 6A Paragraph (2) of the 1945 Constitution is already very clear and does not give the opportunity for legislators to make *legal policy* with contaminated "tricks" of political motives determines the "*Presidential threshold*" as set forth in Article 9 of Law Number 42 the Year 2008 petitioned for review. The reason for the use of

Article 6A Paragraph (5) of the 1945 Constitution which reads, "The procedure of the implementation of President and Vice President is further regulated in the Law" as the manifestation of the mandate of the 1945 Constitution to the legislators can make the terms "*threshold*" inappropriate, because the article does not regulate the requirements, but the matter of the way, because of the conditions set forth in Article 6 of the 1945 Constitution, can not be confused. A slightly different opinion was delivered by Abdul Latif who said that the Presidential Threshold design in Article 9 of Law Number 42 the Year 2008 seems to be designed to build a more effective Presidential system. *Presidential Threshold* is one of the instruments to strengthen the coalition which enables the President to have more effective authority.¹⁰

The argument that the *Presidential Threshold* is intended to nominate Presidential and Vice Presidential candidates to have a strong and broad base of popular support by the authors is also inappropriate. For broad support will be realized by direct election of President and Vice President by the people, as the provisions of Article 6A paragraph (1) *juncto* Article 6a paragraph (3) of the 1945 Constitution regarding the election of candidate pairs of President and Vice President who must win votes over fifty percent of the number of votes in the election with at least 20% (twenty percent) of votes in each province spread over at least half the number of provinces in Indonesia. The experience of the 2004 Presidential Election shows that the results of the Presidential Election are incompatible with the results of the Legislative Election and the number of party votes or combination of political parties that promote or propose it, as the candidate pair of political parties or coalition of political parties that carry it, the vote in the Legislative Election is smaller rather than earning the votes of other candidate pairs, it won the Presidential and Vice Presidential Election.

Presidential Threshold in the presidential and legislative elections should be abolished simultaneously because the right of citizens to make choices according to their conscience and to make an alternative choice to the President and Vice President more so as to determine which candidate is qualified or not.¹¹ Article 9 of Law no. 42 the Year 2008 is a norm of political nuance because it is more of a political consensus of the major parties to reduce or even close

¹⁰ Abdul Latif, "*Pilpres Dalam Perspektif Koalisi Multipartai*", in *Constitution Journal*, Vol. 6, No. 3, September 2009, p. 35.

¹¹ Sodikin, "*Pemilu Serentak (Pileg dengan Pilpres & Wapres) dan Penguatan Sistem Presidensial*", in *Rechtswinding Journal*, Vol. 3, No. 1, April 2014, p. 31.

the opportunity for other political parties to nominate their spouses forward in the presidential election.¹²

Jimly Asshiddiqie, an expert on constitutional law, argues that if Indonesia really wants to build a democracy that is in line with the 1945 Constitution, the *Presidential threshold* should be abolished in line with the background of thought that requires the election of the President and Vice President with legislative elections held simultaneously.¹³ The same thing was conveyed by Saldi Isra, the separation of the presidential election and the legislative elections and affirmed the *Presidential threshold* is a trick of big political parties in the House. Even reading the current experience, both regimes can be read as well as a trick to strengthen the grip of some political party elites in the process of submitting candidates for President and Vice President.¹⁴ If placed on the understanding and condition that the election of legislative members and the election of President and Vice President are held simultaneously, then the issue of the threshold of Presidential and Vice President (Presidential Threshold) submission is no longer necessary.¹⁵

The presidential threshold in the practice of the general election of the President and Vice President is not only used in terms of determining the elected spouse, but also used as a prerequisite in his nomination. Article 9 of Law Number 42 the Year 2008 regarding the General Election of the President and Vice President determines that the candidate pairs of candidates are nominated by a Political Party or a Political Party Combination of eligible Election contestants, namely obtaining seats at least 20% (twenty percent) of the total seats of Parliament or obtain 25% (twenty five percent) of the national valid votes in the election of members of the DPR, prior to the election of the President. The provision is superseded in Article 101 of the provisions of the transitional of Law Number 23 Year 2003 regarding the previous General Elections of President and Vice President in the 2004 General Election by requiring a 3% (three per cent) seats in the DPR or 5% five percent) and Article

¹² Rauta, Uumbu. "Menggagas Pemilihan Presiden Yang Demokratis dan Aspiratif", in *Constitution Journal*, Vol. 11, No.3, September 2014, p. 609.

¹³ Jimly Asshiddiqie, "Kalau Serious Bangun Demokrasi, Presidential Threshold Ditiadakan", in: <http://www.rmol.co/read/2013/01/04/92669/> Jimly Asshiddiqie; "Kalau-Serious-Bangun-Demokrasi,-Presidential-Threshold-Ditiadakan-", retrieved on 10th January 2016.

¹⁴ Saldi Isra, "Menggadaikan Suara Rakyat", in: <http://www.saldiisra.web.id/index.php/tulisan/artikel-koran/11-artikelkompas/261-menggadaikan-suara-rakyat.html>, retrieved on 15 Maret 2016.

¹⁵ Janpatar Simamora, "Menyongsong Rezim Pemilu Serentak", in *Rechtswinding Journal*, Vol. 3, No. 1, April 2014, p. 15.

5 paragraph (4) of Law no. 23 of 2003 which requires the seats at 15% (fifteen percent) of the DPR or a legitimate national vote of 20% (twenty percent). The percentage of the threshold becomes one of the conditions that must be met for a political party or a coalition of political parties in order to nominate a candidate in the presidential election. According to the authors, the percentage requirement of the nomination of President and Vice President raises a problem of *conflict of norms*. In reviewing the provisions of the 1945 Constitution, Article 6A Paragraph (2) is limited to determining the matters of proposed candidates for President and Vice President are conducted by a political party or coalition of political parties registered as legislative election participants and grammatically not specified the prerequisite percentage have to be fulfilled. The regulation of the percentage of candidacy requirements for the President and Vice President as stipulated in Article 9 of Law Number 42 the Year 2008 gives the impression of the vertical conflict of norms because the article extends the terms of candidate submission of what has been determined in the 1945 Constitution. Therefore, according to the author, the provision of Article 9 of Law Number 42 the Year 2008 is canceled by the Constitutional Court. The same thing was also conveyed by Husnu Abadi, according to him the application of the minimum *Presidential threshold* in the nomination of the couple President and Vice President in the election of President and Vice President with legislative elections conducted simultaneously irrelevant because it has lost base of foot.¹⁶ The application of *Presidential Threshold* to the legislative and presidential elections is simultaneously impossible for the political parties in the contesting elections of the current year. *Presidential Threshold* only is used in political parties of the previous legislative election.¹⁷

According to the authors the use of the term *threshold*, in this case the *Presidential Threshold* to describe the percentage as a condition of the nomination of President and Vice President cause ambiguity and misguided. The minimum percentage requirement as referred to in Article 9 of Law Number 42 the Year 2008 is not intended as a threshold that must be met to determine who is the elected President and Vice President couple. *Presidential Threshold* should be interpreted as the threshold of election, not the nomination threshold as well as applicable in the threshold of the election of a political party to obtain a seat in Parliament or *parliamentary threshold*. The percentage criteria of 20% (twenty

¹⁶ Husnu Abadi, "Presidential Threshold Sebagai Instrumen Proteksi", in Mahkamah Journal, Vol. 6 No. 1, April 2014, p. 31.

¹⁷ Bagus Anwar P., "Politik Hukum Sistem Pemilu Legislatif dan Presiden Tahun 2009 dan 2014 Dalam Putusan Mahkamah Konstitusi", in Ius Quia Iustum Journal, Vol. 21, No. 4, Oktober 2014, p. 577.

percent) of the total seats of Parliament or 25% (two-and-a-half percent) of the total number of legitimate national votes in Article 9 of Law Number 42 the Year 2008 are intended to determine the terms of contestation, not as a condition of election. The percentage affirmed as a condition of contestation does not necessarily make it a *threshold*. As a comparison of threshold implementation, consequently designated as election requirement is as applied in Article 208 of Law Number 8 Year 2012 in which a political party may place its candidate or obtain a seat in the DPR RI institution if it meets the percentage of 3.5% (three point five percent) otherwise known as *Parliamentary Threshold*.

Presidential Threshold Comparisons in Multiple Countries

According to the authors, if it is consistent with threshold terminology, then the provisions of Article 6A paragraph (3) of the 1945 Constitution *juncto* Article 159 paragraph (1) of Law Number 42 the Year 2008 which can be referred to as a Presidential threshold. Article 6A paragraph (3) of the 1945 Constitution *jo* Article 159 paragraph (1) shall determine the threshold of more than 50% (fifty percent) of the total vote in the Presidential and Vice Presidential elections with at least twenty percent of the votes in each province spread over from half the number of provinces to be met in order to be designated as the chosen candidate pair. The formal threshold becomes the minimum level of support that must be met by the candidate pairs to be elected as elected President and Vice President. According to Zainal Arifin Mochtar in A. Hendra, the Presidential Threshold is not a threshold to nominate a presidential candidate, but the presidential election as applied in almost all countries in the world is 50% + 1.¹⁸ By comparison, Article 97 of the Argentine Constitution (Section 97 Constitution of the Argentina Nation) also formally determines the threshold of the votes of the Presidential election that is more than 50% to be fulfilled by the candidate pairs in the first ballot in order to be elected as the selected pair and there is no application of minimum threshold requirements in the nomination.¹⁹

In many countries in the world, there is no application of the nomination requirements of the nomination of President and Vice President to political

¹⁸ Hendra, Ahmad. "Implikasi Pemilihan Umum Anggota Legislatif dan Pemilihan Umum Presiden & Wakil Presiden", in *Legal Opinion Journal*, Vol.1 Edisi.3, Juni 2013, p. 5.

¹⁹ I.G.N. Agung Sayoga Raditya, "Rethinking Ketentuan Presentase Sebagai Syarat Pencalonan Presiden dan Wakil Presiden Di Indonesia", in: <http://id.portalgaruda.org/?ref=profile&id=354186> retrieved in 5th March 2016.

parties or coalition of political parties as happened in Indonesia. The requirement is more emphasized to the person of the Presidential candidate, as one example is in the French state. The presidential election system in France uses a type of *uninominal scramble majoritaire a deux tours*, where elections are held in two rounds. Elections will only take one round if there are candidates who get 50% + 1 vote (absolute vote). However, if no candidate receives an absolute vote, then the elections are held in two rounds. The two candidates who get the most votes will advance to the second round of elections. In the second round, the candidate who gets the most votes will be the President.²⁰

Conclusion

In the Decision of the Constitutional Court Number 14 / PUU-XI / 2013 regarding the judicial review of Law no. 42 of 2008 on the Presidential Election, the Constitutional Court refuses to cancel Article 9, which regulates the *Presidential threshold*, on the grounds that it is a legal policy of the legislator, based on Article 6 paragraph (5) of the 1945 Constitution which reads "The implementation of the election of the President and Vice President is further stipulated in the Law ". The argument of the judges of the Constitutional Court is inappropriate because Article 6 paragraph (5) regulates its implementation (process of implementation stage) not a requirement for the candidate pair of President and Vice President to become election participant. In addition Article 9 of Law Number 42 the Year 2008 has the potential to expand the norms as stipulated in Article 6A paragraph (2) of the 1945 Constitution that the pair of President and Vice President proposed by a political party or a coalition of political parties participating in the election before the election without any frills other (the threshold). In many countries in the world there are no application of the requirements of the nomination of President and Vice President to political parties or coalition of political parties as happened in Indonesia. The requirement is more emphasized to the person of the Presidential candidate. Therefore, according to the author, it is appropriate that Article 9 of Law Number 42 the Year 2008 regulating the *Presidential threshold* is canceled.

The use of the term "*Presidential threshold*" which existed during this misguided occurrence, which is meant by *Presidential threshold* should be the

²⁰ Hana Maulida, "*Pemilu Eksekutif dan Legislatif Di Perancis Serta Hubungan Kedua Pemilu Tersebut*", dalam website; <http://www.slide.share.net/MaulidaHanah/makalah-pranata-pemilu-perancis>, diunduh pada 3 Maret 2016.

election threshold of the candidate pair of President and Vice President as stipulated in Article 6A paragraph (3) of the 1945 Constitution is not the threshold of nomination of President to participate in the election as contained in Article 9 of Law Number 42 Year 2008.

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