

## Formulation of Coalition Threshold For Political Parties Based on Proportionality Principles In The Presidential Election Post Constitutional Court Decision No. 62/PUU- XXII/2024

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KEYWORDS	ABSTRACT
coalition threshold, proportionality, political party dominance, presidential election	This research aims to formulate a maximum threshold for political party coalition membership based on proportionality principles to prevent dominance. Research findings indicate that in Indonesia's positive legal system, particularly regarding presidential elections, there are no legal norms explicitly defining political party coalition dominance in presidential candidate nominations. Article 6A of the 1945 Constitution does not directly address this matter but implicitly regulates the limitation of absolute dominance through a "two candidate pairs" mechanism in the second round, preventing all parties from joining a single coalition. Law Number 7 of 2017 on Elections also provides no explicit definition, though Article 229 Paragraph (2) implies prevention of nomination monopoly by a single coalition. Theoretically, political party coalition dominance can occur macroscopically (power concentration by large coalitions) and microscopically (internal domination by majority parties within coalitions). In the macroscopic context, dominance includes the formation of large coalitions that dominate the presidential nomination process, while in the microscopic context, dominance occurs when one political party within the coalition has excessive influence over joint decisions. To prevent this, a normative formulation of maximum coalition membership thresholds based on proportionality principles is proposed. Two alternative maximum threshold percentages are proposed: 25% or 50% of the total number of political parties participating in the election.

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### Introduction

The presidential election is one of the central elements in the democratic system and the presidential system of government. In the context of democracy, the election of the president reflects the principle of people's sovereignty, where the people have the right

to directly elect the country's supreme leader. The presidential election is closely related to strengthening democracy through people's political participation, which is the main indicator in assessing the quality of a country's democracy. The presidential election also helps ensure that the government's decisions in the future will respect and uphold the rights of the people (Wibowo, Ismail, & Hartana 2024). Meanwhile, in the context of the presidential system, the election of the president became a symbol of executive power that was separate and independent of the legislature. In the presidential system, the executive and legislative powers are elected separately by the people (Çolak, Şener, & Bilgilić 2017).

Nevertheless, the implementation of the legal framework for presidential elections in Indonesia that is in line with democratic principles and the presidential system still faces various challenges. The main thing is the implementation of the presidential threshold as stipulated in the provisions of Article 222 of Law Number 7 of 2017 concerning General Elections (hereinafter referred to as Law No. 7 of 2017). According to the provisions of Article 222 of Law No. 7 of 2017, presidential and vice presidential candidate pairs are proposed by political parties or coalitions of political parties participating in the general election who are eligible to obtain at least 20% of the total number of seats in the House of Representatives or obtain 25% of the valid votes at the national level in the election of members of the House of Representatives before the presidential and vice presidential elections.

According to Nugroho, the provision of the threshold for the nomination of presidential and vice presidential pairs has prevented new political parties or non-parliamentary political parties from nominating their candidates. As a result, only major parliamentary political parties or coalitions of parliamentary political parties are able to meet this threshold (Nugroho 2024). According to R.M. Nugroho, in extreme conditions, this rule can give rise to the phenomenon of 'Cartel Coalition', where the major political parties in parliament form a large coalition to meet the threshold requirements while dominating the presidential candidacy process (R. M. Nugroho 2024). This phenomenon is evident in the coalition scheme of the proposing political parties in the 2019 and 2024 presidential elections, which shows the dominance of major political parties in determining the pair of presidential and vice presidential candidates (R. M. Nugroho 2024).

However, in its development, the Constitutional Court through Decision No. 62/PUU-XXII/2024 (hereinafter referred to as Constitutional Court Decision No. 62/PUU-XXII/2024) has stated that the presidential threshold regime as stipulated in Article 222 of Law No. 7 of 2017 is unconstitutional and must be abolished and no longer valid. The Constitutional Court held that the original intent of the 1945 Constitution did not include the regulation of the threshold for presidential candidacy, which was based on the absence of relevant discourse and formulations in the process of amending the 1945 Constitution. In addition, one of the Constitutional Court's considerations is the empirical fact that the provision of the presidential candidacy threshold has led to the dominance of certain political parties in the proposal of presidential and vice presidential candidates in several previous general elections, thus limiting the constitutional right of voters to obtain diverse and adequate alternative candidate pairs (vide section Weighing No. [3.25.6] Constitutional Court Decision No. 62/PUU-XXII/2024).

The Constitutional Court in its *a quo* ruling also affirmed that the proposal of presidential and vice presidential candidates is actually a constitutional right for all political parties participating in the general election. As a follow-up step, the

Constitutional Court in Constitutional Court Decision No. 62/PUU-XXII/2024 asked lawmakers to carry out constitutional engineering in revising Law No. 7 of 2017. One of the five aspects that lawmakers must consider in constitutional engineering is preventive efforts against the dominance of political parties or coalitions of political parties which can have implications for limiting the number of presidential and vice presidential candidate pairs, as well as narrowing the choices for constituents.

Thus, the Constitutional Court Decision No. 62/PUU-XXII/2024 has actually created new constitutional conditions regarding the arrangement of political party coalitions in presidential candidacy. This condition requires constitutional engineering, especially normative formulations that regulate the threshold for coalitions to propose presidential candidates. This normative formulation needs to be designed in such a way as to prevent two things: (1) the domination of certain political parties or potentially hegemonic coalitions, and (2) the restriction of the right of each political party to nominate the president. Starting from the a quo decision, this study formulates 3 (three) legal issues: (1) How is the normative regulation of the dominance of the coalition of political parties for presidential candidacy in positive law?, 2) What is the definition and parameters of the dominance of the coalition of political parties in the context of theoretically regulating presidential candidacy?, and (3) What is the mechanism for regulating a proportional coalition without restricting the constitutional rights of political parties participating in the general election? This study aims to formulate a normative formulation of the threshold for coalitions or coalitions of political parties that can propose presidential and vice presidential candidates, based on the principle of proportionality and the principle of anti-domination.

According to Nugroho (2024), the implementation of the presidential threshold law in Indonesia has given rise to the phenomenon of "Cartel Coalitions," where large political parties dominate the presidential nomination process, limiting voter choice. This has led to calls for a reform in the political coalition mechanism to allow for more diverse political participation. Similarly, Carty (2022) argues that the dominance of political parties in coalition governments can weaken democracy by reducing competition and limiting electoral choices, making it difficult for smaller or new political parties to emerge as viable candidates in the presidential race.

The urgency of this research arises from the recent Constitutional Court Decision No. 62/PUU-XXII/2024, which ruled the presidential threshold law unconstitutional. This decision opens the door for reforms in the presidential candidacy process but also presents challenges in preventing the dominance of large political party coalitions. It is crucial to design a proportional coalition threshold that prevents the monopolization of the nomination process by large coalitions while maintaining a fair chance for all political parties to participate in the presidential election. This reform is vital to ensure a more inclusive and competitive political system.

While several studies have discussed the impact of coalition dominance on electoral fairness and political pluralism, few have provided a comprehensive solution for balancing coalition sizes based on the principle of proportionality. Most existing research has either focused on the theoretical implications or the effects on political party dynamics without providing a clear normative framework for setting maximum coalition thresholds to avoid dominance in the context of presidential elections. This study aims to fill this gap by proposing a proportional threshold that balances coalition power and ensures fair competition.

This research is novel in its approach to formulating a maximum coalition threshold based on proportionality principles. Unlike previous studies that mainly focused on the consequences of coalition dominance, this study provides a practical normative formulation that can be applied within the Indonesian legal context to prevent the monopolization of presidential candidacies by large coalitions. By introducing proportionality into coalition formation, this research offers new insights into how legal reforms can preserve political pluralism and enhance democratic processes in Indonesia.

The primary objective of this research is to formulate a normative regulation for the maximum threshold of political party coalitions proposing presidential candidates, based on proportionality principles, to prevent dominance in the presidential election. The study aims to provide a balanced solution that guarantees fair competition while preventing oligarchic tendencies in coalition formation. The benefits of this research are multifaceted: it contributes to the legal framework by offering concrete recommendations for electoral reform, it enhances democratic participation by encouraging more inclusive and diverse candidate nominations, and it supports the development of a political system that fosters greater accountability and transparency in Indonesia's presidential elections.

## **Research Methods**

This type of research is descriptive, normative, and analytical juridical (Soekanto, 2008). The approach used is a legislative approach (Ibrahim 2018), conceptual approach, case approach (Marzuki 2021). The data of this research is sourced from primary and secondary legal materials (Marzuki 2021). Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, and General Election Commission Regulation Number 19 of 2023. Meanwhile, secondary legal materials include articles, scientific journals, and books.

## **Results and Discussions**

### **Positive Legal Framework for Regulating the Dominance of Political Party Coalitions in the Presidential Election**

In Indonesia's positive legal order, especially those related to the presidential election, there is no legal norm that explicitly defines the concept of political party coalition dominance in the context of submitting presidential candidate pairs. In the provisions of Article 6A of the 1945 Constitution of the Republic of Indonesia, there is no mention of this. However, subtly, the concept of limiting the dominance of an absolute coalition of political parties, where all political parties are members of a single coalition to propose a pair of presidential candidates, already exists in it. Article 6A paragraph (4) of the 1945 Constitution clearly regulates the mechanism of "two pairs of candidates" who obtain the first and second most votes to be elected in the second round, ipso facto does not allow the domination of absolute political party coalitions. Meanwhile, in Law No. 7 of 2017 concerning General Elections (Law No. 7 of 2017), as a *lex specialis* for holding general elections, it also does not explicitly formulate a definition or limitation regarding the dominance of political party coalitions in the presidential candidacy process. Nevertheless, there is an implicit provision oriented to preventing the monopoly of candidacy by a coalition of political parties, which is regulated in Article 229 Paragraph (2) of Law No. 7 of 2017. The provisions of article a quo state that the KPU is obliged to refuse the registration of candidate pairs in the event of:

- 1) Registration of 1 (one) candidate pair is submitted by a combination of all political parties participating in the general election; or

2) Registration of 1 (one) candidate pair is submitted by a coalition of political parties participating in the general election which results in the combination of other political parties participating in the general election not being able to register candidate pairs. The provisions of Article 229 Paragraph (2) of Law No. 7 of 2017 are further adopted in the provisions of Article 33 of the General Election Commission Regulation Number 19 of 2023 concerning the Nomination of Presidential and Vice Presidential Election Participants (hereinafter KPU Regulation No. 19 of 2023) with the same formulation.

Based on the formulation of the norm of Article 229 Paragraph (2) of Law No. 7 of 2017 juncto Article 33 of KPU Regulation No. 19 of 2023, in terms of *argumentum a contrario*, it can be concluded that the dominance of political parties in the context of presidential and vice presidential candidacy is a situation where when all political parties form a single coalition to propose a pair of presidential candidates, or a condition in which a coalition of political parties (coalitions), which has met the requirements of Article 222 of Law No. 7 of 2017, has such power or influence that: (a) *de facto* or *de jure* monopolizes the submission of candidate pairs, or (b) effectively closes the opportunity for a coalition of other political parties to submit candidate pairs because the coalition does not sufficiently meet the threshold provisions required by Article 222 of Law No. 7 of 2017.

Meanwhile, the Constitutional Court's Decision No. 62/PUU-XXII/2024 also does not formulate an explicitly clear definition or concept regarding the dominance of political party coalitions. However, looking closely at the legal considerations of the Constitutional Court in the Constitutional Court Decision No. 62/PUU-XXII/2024, the following qualitative points were obtained regarding the dominance of political party coalitions:

- 1) is a scenario in which a group of parties come together to form a coalition large enough to control the nomination process;
- 2) Its formation was driven by pragmatism, not ideology;
- 3) resulting in limited voter choice, in which the dominant coalition determines the number of candidates, limiting the emergence of alternative options and limiting voter choice;
- 4) the potential for unstable government due to the lack of a common ideological foundation.

The concept of political party coalition dominance in the Constitutional Court Decision No. 62/PUU-XXII/2024 thus refers to the *de facto* condition in which a group of political parties participating in the general election form a coalition that has such power and influence that it substantially controls the candidacy process. This control is not solely measured based on the fulfillment of the candidacy threshold (which has been abolished by the Constitutional Court Decision No. 62/PUU-XXII/2024), but through the capacity of the coalition to significantly influence the presidential candidacy constellation.

**Table 1 Comparison of the Construction of Political Party Coalition Dominance Arrangements**

Aspects	Law No. 7 of 2017 in conjunction with KPU Regulation No. 19 of 2023	Constitutional Court Decision No. 62/PUU-XXII/2024
Definition	There is no explicit definition, but argumentatively a <i>contrario</i>	There is no explicit definition, but dominance is qualitatively defined as

	dominance is considered to occur if there is only one single coalition containing all political parties participating in the general election or there is a coalition of political parties that results in a political party or coalition of other political parties not being able to nominate a presidential candidate.	control of the candidacy process by a grand coalition that limits voter choice and creates political instability
Focus	Oriented towards preventing candidacy monopoly due to the setting of presidential candidacy thresholds Article 222 of Law No. 7 of 2017.	Emphasizing the freedom of all political parties to nominate candidates without threshold conditions, while still preventing the dominance of large coalitions that limit democratic options.
Prevention Direction	Prohibits the submission of candidate pairs by a coalition of all political parties or coalitions that cause other parties to be unable to nominate candidate pairs.	Remove the presidential threshold, but mandate that coalitions must not lead to dominance that limits the number of candidate pairs or voter choice
Spectrum of Political Pluralism Perspectives	Political pluralism is minimal.	Political pluralism is widespread.

Source: Researcher

### Concept and Parameters of Political Party Coalition Domination in the Presidential Election

In general, the concept of political party coalition dominance refers to the power and influence possessed by a group of political parties that unite to achieve a common goal, especially in the context of general elections and government. In the context of the presidential election, the dominance of political party coalitions can be understood as an effort to strengthen the position of major parties and limit small parties in the nomination process, resulting in a monopoly of power and reducing political diversity and plurality in the political system (Cahyono, Iftitah, Rizki Hidayatullah, Yuliasuti, & Susetiyo 2023). In the process, the formation of political party coalition dominance is more pragmatic, because it is formed based on the political situation and power-sharing agreements, not based on the same vision, mission, or ideology (Siboy 2021).

In the literature of Constitutional Law and Political Science, the concept of political party coalition dominance is very close—or perhaps synonymous—with the term 'electoral monopoly' referring to a situation in a general election in which a number of parties dominate the political landscape, similar to a natural monopoly in the market (Schleicher 2006). Another term that has a similar concept is the term 'archipelagos of domination' proposed by S. Friedman in the context of South African politics as a situation in which more than one social group and more than one party achieves political and social dominance in geographically different regions – shaping politics and determining who holds power (Friedman 2015). There is also the term 'cartel party model' proposed by Richard Katz which describes a coalition of political parties that—despite having different ideologies (pragmatic)—collaborate to secure their interests at the expense of public welfare. This system undermines democracy by eliminating checks and

balances, nourishing political corruption, and creating pseudo-competition while limiting the actual electoral process (Lestari 2016).

The dominance of political party coalitions in the presidential election can be understood at least from 2 (two) paradigmatics, namely macroscopic and microscopic. Macroscopically, dominance in the context of presidential candidacy reflects the concentration of power in the hands of a large coalition of parties, which has implications for the marginalization of small parties. The macroscopic paradigm looks at the configuration of the party system as a whole in relation to coalitions. The quantitative parameters of the dominance of political party coalitions in the macroscopic context can be classified into 2 (two) categories, namely:

- 1) absolute dominance; and
- 2) majority dominance.

First, absolute domination, occurs when a single coalition is formed that de facto covers almost the entire spectrum of political parties that have electoral representation or meet the legal requirements to participate in political contestation. Second, majority domination, reflects the formation of a coalition of more than half of the total number of political parties participating in the general election. Both absolute dominance and majority dominance have the potential to lead to party oligarchy, where political power is concentrated in a handful of party elites who are members of the dominant coalition.

**Table 2 Quantitative Percentage of Coalition Dominance**

<b>Coalition Dominance Category (Macroscopic)</b>	<b>Parameters of Quantitative Composition of Coalition Members</b>
Absolute	All political parties (100%)
Majority	More than half of the total number of political parties (50%+1)

Source: Researcher

Furthermore, the dominance of a coalition of political parties in a macroscopic context here can be understood as an oversized coalition. According to Arendt Lijphart, an oversized coalition is a large coalition that has a surplus of parties or contains more political parties than is needed to achieve a majority (Chaisty, Cheeseman, & Power, 2018). The goal is not only to win elections or form a government, but also to dominate the political landscape, and get rid of the opposition. One of the recent oversized coalition practices is the Advanced Indonesia Coalition (KIM) which nominated Prabowo-Gibran in the 2024 Presidential Election. The composition of KIM consists of 7 supporting political parties which include: the Golongan Karya Party (Golkar), the Greater Indonesia Movement Party (Gerindra), the Democratic Party, the National Mandate Party (PAN), the Indonesian Solidarity Party (PSI), the Moon Star Party (PBB), and the Guard Party of the Republic of Indonesia (Garuda) (vide KPU Decision Number 1632 of 2023). The composition of KIM includes 50% of the total number of political parties involved in the presidential election.

Meanwhile, microscopically, the dominance of political party coalitions can be understood in the internal context of coalitions, where there is one political party that is too dominant in making decisions on presidential candidacy. Usually, the political parties that dominate the coalition are the majority political parties in parliament. As Brams and Fishburn explain, majority political parties can dominate electoral coalitions, because the ruling coalition is formed from majority coalitions that are acceptable to voters. This

process encourages parties to reconcile differences and form coalitions with broad appeal, which can lead to the dominance of the major parties in those coalitions (Steven J. Brams & Peter C. Fishburn 1992). Usually, dominance here is often understood as the superiority of the political party concerned assessed from several political aspects compared to other coalition member political parties. One of them is the number of seats in parliament (Jelnov, 2017). Meanwhile, according to R. Kenneth Carty, another benchmark that can give rise to the dominance of a political party in a coalition is because of its status as a 'natural party of government', and it can also be due to its historical electoral success, strong organizational structure, and deep relationship with the political regime (Carty 2022).

Based on the above discussion, it appears that theoretically, the dominance of political party coalitions in presidential candidacy is quantitatively closely related to the asymmetry of power distribution and the potential for excessive concentration of power. Very large coalitions tend to have a large concentration of power due to the composition of the large number of members of political parties. As a result, when there are only a few large coalitions that dominate the presidential election arena, the competition between candidates becomes less dynamic and substantive. Voters are also missing out on diverse alternative options because most of the political power has been consolidated in major coalitions.

#### **Formulation of the Maximum Threshold for Political Party Coalitions Proposing Presidential Candidacy Based on the Principle of Proportionality**

Based on previous elaboration, the Constitutional Court's Decision No. 62/PUU-XXII/2024 which cancels the provisions of the presidential candidacy threshold has opened a new chapter in national political dynamics. On the one hand, the a quo ruling provides a wider space for political parties to participate in the presidential candidacy process. However, on the other hand, this also poses a new challenge, namely how to formulate a presidential candidacy mechanism that can prevent the dominance of certain political party coalitions without hindering the constitutional right of political parties to participate in political contestation in the presidential election. Judging from the previous discussion, the tendency of political party coalition dominance is usually manifested in a situation of coalition disproportionality. This condition is characterized by significant ratio disparities between coalitions, which are measured by the number of coalition members. In other words, the imbalance of power between coalitions, reflected by the stark difference in the number of members, facilitates the occurrence of dominance by larger coalitions.

For this reason, it is necessary to have an appropriate formulation to regulate the maximum threshold for the composition of political party coalition membership based on the principle of proportionality in Law No. 7 of 2017. Referring to Hernoko's opinion, the principle of proportionality refers to conformity with proportion (part), comparable, balanced, or balanced (M.H. Syarifuddin 2020). In this case the word 'balance' refers to a condition in which everything is in equal proportion, unbiased (equal weight, comparable, commensurate) (M.H. Syarifuddin 2020). Meanwhile, according to Aharon Barak, the principle of proportionality is a legal construction and a methodological tool used to determine whether a law that restricts constitutional rights is constitutionally permissible (Rugian 2021). This principle serves as a measuring tool to determine whether the restriction on constitutional rights exercised by the law is justified. The principle of proportionality aims to balance the interests, benefits, and disadvantages under



consideration by choosing the most beneficial, necessary, and appropriate decisions (Rugian 2021).

With the principle of proportionality, the normative formulation of the maximum threshold formulated can put the political party coalition in a balanced or comparable condition, thus preventing the emergence of dominance of one of them. In addition, the formulation of the maximum threshold must also be able to balance between interests, benefits, and losses, in accordance with the constitutional points that have been determined by the Constitutional Court in the Constitutional Court Decision No. 62/PUU-XXII/2024.

**Table 3 Aspects of Proportionality of Coalition Formulation**

No.	Aspect of Proportionality	Constitutional Points of the Constitutional Court Decision No. 62/PUU-XXII/2024.
1.	Interests	<ol style="list-style-type: none"> <li>1. Protect the right of political parties to propose presidential candidates.</li> <li>2. Prevent the monopoly of candidacy by the dominance of political party coalitions.</li> <li>3. Ensuring the diversity of presidential candidates for voters.</li> </ol>
2.	Benefit	<ol style="list-style-type: none"> <li>1. Encourage more balanced political competition.</li> <li>2. Prevents extreme polarization.</li> <li>3. Strengthening the presidential system.</li> </ol>
3.	Loss	<ol style="list-style-type: none"> <li>1. There are too many presidential candidates.</li> <li>2. Political fragmentation.</li> </ol>

Departing from the parameters of the dominance of political party coalitions as discussed in the previous section, in this case the author puts forward several basic points in accordance with the Constitutional Court Decision No. 62/PUU-XXII/2024 which can be a guideline for the formulation of the maximum threshold for a coalition of political parties proposing presidential candidates, namely:

- 1) The coalition consists of a number of political parties that in total do not exceed half of the total number of political parties participating in the general election;
- 2) can simplify the potential for a large number of candidates beyond reasonable;
- 3) does not eliminate the right of political parties to nominate for president; and
- 4) not using parliamentary parameters,

Regarding the first point, where members of political parties who are members of a coalition of political parties must not exceed half of the total number of political parties participating in the general election, it is necessary to prevent domination; monopoly; oversized coalition. According to Titi Anggraini, the right maximum threshold percentage for the formation of a coalition is 50% (fifty percent) or 60% (sixty percent). According to Titi, a percentage of 50% or 60% is still feasible and can still guarantee the diversity of presidential candidate pairs (Compass 2025). A 50% restriction can indeed minimize the dominance of political party coalitions by preventing more than half of political parties from joining coalitions, but on the other hand, it raises questions about the balance of the ratio of power concentration between coalitions.

For example, in the 2024 presidential election, the coalition that supports Prabowo-Gibran has a composition of 50% political party members, Ganjar-Mahfud at 23.5%, and Anies-Muhaimin at 21.43%. In terms of ratio, the Ganjar-Mahfud and Anies-Muhaimin

vis a vis coalition against the Prabowo-Gibran coalition is unbalanced (1.75 to 1) and 2.33 to 1).

Furthermore, the provisions of the coalition maximum threshold percentage formula also need to consider the following:

- 1) making the concentration of coalition forces more balanced; and
- 2) Continue to maintain the potential diversity of presidential candidate pairs if all the maximum potential for the formation of a coalition occurs.

Thus, a percentage of 25% can also be used as an alternative option for the maximum threshold of the coalition with the above considerations. First, quantitatively, the percentage of 25% is still in accordance with the mandate of the Constitutional Court Decision No. 62/PUU-XXII/2024 regarding restrictions on the dominance of political parties. Second, the percentage of 25% has the potential to form 5 coalitions that are balanced in terms of composition concentration ratio if each coalition uses the maximum threshold for its composition. On the one hand, these ideal conditions can limit the number of candidates carried by the coalition, and on the other hand, it still guarantees a variety of choices. Of course, this is more in accordance with the principle of proportionality, where the ratio of the gap in composition between coalitions can be more balanced so as to avoid the dominance of political party coalitions

In terms of Albala & Couto's opinion about electoral coalitions in the presidential system, there is a tendency in the presidential system to form coalitions in pre-elections to increase their chances of success in the general election (Albala & Couto 2023). Based on Albala & Couto's logic, it is likely that political parties will take advantage of the maximum threshold of a coalition to form a coalition, instead of using the minimum threshold of a coalition, in order to increase the chances of electing their candidates. Thus, the alternative mathematical normative formula for the maximum threshold of a coalition of political parties is:

1. Maximum Threshold 25%

$$ABM = \frac{P_k}{P_t} \leq 0.25 ; \text{ or}$$

2. Maximum Threshold 50%

$$ABM = \frac{P_k}{P_t} \leq 0.50$$

In this case, ABM is the Maximum Threshold, while  $P_k$  is the number of political parties participating in the general election in one coalition, and  $P_t$  is the total number of political parties participating in the general election.

## Conclusion

The conclusions in this study are: (1) In positive law, namely Law No. 7 of 2017, it does not explicitly regulate the meaning and concept of the dominance of political party coalitions in the presidential election. However, it implicitly regulates the prevention of political party dominance as stipulated in the provisions of Article 229 Paragraph (2) of Law No. 7 of 2017. (2) Theoretically, the definition of political party coalition dominance refers to the power and influence possessed by a group of political parties that unite to achieve a common goal, especially in the context of general elections and government. In the context of the presidential election, quantitatively the dominance of a coalition of political parties occurs when there is a coalition consisting of more than half of the total number of political parties participating in the general election. (3) The normative formulation that can be implemented in the revision of Law No. 7 of 2017 after the Constitutional Court Decision No. 62/PUU-XXII/2024 is to apply the maximum

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threshold of political party members in a more proportional coalition to prevent the dominance of political party coalitions in the presidential election. In this case, there are 2 (two) alternative percentages of the maximum threshold for political party coalitions that can be applied, namely 25% or 50%.

## References

- Albala, A., & Couto, L. (2023). Question of Timing: Pre-Electoral Coalitions in Multiparty Presidential Regimes. *Brazilian Political Science Review*, 17. <https://doi.org/10.1590/1981-3821202300010001>
- Cahyono, A., Iftitah, A., Rizki Hidayatullah, A., Yuliasuti, E., & Susetiyo, W. (2023). Analisis Kritis Terhadap Penerapan Presidential Threshold dalam Pemilihan Umum 2024: Perspektif Hukum Normatif di Indonesia. *Jurnal Supremasi*, 1–14. <https://doi.org/10.35457/supremasi.v13i2.3041>
- Carty, R. K. (2022). *The Government Party: Political Dominance in Democracy*. Oxford University Press.
- Chaisty, P., Cheeseman, N., & Power, T. J. (2018). *Coalitional Presidentialism in Comparative Perspective: Minority Presidents in Multiparty Systems*. Oxford University Press.
- Çolak, Ç. D., Şener, B., & BiLgiLi, M. Y. (2017). Comparative Analysis of the Turkish Presidential System with Government Systems Including Separation of Powers. *Kastamonu Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 18(1).
- Friedman, S. (2015). Archipelagos of dominance. Party fiefdoms and South African democracy. *Zeitschrift Für Vergleichende Politikwissenschaft*, 9(3), 139–159. <https://doi.org/10.1007/s12286-015-0246-9>
- Harbowo -, N. (2025, Januari 8). Beda Pendapat Penerapan Rekayasa Konstitusi Pencalonan. Diambil 10 Januari 2025, dari Kompas.id website: <https://www.kompas.id/artikel/beda-pendapat-penerapan-rekayasa-konstitusi-pencalonan>
- Jelnov, A. (2017). Existence of Dominant Players and their Role in the Formation of a Cabinet Coalition. *International Game Theory Review*, 19(01), 1750005. <https://doi.org/10.1142/S0219198917500050>
- Jonaedi Efendi, & M.Hum, P. D. J. I., S. H. ., S. E. ., M. M. (2018). *Metode Penelitian Hukum: Normatif dan Empiris*. Jakarta: Prenada Media.
- Lestari, Y. S. (2016). Cartel Party: An Analysis Study. *Proceedings of the 1st International Conference on Social and Political Development (ICOSOP 2016)*. Atlantis Press. Diambil dari <https://www.atlantis-press.com/proceedings/icosop-16/25873519>
- Marzuki, P. M. (2021). *Penelitian Hukum: Edisi Revisi*. Jakarta: Kencana.
- M.H. Syarifuddin. (2020). *Prinsip Keadilan Dalam Mengadili Perkara Tindak Pidana Korupsi: Implementasi PERMA Nomor 1 Tahun 2020*. Prenada Media.
- Nugroho, D. W. (2024). Analisis Dampak Sistem Presidential Threshold dalam Pemilihan Presiden dan Wakil Presiden di Indonesia Terhadap Inklusivitas Politik dan Representasi Demokratis. *Proceedings Series on Social Sciences & Humanities*, 17, 211–218. <https://doi.org/10.30595/pssh.v17i.1131>
- Nugroho, R. M. (2024). Implications of the Presidential Threshold Implementation on the Formation of Cartel Coalitions | Nugroho | *Kosmik Hukum*. 24(1). Diambil dari <https://jurnanasional.ump.ac.id/index.php/KOSMIK/article/view/14521/6657>
- Rugian, I. A. (2021). Prinsip Proporsionalitas dalam Pengujian Undang-Undang Terhadap UUD NRI 1945 (Studi Perbandingan di Indonesia dan Jerman). *Jurisdiction*, 4(4), 1479–1508. <https://doi.org/10.20473/jd.v4i4.28482>
- Schleicher, D. (2006). “Politics as Markets” Reconsidered: Natural Monopolies, Competitive Democratic Philosophy and Primary Ballot Access in American

Formulation of Coalition Threshold For Political Parties Based on Proportionality Principles In The Presidential Election Post Constitutional Court Decision No. 62/PUU-XXII/2024

- Elections. *Supreme Court Economic Review*, 14, 163–220. <https://doi.org/10.1086/scer.14.3655312>
- Siboy, A. (2021). Implikasi Pola Koalisi Partai Politik terhadap Dinamika Penyelenggaraan Pemilihan Presiden Indonesia. *Perspektif Hukum*, 36–58.
- Steven J. Brams, & Peter C. Fishburn. (1992). Coalition Voting. *Mathematical and Computer Modelling*, 16(8–9). Diambil dari <https://www.sciencedirect.com/science/article/pii/089571779290084X?via%3Dihub>
- Wibowo, E., Ismail, & Hartana. (2024). Pelaksanaan Pemilihan Presiden yang Sesuai dengan Prinsip Kedaulatan Rakyat dalam Sistem Demokrasi di Indonesia. *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat*, 10(2), 257–270. <https://doi.org/10.55809/tora.v10i2.371>