

# The Reform of the Parliamentary Threshold System Based on Human Rights: Evidence from the United States



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## Abstract

*Using thresholds in elections facilitates fair competition among political parties for votes. Nevertheless, this threshold rule could pose a legal obstacle if a political party fails to get a parliamentary seat in an election due to insufficient voter support. This research intends to assess the ongoing significance of the parliamentary threshold system in Indonesia through comparison studies with other nations. This inquiry employs a normative juridical methodology. The research findings indicate that implementing the Parliamentary Threshold should better accommodate each region's unique and varied political objectives. This challenges the notion of variety within unity, potentially hindering the progress of political goals at both regional and national scales. National parliamentary thresholds can limit or remove regional political rights. Furthermore, the United States, which originated the presidential system of government, possesses the most extensive federal constitution worldwide. The United States spearheaded this progress by integrating human rights into its constitution. The United States operates under a two-party system and does not employ a specific legislative threshold system. Elections are conducted at several levels of government, including federal, state, and municipal. However, there are no established uniform criteria for parties or candidates to meet to be eligible for representation. The electoral college method also impacts the allocation of ballots, enhancing the probability of participation and involvement from each political party. Political parties experience more excellent stability. Therefore, Indonesia should adopt additional inclusive reforms based on human rights principles to establish specific benchmarks.*

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## 1. Introduction

Indonesia is a democratic nation, as explicitly stated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The 1945 Constitution governs the exercise of the people's sovereignty. Conducting general elections can achieve the intricate link between democracy and the people's sovereignty. The concept of democracy has accelerated development due to the legal system a country has adopted. Constitutional democracy is one of the conceptions of democracy in a constitutional system that adheres to the rule of law (rechtstaat). The concept of constitutional

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democracy is characterized by submission and compliance with relevant laws and the establishment of power constraints.<sup>1</sup>

General elections (elections) are one of the hallmarks of democracy. Voting allows eligible citizens to compete for a position in the government system during elections. The foundation of selecting presidential candidates in Indonesia remains the concept that a presidential candidate must have a support base in parliament. The minimum threshold is a method of ensuring that a presidential candidate receives an adequate amount of parliamentary support. In this context, it is crucial to comprehend the mechanisms employed by political parties to preserve power, which have the potential to undermine democracy. In terms of mathematics, large and well-established parties have a higher probability of obtaining votes and achieving the parliamentary threshold than those that are tiny or new.<sup>2</sup> New parties will face challenges garnering public support because the public has yet to perceive their performance directly. Conversely, older and more substantial parties have engaged in elections with varying degrees of success in garnering public attention and support. As a result, applying parliamentary thresholds can hurt an individual's internal and external morals, thereby influencing the ability of justice to fulfill the law's primary purpose.<sup>3</sup>

To qualify as an election candidate and subsequently secure a council seat, a political party must secure a minimum number of ballots, known as the parliamentary threshold. The implementation of the Parliamentary Threshold in Indonesia has progressed from 2.5% (two point five percent) in the 2009 election to 3.5% (three point five percent) in the 2014 election and ultimately to 4% (four percent) in the 2014 election. This information is current as of 2019. There are ongoing arguments for and against establishing this threshold, with some parties advocating for this approach and others vehemently opposing it. The justifications for both are pretty reasonable despite their differences. Advocates of this perspective contend that establishing electoral thresholds to restrict political parties is a more practical approach to establishing government stability. During election seasons, many political parties continue to serve as buffers.<sup>4</sup>

The use of thresholds in elections, while enabling political parties to compete equitably for votes, also carries the potential to negatively impact the democratic process. These thresholds provide instructions on rejuvenation strategies for political parties, such as securing ballot papers within

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<sup>1</sup> Ahmad Siboy and others, 'The Effectiveness of Administrative Efforts in Reducing State Administration Disputes', *Journal of Human Rights, Culture and Legal System*, 2.1 (2022) <<https://doi.org/10.53955/jhcls.v2i1.23>>.

<sup>2</sup> Turo Hiltunen, Jenni Räikkönen, and Jukka Tyrkkö, 'Investigating Colloquialization in the British Parliamentary Record in the Late 19th and Early 20th Century', *Language Sciences*, 79 (2020), 101270 <<https://doi.org/10.1016/j.langsci.2020.101270>>.

<sup>3</sup> Sholahuddin Al-Fatih and Ahmad Siboy, 'Moral Paradigm in the Establishment of Regulation on Parliamentary Thresholds: An Indonesian Implementation', *Fiat Justisia: Jurnal Ilmu Hukum*, 16.1 (2022), 1–10 <<https://doi.org/10.25041/fiatjustisia.v16no1.2140>>.

<sup>4</sup> Sholahuddin Al-Fatih, 'PEMBENTUKAN NORMA AMBANG BATAS PARLEMEN DALAM PERSPEKTIF TEORI KRITIS JURGEN HABERMAS', *Audito Comparative Law Journal (ACLJ)*, 1.1 (2020), 24–37 <<https://doi.org/10.22219/audito.v1i1.12783>>.

representative institutions and preventing their marginalization in the next election. However, the current application of the parliamentary criteria, which stipulates that 4% of the number of valid votes nationally is considered when determining the number of seats in the DPR, completely overrides the principle of popular sovereignty. This principle is the cornerstone of the elected community's role in electing their representatives. The DPRD, however, does not regard this provision as a benchmark, implementing it under the guise of a strategy to fortify the presidential system, aiming to enhance the effectiveness of political parties in the region.<sup>5</sup>

The Election Law, as outlined in Article 6A, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, is responsible for the severe regulation of elections. However, there are elements of the law, such as the minimum threshold governed by Article 222, that certain parties view as incompatible with the principles of democracy and the provisions outlined in the 1945 Constitution of the Republic of Indonesia. This conflict with democratic principles is a central issue, as it imposes unjustifiable restrictions on the ability of political parties to nominate the president and vice president, thereby undermining the intent of the Constitution and significant democratic principles.<sup>6</sup>

The introduction of parliamentary thresholds significantly impacts Indonesian society's efforts to establish an electoral system consistent with its democratic principles. Despite implementing the parliamentary threshold, specific fundamental issues in democracy persist. These topics have captivated the author and are of significant importance. If a political party cannot secure a parliamentary seat in an election due to insufficient voter support, regulations concerning parliamentary thresholds may become legal obstacles. The parliamentary framework implements threshold provisions to improve the efficiency of the party system by limiting the number of political parties. On the other hand, implementing thresholds results in a rise in the number of ballots that either lose waste or fail to secure a seat.<sup>7</sup>

Irrespective of the dominant political parties' ideologies, the inclusion of parliamentary thresholds in the Indonesian electoral system should be viewed as a measure to control the proliferation of political parties. However, a significant increase in the threshold percentage for parliamentary membership could potentially undermine the electoral backing of smaller parties that are unable to garner the necessary support during election campaigns. This erosion of support could lead to a decrease in the chances of opposition parties and parliamentary coalition parties achieving proportionality. The establishment of parliamentary thresholds is supposedly tied to the preservation

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<sup>5</sup> Sholahuddin Al-Fatih, 'Akibat Hukum Regulasi Tentang Threshold Dalam Pemilihan Umum Legislatif Dan Pemilihan Presiden', *Jurnal Yudisial*, 12.1 (2019), 17 <<https://doi.org/10.29123/jy.v12i1.258>>.

<sup>6</sup> Moh Iqra, Syabani Korompot, and Al-fatih David, 'The Principle of Equality Before the Law in Indonesian Corruption Case : Is It Relevant ?', *Journal of Human Rights, Culture and Legal System*, 1.3 (2021), 135–46.

<sup>7</sup> Lu Wei, Wang Jiamin, and Hu Jiming, 'Analyzing the Topic Distribution and Evolution of Foreign Relations from Parliamentary Debates: A Framework and Case Study', *Information Processing & Management*, 57.3 (2020), 102191 <<https://doi.org/10.1016/j.ipm.2019.102191>>.

of popular sovereignty and constitutional political principles, the bedrock of democratic nations.<sup>8</sup>

The development of the party system and electoral system is intricately linked to the evolution of the governance system. In Indonesia, the implementation of a presidential system of government in line with the 1945 Constitution necessitates a policy configuration that encompasses the party system, legislative election system, and presidential election system. In every democratic system, political organizations hold a significant position and perform crucial functions. The party's role as a vital intermediary between the government process and the public is of utmost importance. Some argue that political parties are the linchpin of democracy. Consequently, political parties play a pivotal role in the institutionalization of all democratic systems. However, the separation of powers in a presidential system can exacerbate the rigidity of the political system. Under this system, special interest groups may have an increased opportunity to influence political processes.<sup>9</sup>

In the interim, the United States lacks a transparent parliamentary threshold system. Under the country's two-party system, the Democratic and Republican parties dominate the political landscape. Different levels conduct federal, state, and local elections. The United States performs elections using a plurality system, declaring the winner as the candidate who receives the most ballots in a specific electoral district. This system does not formally restrict representation, allowing numerous candidates to participate and determining the victor through a straightforward majority vote.<sup>10</sup>

Nevertheless, certain states have implemented primaries as a requirement for candidates to advance to the general election. To provide an example, to qualify for the general election, a candidate must receive a specific percentage of the vote in the primary in certain states. This pertains to the candidate's eligibility to partake in the election rather than the parliamentary threshold. In summary, the United States does not have an official parliamentary threshold system; however, it does implement a diverse array of electoral systems and procedures that function as thresholds for the eligibility of candidates in elections.<sup>11</sup>

The relevant constitution is the foundation for the United States election system, characterized by freedom and transparency. Democratic principles, such as individual rights and freedom of opinion, form the foundation of these general elections. In the meantime, Indonesia, a democratic nation, continues to evolve to preserve democratic values. As a result, it is imperative to investigate the relevance of the parliamentary threshold-based electoral system in Indonesia to this democratic

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<sup>8</sup> Julia Partheymüller and others, 'Participation in the Administration of Elections and Perceptions of Electoral Integrity', *Electoral Studies*, 77 (2022), 102474 <<https://doi.org/10.1016/j.electstud.2022.102474>>.

<sup>9</sup> Nicolae Stef, Sami Ben Jabeur, and Robert F. Scherer, 'Time to Resolve Insolvency and Political Elections', *International Review of Law and Economics*, 72 (2022), 106104 <<https://doi.org/10.1016/j.irl.2022.106104>>.

<sup>10</sup> Timo Wochner, 'Part-Time Parliamentarians? Evidence from Outside Earnings and Parliamentary Activities', *European Journal of Political Economy*, 75 (2022), 102224 <<https://doi.org/10.1016/j.ejpoleco.2022.102224>>.

<sup>11</sup> Sami Diaf and others, 'Sharks and Minnows in a Shoal of Words: Measuring Latent Ideological Positions Based on Text Mining Techniques', *European Journal of Political Economy*, 75 (2022), 102179 <<https://doi.org/10.1016/j.ejpoleco.2022.102179>>.

nation. This can be achieved by conducting a comparative study with the electoral system in the United States, which does not implement a parliamentary threshold.

## 2. Research Method

This research employed a normative legal methodology from a comprehensive literature review. The primary legal sources are the 1945 Constitution of the Republic of Indonesia and a variety of government regulations and laws. Subsequently, secondary legal materials encompass pertinent literature, articles, and papers. In addition to primary and secondary legal materials, tertiary legal sources, including the Law Dictionary and General Indonesian Dictionary, are employed to direct and elucidate the legal materials.<sup>12</sup>

## 3. Results and Discussion

### The Impact of Parliamentary Threshold on Political Dynamics and Inter-Party Competition in Indonesian General Elections

Political parties reflect the widespread adoption of democratic values in various countries today. In addition to serving as a platform for public education in the political sector, political parties are also a tool for the state to execute its power functions and attain state objectives. The recent issue concerns the government's intention to limit political parties by implementing parliamentary thresholds. This issue has also elicited a significant response from society. The multiparty concept in Indonesia has positively and negatively affected society.<sup>13</sup>

On the one hand, the stability of the presidential government system is affected negatively by implementing the multiparty concept in Indonesia. This means engaging in the democratic party's revitalization, resulting in the presidential system of government becoming ineffective and neglected due to its perceived inability to serve the community's interests. The parliamentary threshold provisions may fluctuate in response to community conditions and parliamentary agreements. The parliamentary threshold is the minimum number of valid votes required for a political party to dispatch its representatives to parliament. A straightforward multiparty system established the Parliamentary Threshold as a legal policy. Nevertheless, this has advantages and disadvantages, as a parliamentary threshold can potentially erode democracy.<sup>14</sup>

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<sup>12</sup> Mohammad Jamin and Abdul Kadir Jaelani, 'Legal Protection of Indigenous Community in Protected Forest Areas Based Forest City', *Bestuur*, 10.2 (2022), 198–212 <<https://doi.org/https://dx.doi.org/10.20961/bestuur.v10i2.66090>>.

<sup>13</sup> Eny Kusdarini and others, 'Roles of Justice Courts: Settlement of General Election Administrative Disputes in Indonesia', *Heliyon*, 8.12 (2022), e11932 <<https://doi.org/10.1016/j.heliyon.2022.e11932>>.

<sup>14</sup> Ngudi Astuti, 'The Importance of Maintaining the Vote of Millennials for Political Parliaments Pass the Parliamentary Threshold in 2024 Election', *Journal of Humanities and Social Sciences Studies*, 4.2 (2022), 07–10 <<https://doi.org/10.32996/jhsss.2022.4.2.2>>.

The parliamentary institution is a representative body with legislative responsibilities. Parliament is a representative institution that enforces the people's sovereignty through democratic mechanisms. Democracy is a form of government where the people possess complete control over the state. In state practice, certain countries ensure that their representatives fully staff their parliamentary institutions through a free general election mechanism. However, there are also countries that, for effective and efficient reasons, impose participation thresholds in parliamentary institutions. Indonesia has implemented a parliamentary threshold of 2.5% in post-reform elections, as outlined in Law No. 10 of 2008 concerning the general elections of legislative members. Finally, it increased to 4% by Law No. 1 of 2022, which pertains to the general election of legislative members. Despite conducting a judicial review of the election law at the Constitutional Court in response to objections from various sectors of society, the decision is consistent with decision no—3/PUUVII//2009, which states that the implementation of the Parliamentary Threshold does not conflict with the Constitution.<sup>15</sup>

The culture and history of the country in question typically influence the provisions regarding parliamentary thresholds. For instance, Germany designed its 5% parliamentary threshold to restrict the election of extremist groups and prevent minor political parties from gaining representation. Consequently, the absolute limits of each country that implements parliamentary thresholds are inconsistent—all corporations need to adhere to this absolute limit. For instance, some countries may implement the parliamentary threshold. In essence, each country has no universal formula for the threshold quantity. In Germany, the goal is to restrict the electability of extremist groups and prevent small political parties from obtaining representation. Therefore, the government sets the percentage at 5%. Consequently, the absolute limits of each country that implements parliamentary thresholds are inconsistent—all corporations need to adhere to this absolute limit.<sup>16</sup>

For example, the implementation of the Parliamentary Threshold varies across countries, as evidenced by the following: Turkey's threshold is 10%, Finland's threshold is 5.4%, Belgium's threshold is 4.8%, Sweden's threshold is 4, Norway's threshold is 4%, Greece's threshold is 3.3%, Austria's threshold is 2.6%, Italy's threshold is 2%, Israel's threshold is 2%, Denmark's threshold is 1.6%, and the Netherlands' threshold is 0.67%. In essence, there are four (four) criteria for applying parliamentary thresholds in countries that are conducting elections: (a) The thresholds are based on the percentage of voters, such as 3% in Spain; (b) the location where the threshold provisions are typically applied, such as at the electoral district level in Spain or the national level for national voters, like in Germany; (c) During the implementation stage, the Parliamentary or Representative Threshold primarily takes place during the initial stage of counting votes and seats; however, some countries,

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<sup>15</sup> Cassidy Reller, Anthony Anderson, and Thad Kousser, 'Are Elite Cues Necessary to Drive the "Winner Effect" on Trust in Elections?', *Electoral Studies*, 80 (2022), 102541 <<https://doi.org/10.1016/j.electstud.2022.102541>>.

<sup>16</sup> Sankar Mukhopadhyay, 'Elections Have (Health) Consequences: Depression, Anxiety, and the 2020 Presidential Election', *Economics & Human Biology*, 47 (2022), 101191 <<https://doi.org/10.1016/j.ehb.2022.101191>>.

like Denmark, conduct it in between the calculations. Political parties or coalitions typically impose thresholds on their objects. For instance, in Poland, there are 5% for political parties and 8% for political party coalitions.<sup>17</sup>

The Constitutional Court (MK) has issued decision 52/PUU-X/2012, which invalidates Article 8 paragraph (1), paragraph (2), and Article 208 of Law Number 8 of 2012, which pertains to the general election of members. DPR, DPD, and DPRD (Law No. 8 of 2012) deserve recognition. This is an endeavor to reduce the political disparity between the power of traditional political parties and that of emerging political parties. However, this decision also has implications for reducing the oligarchic regime in formulating political laws, a necessary step to minimize egoism in maintaining its power. In anticipation of the 2014 elections, establishing this political law had previously sparked political unrest and polemics. The initial controversy arose when the 3.5% parliamentary threshold was implemented at local and national levels during the election process.<sup>18</sup>

Additionally, non-parliamentary political parties must undergo mandatory verification to participate in the 2014 elections. These regulations are also believed to be capable of systematically and constitutionally preventing the emergence of new parties. Of course, this elicited a strong response from 22 minor parties, who regarded this regulation as highly discriminatory because it limited the active participation of other citizens in the practical political process. Establishing a national parliamentary threshold of 3.5% serves as the foundation for the request for judicial review of 3.5%. The existence of a threshold of this magnitude is, in fact, peculiar to a democratically established nation. The Parliamentary Threshold's implementation can be interpreted in two primary paradigms: simplifying political parties and enhancing the electoral system's effectiveness.<sup>19</sup>

According to Constitutional Court Decision Number 52/PUU-X/2012, the Court determined that the Parliamentary Threshold's application could not authentically represent the distinctiveness and diversity of political aspirations that are unique in each region. It challenges the concept of unity in diversity, potentially impeding the advancement of political objectives at both regional and national levels. The implementation of national parliamentary thresholds may restrict or eliminate regional political rights. Even though a political party may achieve substantial development or become a majority at the regional level, it may still need to be eligible to enter the national parliament. Nevertheless, other perspectives contend that establishing the parliamentary threshold enhances the party system while constructing a presidential government that robust representative institutions

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<sup>17</sup> Daniel I. Rees and Brock Smith, 'Terror Attacks and Election Outcomes in Europe, 1970–2017', *Economics Letters*, 219 (2022), 110770 <<https://doi.org/10.1016/j.econlet.2022.110770>>.

<sup>18</sup> Sinta Devi Ambarwati, M. Roziq Saifulloh, and Stella M.S. Aritonang, 'Rekonstruksi Sistem Presidential Threshold Dalam Sistem Pemilu Di Indonesia', *Jurnal Hukum Lex Generalis*, 1.5 (2020), 80–95 <<https://doi.org/10.56370/jhlg.v1i5.213>>.

<sup>19</sup> Asrullah Asrullah, Syamsul Bachri, and Hamzah Halim, 'Presidential Threshold Dalam Sistem Presidensial Di Indonesia: Perspektif Konstitusi', *Al-Azhar Islamic Law Review*, 3.2 (2021), 63–77 <<https://doi.org/10.37146/ailrev.v3i2.84>>.

accompany. The effectiveness of representative institutions inextricably links the quantity and diversity of factional political influence in the DPR. The operational efficacy of representative institutions will improve as the number of political parties decreases. The parliamentary threshold makes political parties committed to representing the people's will more vulnerable to their concerns. The primary objective of the Parliamentary Threshold is to enhance the efficacy of parliamentary discourse; however, this should not restrict the ability of citizens to elect their representatives to parliament directly.<sup>20</sup>

Conversely, the act of raising the parliamentary threshold results in the ineffective use of voters' ballots. Political parties whose ballots fail to meet the minimum threshold will not receive seats. Vote attrition resulted from the 2019 election's implementation of a parliamentary threshold of 4%. The failure to meet the threshold led to the loss of approximately 13,594,842 ballots. In other words, the 2019 election disregarded the aspirations of 13,594,842 individuals for representation, which we can interpret as the abolition of the principle of popular sovereignty associated with these individuals. Therefore, to resolve issues, we must examine the PT concept in the 2019 election to ensure it aligns with the principle of popular sovereignty. In 2009, a parliamentary threshold of 2.5 percent led to the election of only nine political parties to parliament. The following political parties were successful: the Democratic Party (20.85%), the Golkar Party (14.45%), the PDIP Party (14.03%), the PKS Party (7.88%), the PAN Party (6.01%), the PPP Party (5.32%), the PKB Party (4.94%), the Democrat Party (4.94%), the Gerindra Party (4.46%), and the Hanura Party (3.77%). In the interim, the total number of parties that failed to meet the threshold was 18.29% or approximately 19,048,653 valid votes that could not secure seats in the DPR. Voters forfeit the most critical aspect of popular sovereignty, dispatching their elected representatives to parliament.<sup>21</sup>

In contrast, the theory of popular sovereignty posits that the populace is the ultimate authority in a nation. The concept of parliamentary thresholds renders this power obsolete and disregards it. Additionally, the representation of women in parliament has declined due to their parties' failure to surpass the parliamentary threshold.<sup>22</sup>

Implementing parliamentary thresholds resulted in the ineligibility of numerous political parties to qualify for parliament. Additionally, the disregarded ballots from electoral districts undermined the legitimacy of elected representatives. Consequently, implementing parliamentary threshold elections

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<sup>20</sup> Tony J. Cunningham and others, 'How the 2020 US Presidential Election Impacted Sleep and Its Relationship to Public Mood and Alcohol Consumption', *Sleep Health*, 8.6 (2022), 571–79 <<https://doi.org/10.1016/j.sleh.2022.08.009>>.

<sup>21</sup> Fahri Bachmid, 'Eksistensi Kedaulatan Rakyat Dan Implementasi Parliamentary Threshold Dalam Sistem Pemilihan Umum Di Indonesia', *SIGN Jurnal Hukum*, 2.2 (2020), 87–103 <<https://doi.org/10.37276/sjh.v2i2.83>>.

<sup>22</sup> Tiago Gonçalves, Victor Barros, and Gonçalo Serra, 'Political Elections Uncertainty and Earnings Management: Does Firm Size Really Matter?', *Economics Letters*, 214 (2022), 110438 <<https://doi.org/10.1016/j.econlet.2022.110438>>.



will subject candidates who do not meet the criteria to discrimination and unjust treatment. From a mathematical perspective, established and large parties are more likely to obtain ballots and surpass the parliamentary threshold than small or new parties. New political parties will encounter challenges in securing public support because the public has yet to have the opportunity to experience their performance directly. Conversely, parties that are more established and possess a more significant amount of electoral experience encounter various obstacles in attracting public attention and support. As a result, the implementation of parliamentary thresholds can compromise the capacity of justice to uphold the fundamental purpose of the law and compromise an individual's internal and external integrity.<sup>23</sup>

It is imperative to take into account the implications for democratic principles and political rights to implement the parliamentary threshold in a manner that is consistent with human rights. Critics have pointed out that the parliamentary threshold requirement in Indonesian elections can potentially limit the political rights and sovereignty of the populace. Integrative legal perspectives posit that applying parliamentary thresholds should ensure justice for all individuals, thereby facilitating a thorough assessment of the advantages and disadvantages of the legal system. Furthermore, considering the significance of a stable government, the design of a parliamentary threshold should aim to consolidate political parties, enhance political stability, and endow the government with authority and dignity. As a result, it is critical to ensure that parliamentary thresholds are consistent with human rights and do not unduly limit political participation and representation while simultaneously fostering political stability and effective governance.

### **The Comparison of the Parliamentary Election System in Indonesia and United States**

The previously described general election system is inextricably linked to the Indonesian parliamentary election system. Continuing, the general election system serves two functions from a philosophical perspective. The primary role of the general election system is to transform voter ballots into seats for state administrators in legislative and executive institutions, both at the national and local levels. Typically, these procedures and mechanisms guide the conduct of the election stages. Democratic countries develop laws concerning general elections that are essentially a reiteration of democratic principles to distinguish between authoritarian and democratic elections. Various Election Laws delineate democratic principles, including the conduct of elections with integrity and fairness. It provides a range of guidelines. Secondly, the Election Law serves as a tool for establishing a democratic political system, particularly by scrutinizing the influence of each general election system component on different aspects of the system. Four of the six elements of the electoral system are absolute, while two are optional. The four absolute elements are the Electoral District's Size, Participants, Nomination Pattern, Voting Model, and Election Formula. The other three elements will only be able to convert voters' ballots into exchange rates if one of these four elements is present.

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<sup>23</sup> Andrea Cintolesi, 'Political Polarization and Primary Elections', *Journal of Economic Behavior & Organization*, 200 (2022), 596–617 <<https://doi.org/10.1016/j.jebo.2022.06.018>>.

Consequently, they are referred to as "absolute elements."<sup>24</sup>

The United States, being the birthplace of the presidential system of government, boasts the most comprehensive federal constitution globally. The development of human rights influenced this constitution, leading the United States to incorporate them into it. The United States is the nation that has implemented the most extensive direct democracy in the world. In states where the Democratic Party (Republicans) controls both legislative bodies, Republicans (Democrats) prefer direct democracy to Democrats (Republicans). Typically, ballots in the United States are available in various sizes. This can result in individuals being winners and losers in the same election, and how they will react to partial policy success is still being determined. Secondly, in contrast to the majority of other countries, opportunities for citizen-based legislation are exclusively available at the state level and do not exist at the national level. It is conceivable that Americans do not consider government control at the state level when evaluating direct democracy or may be unaware of some (or all) of their state's propositions and outcomes, given the increasing nationalization of US politics and low levels of knowledge and attention to state politics. Third, the information environment has been characterized by the long-term, high-volume activities of state-level direct democracy, which have generated messages regarding the advantages and disadvantages of those institutions, irrespective of the individual's tenure in office and the success or failure of public policy. These messages, which encompass a desire for pure majority rule, concerns about special interests, and the prudence of addressing specific issues in this manner (e.g., civil rights) even if they are not currently on the ballot, have the potential to incite conflict.<sup>25</sup>

The legislative body, commonly known as the parliament, exercises legislative authority in the United States' parliamentary system. Indonesia and the United States also have bicameral parliaments. The United States Constitution refers to the House of Representatives (DPR) and the Senate (State Representatives) as "Congress." The People's Representative Council (DPR) and the Regional Representative Council (DPD) together constitute the People's Consultative Assembly (MPR) in Indonesia. Simultaneously, political representatives (the House of Representatives, often abbreviated as the House) and territorial representatives (the Senate) comprise the United States Parliament, known as the Congress of the United States of America. According to the Constitution of the United States, Article I, Section 1, states, "All leThe Constitution of the United States, Article I, Section 1, vests all legislative powers in The Senate, acting as a territorial representative, and the House of Representatives, acting as a political representative, conduct a joint session of Congress. In this case, the Senate and House are elected in general elections."<sup>26</sup>

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<sup>24</sup> Cunningham and others.

<sup>25</sup> B.K. Song, 'The Longer-Term Electoral Effect of Carrying a State in U.S. Presidential Elections', *Economics Letters*, 216 (2022), 110574 <<https://doi.org/10.1016/j.econlet.2022.110574>>.

<sup>26</sup> Nurlita Purnama, Aditya Ardiansyah, and Izdihar Chairunnisa, 'Perbandingan Parlemen Di Indonesia Dengan Amerika Serikat', *Education: Jurnal Sosial Humaniora Dan Pendidikan*, 2.2 (2022), 80–88 <<https://doi.org/10.51903/education.v2i2.147>>.

There is no particular parliamentary threshold system in the United States. The Democratic and Republican parties dominate the political landscape, with the country essentially employing a two-party system. Multiple levels conduct federal, state, and local elections, but no set standard exists for parties or candidates to qualify for representation. The United States utilizes a plurality system, declaring the election winner as the candidate who receives the most ballots in a constituency. This system does not impose any formal restrictions on representation, as it permits the participation of multiple candidates and determines the victorious candidate through a simple majority of ballots. However, some states have implemented primaries as a requirement for candidates to qualify for the general election. For instance, in certain jurisdictions, a candidate must achieve a specific percentage of the primary election vote to be eligible to participate in the general election. This is not a parliamentary threshold but a threshold for candidates to participate in elections. In conclusion, the United States does not have a formal parliamentary threshold system. Still, it does have various electoral systems and procedures that serve as thresholds for candidates to participate in elections.<sup>27</sup>

While the American election system may seem intricate, it is designed to ensure that every elector has a say in all levels of government. The United States Constitution assigns specific powers to the national (or 'federal') government and other powers to individual states and their residents. The constitution mandates that each state maintain a republican form of government, where the people exercise their power through elected representatives. It also prohibits states from infringing on certain rights, while allowing them significant autonomy. The drafters of the US Constitution did not anticipate the emergence of political parties, but as voting rights expanded and the country grew, political parties became a significant part of the political landscape, providing citizens with more options to express their political preferences.<sup>28</sup>

State and local governments administer primaries. The voting process implements secret ballots. Certain jurisdictions conduct "closed" primaries, allowing only declared party members to participate. All voters are eligible to partake in open primaries, irrespective of their party affiliation or lack thereof. A political party organizes a caucus, which is a private gathering. Political parties conduct these gatherings at the state, district, or regional levels. Most participants organized themselves into groupings based on their endorsements of the candidates. In the final analysis, the number of delegates each candidate receives depends on the number of voters in each category.<sup>29</sup>

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<sup>27</sup> Bunmi O. Olatunji, Rebecca C. Cox, and David A. Cole, 'Longitudinal Trajectories of Coronavirus Anxiety and Health Behavior Use before and after the U.S. 2020 Presidential Election: The Effects of Political Orientation', *Journal of Anxiety Disorders*, 92 (2022), 102643 <<https://doi.org/10.1016/j.janxdis.2022.102643>>.

<sup>28</sup> Sangmin Kim, Olga Stavrova, and Kathleen D. Vohs, 'Do Voting and Election Outcomes Predict Changes in Conspiracy Beliefs? Evidence from Two High-Profile U.S. Elections', *Journal of Experimental Social Psychology*, 103 (2022), 104396 <<https://doi.org/10.1016/j.jesp.2022.104396>>.

<sup>29</sup> Victoria Paniagua, 'When Clients Vote for Brokers: How Elections Improve Public Goods Provision in Urban Slums', *World Development*, 158 (2022), 105919 <<https://doi.org/10.1016/j.worlddev.2022.105919>>.

Following primaries and caucuses, most political parties conduct a national convention to elect a candidate to unite behind. The convention is the culmination of a party's selection of presidential and vice presidential candidates. The convention allows each party to promote its candidates and distinguish itself from the opposition. The nominating convention, extensively broadcast on television, kicks off the national presidential campaign. Following the national convention, candidates conduct nationwide campaigns to communicate their perspectives and strategies to voters.<sup>30</sup>

Additionally, they can engage in debates with candidates from other parties. On election day, a restricted list of candidates participates in the final elections for political offices. Candidates for general elections are individuals who consent to their party's nomination. Local, state, and national elections take place. In other US elections, the popular vote directly elects candidates. Nevertheless, citizens do not directly elect the president and vice president. Instead, "voters" select them through a process known as the Electoral College.<sup>31</sup>

The electoral college system also influences the distribution of ballots, increasing the likelihood of each party participating and being involved. Political parties are more effectively stabilized. Certain nations exhibit distinct tendencies. Blue states generally support Democratic presidential candidates. Meanwhile, red states are inclined to endorse Republican candidates for the president and vice president positions, respectively. The electoral college system ensures that political parties presently engaged in the presidential election continue to prioritize local interests, as states with substantial populations are not a determining factor in the outcome of the election.<sup>32</sup>

#### 4. Conclusion

The main conclusions of the research show that, Indonesia has a history of robust political plurality, with numerous political parties representing diverse interests and origins. Nevertheless, some critics contend that this system can impede more inclusive representation, particularly for minor or new parties that may have substantial support but fail to reach the parliamentary threshold. The parliamentary threshold cannot authentically represent the uniqueness and variety of different political ambitions in each region. It challenges the concept of unity in diversity, potentially impeding the advancement of political objectives at both regional and national levels. The implementation of national parliamentary thresholds may restrict or eliminate regional political rights. In contrast, the United States, the country that pioneered the presidential system of government, boasts the most comprehensive federal constitution globally. The United States initiated this development by incorporating human rights into its constitution. There is no particular parliamentary threshold system in the United States. The Democratic and

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<sup>30</sup> Raphael Cunha, Paul Schuler, and Scott Williamson, 'Signal Received? Authoritarian Elections and the Salience of Autocrats', *Electoral Studies*, 76 (2022), 102441 <<https://doi.org/10.1016/j.electstud.2022.102441>>.

<sup>31</sup> Zishu Zhan and Yuhong Yang, 'Profile Electoral College Cross-Validation', *Information Sciences*, 586 (2022), 24–40 <<https://doi.org/10.1016/j.ins.2021.11.017>>.

<sup>32</sup> Saibal Ghosh, 'Elections and Provisioning Behavior: Assessing the Indian Evidence', *Economic Systems*, 46.1 (2022), 100943 <<https://doi.org/10.1016/j.ecosys.2022.100943>>.

Republican parties dominate the political landscape, with the country essentially employing a two-party system. Multiple federal, state, and local levels conduct elections, but no set standard exists for parties or candidates to qualify for representation. The electoral college system also influences the ballot distribution, increasing the likelihood of each party participating and being involved. Political parties are more effectively stabilized. The relevant constitution underpins the United States election system, characterized by freedom and transparency. Democratic principles, such as individual rights and freedom of opinion, form the foundation of the general election. Meanwhile, Indonesia, a democratic nation, is transforming to preserve its democratic traditions. To establish a democratic country, assessing the appropriateness of the 4% parliamentary threshold is necessary.

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