

## ABSTRAK

*Presidential Threshold* (PT) adalah ketentuan yang mewajibkan partai politik atau gabungan partai politik memperoleh persentase suara tertentu dalam Pemilu Legislatif untuk dapat mencalonkan pasangan Presiden dan Wakil Presiden. Ketentuan ini menuai kontroversi karena dinilai membatasi hak partai politik kecil dan bertentangan dengan prinsip demokrasi serta ketentuan konstitusi Indonesia. Penelitian ini bertujuan untuk menganalisis kesesuaian *Presidential Threshold* dengan UUD 1945 dan prinsip hak asasi manusia yang diatur dalam Undang-Undang Nomor 39 Tahun 1999 serta instrumen internasional, termasuk *International Covenant on Civil and Political Rights* (ICCPR).

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan peraturan perundang-undangan dan konseptual. Data diperoleh melalui studi pustaka dan dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa *Presidential Threshold* bertentangan dengan Pasal 6A ayat (1) dan (2) UUD 1945 yang menjamin hak setiap partai politik untuk mengajukan pasangan calon tanpa batasan tambahan. Selain itu, ketentuan ini juga melanggar prinsip kesetaraan dan non-diskriminasi dalam hak politik sebagaimana dijamin oleh Pasal 27 dan 28D UUD 1945, serta Pasal 43 ICCPR.

Penelitian ini menyimpulkan bahwa *Presidential Threshold* tidak hanya melanggar UUD 1945 tetapi juga melanggar prinsip hak asasi manusia yang diakui secara universal. Oleh karena itu, perlu evaluasi menyeluruh terhadap kebijakan ini untuk memastikan terciptanya demokrasi yang inklusif dan adil di Indonesia.

## **ABSTRACT**

*Presidential Threshold (PT) is a provision that requires a political party or a coalition of political parties to obtain a certain percentage of votes in the Legislative Elections in order to nominate a President and Vice President pair. This provision has drawn controversy because it is considered to limit the rights of small political parties and contradict the principles of democracy and the provisions of the Indonesian constitution. This study aims to analyze the compatibility of the Presidential Threshold with the 1945 Constitution and the principles of human rights stipulated in Law Number 39 of 1999 as well as international instruments, including the International Covenant on Civil and Political Rights (ICCPR).*

*This research uses normative juridical method with legislative and conceptual approaches. Data were obtained through literature study and analyzed qualitatively. The results show that the Presidential Threshold is contrary to Article 6A paragraphs (1) and (2) of the 1945 Constitution which guarantees the right of every political party to propose candidate pairs without additional restrictions. In addition, this provision also violates the principles of equality and non-discrimination in political rights as guaranteed by Articles 27 and 28D of the 1945 Constitution, as well as Article 43 of the ICCPR.*

*This research concludes that the Presidential Threshold not only violates the 1945 Constitution but also violates universally recognized human rights principles. Therefore, a thorough evaluation of this policy is needed to ensure the creation of an inclusive and fair democracy in Indonesia.*