

# REKAYASA KONSTITUSIONAL PENGATURAN PENCALONAN PRESIDEN PASCA PENGHAPUSAN *PRESIDENTIAL THRESHOLD* UNTUK MENGATASI FRAGMENTASI DAN DOMINASI KANDIDAT

## ABSTRAK

Mahkamah Konstitusi, berdasarkan Pasal 24C UUD NRI Tahun 1945, memiliki kewenangan untuk menguji undang-undang terhadap Undang-Undang Dasar. Dalam praktiknya, Mahkamah Konstitusi selama bertahun-tahun memandang pengaturan ambang batas pencalonan Presiden dan Wakil Presiden (*presidential threshold*) sebagai kebijakan hukum terbuka (*open legal policy*) pembentuk undang-undang. Pandangan tersebut tercermin dalam 33 putusan Mahkamah Konstitusi yang secara konsisten menyatakan bahwa pengaturan *presidential threshold* merupakan ranah kebijakan legislator. Namun, melalui Putusan Mahkamah Konstitusi Nomor 62/PUU-XXII/2024, Mahkamah Konstitusi secara fundamental mengubah pendiriannya dengan menyatakan norma *presidential threshold* dalam Pasal 222 Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum bertentangan dengan UUD NRI Tahun 1945 dan tidak mempunyai kekuatan hukum mengikat. Perubahan sikap Mahkamah tersebut menimbulkan pertanyaan mengenai alasan konstitusional di balik pergeseran pendirian Mahkamah. Penelitian ini bertujuan untuk menganalisis dinamika pengaturan *presidential threshold*, dasar konstitusional pencalonan Presiden dan Wakil Presiden, serta pertimbangan Mahkamah Konstitusi dalam Putusan Nomor 62/PUU-XXII/2024, termasuk perintah Mahkamah kepada pembentuk undang-undang untuk melakukan rekayasa konstitusional. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, historis, konseptual, dan komparatif. Hasil penelitian menunjukkan bahwa perubahan pendirian Mahkamah Konstitusi didasarkan pada penilaian bahwa pengaturan *presidential threshold* telah melampaui batas *open legal policy* karena tidak rasional, menimbulkan ketidakadilan yang intolerable, serta bertentangan dengan prinsip sistem presidensial dan hak konstitusional partai politik peserta pemilu. Penelitian ini juga menyimpulkan bahwa fokus rekayasa konstitusional pasca Putusan Nomor 62/PUU-XXII/2024 seharusnya diarahkan pada pencegahan dominasi koalisi pencalonan melalui pengaturan ambang batas maksimal koalisi yang proporsional, guna menjamin terbukanya pilihan pasangan calon bagi pemilih dalam pemilihan Presiden dan Wakil Presiden.

**Kata Kunci:** Mahkamah Konstitusi, Presidential Threshold, Rekayasa Konstitusional

**CONSTITUTIONAL ENGINEERING OF PRESIDENTIAL CANDIDACY REGULATIONS  
AFTER THE ABOLITION OF THE PRESIDENTIAL THRESHOLD TO OVERCOME  
FRAGMENTATION AND CANDIDATE DOMINATION**

**ABSTRACT**

*The Constitutional Court, pursuant to Article 24C of the 1945 Constitution of the Republic of Indonesia, is vested with the authority to review statutes against the Constitution. In practice, for many years the Constitutional Court regarded the regulation of the presidential and vice-presidential nomination threshold (presidential threshold) as an open legal policy within the discretion of the legislature. This view was reflected in 33 Constitutional Court decisions that consistently affirmed the presidential threshold as a matter of legislative policy. However, through Constitutional Court Decision Number 62/PUU-XXII/2024, the Court fundamentally altered its position by declaring the presidential threshold provision in Article 222 of Law Number 7 of 2017 on General Elections unconstitutional and devoid of binding legal force. This shift raises questions regarding the constitutional reasoning underlying the Court's change in stance. This research aims to analyze the dynamics of presidential threshold regulation, the constitutional basis for the nomination of the President and Vice President, and the considerations of the Constitutional Court in Decision Number 62/PUU-XXII/2024, including the Court's directive to the legislature to undertake constitutional engineering. The research employs a normative juridical method with statutory, historical, conceptual, and comparative approaches. The findings indicate that the Constitutional Court's change in position was based on its assessment that the presidential threshold regulation had exceeded the limits of open legal policy, as it lacked rational justification, produced intolerable injustice, and conflicted with the principles of the presidential system and the constitutional rights of political parties participating in elections. This research further concludes that post-Decision Number 62/PUU-XXII/2024, constitutional engineering should be directed toward preventing the dominance of nomination coalitions through the regulation of a proportional maximum coalition threshold, in order to ensure broader choices of presidential and vice-presidential candidates for voters.*

**Keywords:** *Constitutional Court, Presidential Threshold, Constitutional Engineering*