

## Abstrak

Pemilu merupakan instrumen untuk mendapatkan pemimpin dalam mekanisme demokrasi. Melalui Pemilu rakyat dapat memberikan kontribusi terhadap terwujudnya Negara yang dicita-citakan dengan memilih pemimpin yang bisa menjaga amanat konstitusi. Pemimpin yang dipilih dapat mempengaruhi kemakmuran dan kesejahteraan bagi bangsa dan negaranya sendiri, untuk di masa sekarang dan menuju pada masa yang akan datang. Berdasarkan latar belakang di atas maka penulis merumuskan permasalahan dalam penelitian ini, yaitu Bagaimana Ketentuan Pemilihan Umum Presiden dan Wakil Presiden Berdasarkan UUD 1945? Apakah Ketentuan *Presidential Threshold* Memperkuat Sistem Presidensial di Indonesia? Dan Apakah Ketentuan *Presidential Threshold* Tidak Bertentangan dengan UUD 1945? Penelitian ini bertujuan untuk Menganalisis dan Menjelaskan Pemilihan Umum Presiden dan Wakil Presiden Berdasarkan UUD 1945 serta Ketentuan *Presidential Threshold* Dalam Dimensi Konstitusi dan Menganalisis serta Menjelaskan korelasi Ketentuan *Presidential Threshold* Terhadap Penguatan Sistem Presidensial. Penelitian ini menggunakan metode hukum normatif dengan Pendekatan yang digunakan yakni penelitian kualitatif, yakni penelitian ini diarahkan kepada eksplorasi kajian pustaka yang bersifat statement atau pernyataan, sehingga penelitian ini bersifat deskriptif analitis. Deskriptif maksudnya penelitian dengan menggambarkan suatu peraturan hukum dalam konteks teori-teori hukum dan pelaksanaannya, serta menganalisis fakta secara cermat tentang sistem pemilihan presiden dan wakil presiden di Indonesia. Dari penelitian ini diperoleh hasil (1) Ketentuan *presidential threshold* dalam pemilihan umum presiden dan wakil presiden tidak sesuai dengan kehendak dan maksud pembentuk UUD Pasal 6A Ayat (2), Ayat (5) dan Pasal 22E UUD NRI 1945, bertentangan dengan Pasal 6A Ayat (2), Ayat (5) dan Pasal 22E UUD NRI 1945, berpotensi melanggar kedaulatan rakyat dalam pemilu, sehingga ketentuan ambang batas pengajuan calon presiden dan wakil presiden (*presidential threshold*) berapapun besarnya adalah bertentangan dengan konstitusi. (2) Penerapan *presidential threshold* tidak memiliki korelasi dengan penguatan sistem presidensial. Selain karena desain konstitusi UUD NRI 1945 tidak mempersyaratkan ambang batas untuk memperkuat sistem presidensial, juga karena UUD NRI 1945 menempatkan relasi presiden dan legislative pada posisi yang sejajar dual legitimasi, sehingga tidak saling inferior dan tumpang tindih kewenangan. Penerapan *presidential threshold* dalam factual sejarah ketatanegaraan Indonesia tidak memberikan jaminan efektivitas dan stabilitas pemerintahan.

**Kata kunci:** Konstitusi, *Presidential Threshold*, Sistem Presidensial

## **Abstract**

*Elections are an instrument to get leaders in a democratic mechanism. Through elections, the people can contribute to the realization of the country they aspire to by electing leaders who can uphold the constitutional mandate. The elected leader can influence the prosperity and welfare of the nation and its own country, for the present and for the future. Based on the background above, the authors formulate the problem in this study, namely what are the provisions for the General Election of the President and Vice President based on the 1945 Constitution? Does the Presidential Threshold Provision Strengthen the Presidential System in Indonesia? And Are the Presidential Threshold Provisions Not Contrary to the 1945 Constitution? This study aims to analyze and explain the presidential and vice-presidential election based on the 1945 Constitution and presidential threshold provisions in the constitutional dimension and analyze and explain the correlation of presidential threshold provisions to strengthening the presidential system. This research uses a normative legal method with the approach used is qualitative research, namely this research is directed at exploring the literature in the form of statements or statements, so this research is descriptive-analytic in nature. Descriptive means research by describing a legal regulation in the context of legal theories and its implementation, as well as carefully analyzing the facts about the presidential and vice-presidential election system in Indonesia. The results of this study were (1) The provisions for the president's threshold in the general election for president and vice president are not in accordance with the wishes and intentions of the constitution's constituents Article 6A Paragraph (2), Paragraph (5) and Article 22E of the 1945 Constitution of the Republic of Indonesia, contrary to Article 6A Paragraph (2), Paragraph (5) and Article 22E of the 1945 Constitution of the Republic of Indonesia, have the potential to harm people's sovereignty in elections, so that the presidential threshold for no matter how large is against the constitution. (2) Implementation of the Presidential Threshold has no correlation with strengthening the presidential system. Apart from the fact that the constitutional design of the 1945 Constitution of the Republic of Indonesia does not require a boundary park to strengthen the presidential system, it is also because the 1945 Constitution of the Republic of Indonesia places the relationship between the president and the legislature in an equal position with dual legitimacy, so that they are not inferior to each other and overlapping authorities. The application of the presidential threshold in the factual history of the Indonesian state administration does not guarantee the effectiveness and stability of the government.*

**Keywords: Constitution, Presidential Threshold, Presidential System**