PRESIDENTIAL THRESHOLD IN SIMULTANEOUS ELECTION AFTER THE ENACTMENT OF THE LAW NUMBER 7 OF 2017 ON GENERAL ELECTION

UNDERGRADUATE THESIS



This Undergraduate Thesis is submitted as one of the requirements to obtain the degree of Bachelor of Laws at the Faculty of Law Universitas Muhammadiyah Yogyakarta

Name : Astri Istyawati

Student Number : 20140610439

Faculty : Law

Major : International Program for Law and Sharia

Field of Study : Constitutional Law

FACULTY OF LAW
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA
2018

DECLARATION PAGE



I hereby declare that the undergraduate thesis under the title "Presidential Threshold In Simultaneous Election after the Enactment of the Law Number 7 of 2017 on General Election" and its content are truly the work of my own and I did not do plagiarism or quotation in ways that are incosistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/any sanction imposed to me in accordance with applicable regulations. If in the future it is found a breach of scientific ethics, I am willing to accept the sanctions.

Written by:

Name

: Astri Istyawati

Student Number

: 20140610439

Faculty

: Law

Major

: International Program for Law and Sharia

University

: Universitas Muhammadiyah Yogyakarta

Yogyakarta, August 27th, 2018

Astri Istyawati

MOTTO PAGE

"Remember your dreams and fight for them. You must know what you want from life. There is just one thing that makes your dream become impossible: the fear of failure"

(Paulo Coelho)

"I am still learning"

(Michael Angelo)

"Learning is a treasure that will follow its owner everywhere"

(Chinese Proverb)

"Sebaik-baiknya manusia ialah orang yang banyak manfaatnya (kebaikannya) kepada manusia lainnya"

(HR Qadla'ie dari Jabir)

DEDICATION

This Undergraduate Thesis dedicate to

My Lord, Allah SWT Prophet Muhammad SAW

My beloved parents

Alm. Bapak Edy Cahyono S.Pd Ibu Sutarmi

My lovely brother and sisters

Mas Heri Sutanto S.Kep. Ns. Mba Asih Swarna Rini S.KM. Mba Esti Dwi Cahyani S.KG.

My lovely nephew

Alma Chieta Aisha Rakhma Muhammad Ahza Kamadiya Rakhmadien

My Lovely Grand Mother

Mbah Suma Mbah Sudarto

FOREWORD

Alhamdulillahirabbil'alamiin, all praises belong to Alloh, the Lord of the universe, the Most Gracious, the Almighty, who has given His blessing and guidance. Finally I could accomplish my undergraduate thesis under the title " Presidential Threshold in Simultaneous Election after the Enactment of the Law Number 7 of 2017 on General Election."

My sincere thanks are addressed to both advisors, Bapak Iwan Satriawan, S.H., MCL., Ph.D. and Bapak Nasrullah S.H., S.Ag., MCL who guided me with patient, wisdom, and compassion. Allow me to express my deepest gratitude to Ibu Nanik Prasetyoningsih, S.H., M.H (Dr. Cand) and all lecturers at the Faculty of Law Universitas Muhammadiyah Yogyakarta who have inspired me to reach my future. Million appreciations also given to Mba Isni, Pak Maman, Kak Hary Abdul Hakim S.H, and Kak Diana Setyowati S.H, and all staffs at the Faculty of Law at the Universitas Muhammadiyah Yogyakarta.

I would like to say special appreciation to my parents: the late Bapak Edy Cahyono, and Ibu Sutarmi. Your pray, love, support, guide and affection are being my strength all the way through my life. Thanks to my lovely brothers, sister, nephew, and my best friends. Heri Sutanto, Asih Swarnarini, Esti Dwi Cahyani, Alma Chieta Aisha Rakhma, Muhammad Ahza Kamadiya Rakhmadien, Mufida Haula Ramrainiy, Falah Al Ghozali, Walida Alvi Lutfiani, Andi Agus Salim,

Ayub Arief Fanani, Andi Zamharira, Wahyudi Umar, Arista Indah Astuti, Andi Rifki Mulana Effendy, Faishal Aji Prakoso, Annisa Riani Artha, Andi Tenri Abang HS, Fathwa Putri Siagian, Mega Purnama Humaira, Fatkhania Hamdah Fainusah, Miftha Humaira Labudju, Baiq Nuzulia Putri, Intan Zahra Husna'ul Aziza, Kurnia Maharani Santoso, Nurul Alia, Hari Adipurna, Nur Alfin, M.Syarkowi, Nur Qumaira Asiah, Muhammad Amirulloh Ibrahim Darajatun Al Farisi, Helmi Pratama Firmansyah, Mar'atus Solikhah, Dewi Suci Pratama, Hanny Cahya Nugraha, Nisa Isna Aufiya, Fibri, and Watu Squad as my community service friends for their support and love. Furthermore, my highest gratefulness to IPOLIanS family, especially batch 2014 who give their motivation and inspiration for me to finish my undergraduate thesis.

Astri Istyawati

TABLE OF CONTENTS

ABSTRACT	i
APPROVAL PAGE	ii
ENDORSEMENT PAGE.	iii
DECLARATION PAGE	iv
MOTTO PAGE	v
DEDICATION PAGE	vi
FOREWORD	vii
TABLE OF CONTENTS.	ix
LIST OF TABLE	xi
LIST OF STATUTE	xii
LIST OF ABREVIATION	xiii
CHAPTER ONE – INTRODUCTION	1
A. Background of Research	1
B. Research Problem.	4
C. Objectives of Research.	5
D. Benefits of Research.	5
CHAPTER TWO – LITERATURE REVIEW	6
A. Presidential Threshold	6
B. Presidential Electoral System.	8
C. President and Vice President Bodies.	9
CHAPTER THREE – RESEARCH METHOD	13
A. Type of Research.	13
B. Type of Data	13
C. Data Collection.	15
D. Data Analysis	15
CHAPTER FOUR - FINDING AND ANALYSIS	16
A. Presidential Threshold in the Simultaneous Election after the	16
existence of the Law Number 7 of 2017 on General Election	

1. Presidential Threshold after the Enactment of General Election	
Law Number 7 of 2017.	16
2. Simultaneous Legislative Election and Presidential Election	22
B. Comparative Survey on Presidential Threshold in Some	
Countries	31
1. Presidential Threshold in the Philippines	31
2. Presidential Threshold in the United States of America	32
3. Lesson Learned from the Philippines and United States of	
America	41
C. Alternative Election for Replacing the Presidential Threshold	43
CHAPTER FIVE—CONCLUSION AND SUGGESTION	50
A. Conclusion.	50
B. Recommendation.	51
RIRI IOCDADHV	

LIST OF TABLE

Table	2.1 The differences of Primaries and Caucuses	
Table	2.2 The list of electors in United States of America	37
Table	2.3 Legislative Election Result 2014	.44

LIST OF STATUTES

National

Indonesian 1945 Constitution.
Indonesian Constitutional Court Verdict.
Presidential Election Law Number 42 of 2008.
Legislative Election Law Number 8 of 2012.
General Election Implementer Law Number 15 of 201.
General Election Law Number 7 of 2017.

International

The Philippine 1987 Constitution.
The United States of America Constitution.

LIST OF ABBREVIATIONS

DPR House of People Representative/ Dewan Perwakilan Rakyat

DPD Regional Representative Board/ Dewan Perwakilan Daerah

DPRD Regional of House Representative/ Dewan Perwakila Rakyat Daerah

MPR People Consultative Assembly/ Majelis Perwakilan Rakyat

MK Constitutional Court/ Mahkamah Konstitusi

KPU General Election Commission/ Komisi Pemilihan Umum

PDIP Partai Demokrasi Indonesia Perjuangan

NASDEM Nasional Demokrat

PKB Partai Kebangkitan Bangsa

PKS Partai Keadilan Sejahtera

GOLKAR Golongan Karya

GERINDRA Gerakan Indonesia Raya

PAN Partai Amanat Nasional

HANURA Hati Nurani Rakyat

SMRC Saiful Mujani Research and Consulting

TRS Two Round System