

Reconstructing Indonesia's Electoral System to Balance Popular Sovereignty and Government Effectiveness

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Abstract

Elections are a constitutional instrument for exercising popular sovereignty and establishing an effective government. Challenges arise when electoral system design seeks to maximize political representation but produces political fragmentation, while efforts to simplify the party system may reduce the conversion of votes into parliamentary seats. This study examines the relationship between popular sovereignty, political representation, government effectiveness, and electoral system design, focusing on the parliamentary threshold, presidential threshold, open-list proportional representation, and simultaneous elections. This research employs a normative juridical method using statutory, conceptual, and case approaches. The findings indicate that electoral thresholds cannot be regarded as the sole instrument for achieving effective government. Constitutional Court Decision No. 116/PUU-XXI/2023 upheld the 4% parliamentary threshold as constitutional for the 2024 elections while making its constitutionality conditional for the 2029 elections and subsequent elections. Meanwhile, Constitutional Court Decision No. 62/PUU-XXII/2024 abolished the presidential threshold. Subsequently, Constitutional Court Decision No. 135/PUU-XXII/2024 provided for the separation of national and local elections beginning in 2029. These developments demonstrate the need for systemic electoral reform rather than reliance on a single regulatory instrument. Such reform should involve establishing constitutionally and empirically grounded threshold policies, strengthening political party institutions, improving political finance governance, and redesigning election schedules to enhance the quality of political participation. This study concludes that electoral system reconstruction must balance popular sovereignty and government effectiveness through proportionate, evidence-based, and constitutionally accountable policies.

Keywords: *Electoral System, Popular Sovereignty, Government Effectiveness, Parliamentary Threshold, Political Representation.*



A. INTRODUCTION

General elections are a fundamental mechanism connecting popular sovereignty with the formation of state institutions. Article 1(2) of the 1945 Constitution of the Republic of Indonesia establishes that sovereignty rests with the people and is exercised in accordance with the Constitution, while Article 22E regulates elections based on the principles of direct, general, free, confidential, honest, and fair participation. Accordingly, electoral system design should not be regarded merely as a technical matter of election administration, but as a legal choice that determines how citizens' votes are translated into political representation and government.

At the same time, electoral democracy requires a government capable of making decisions and implementing public policies effectively. A multiparty system and open political competition may broaden political choices, but party fragmentation can increase the complexity of coalition formation and decision-making. Indonesian election law therefore employs several instruments to regulate political competition, including proportional representation, electoral thresholds, and the scheduling of simultaneous elections. However, instruments intended to improve government effectiveness may also reduce political representation when some votes do not translate into parliamentary seats or access to candidacy (Fuadi, 2021).

In this context, the term *threshold* must be clearly distinguished. A threshold is a minimum requirement that must be satisfied to obtain a particular legal consequence within the electoral process. A *parliamentary threshold* is the minimum national vote share that a political party must obtain to participate in the allocation of seats in the House of Representatives (*Dewan Perwakilan Rakyat* or DPR). Meanwhile, the *presidential threshold* previously referred to the nomination-support requirement imposed on a political party or coalition of political parties seeking to nominate a presidential and vice-presidential candidate pair. Although both instruments employ the concept of a threshold, they differ in their objects and legal consequences. This distinction is essential to understanding their respective implications for political representation and electoral competition (Adam *et al.*, 2021; Fadlillah, 2022).

Article 414(1) of Law No. 7 of 2017 concerning General Elections establishes a *parliamentary threshold* of 4% of valid national votes for participation in the allocation of DPR seats. In the 2024 general election, the General Elections Commission of the Republic of Indonesia (*Komisi Pemilihan Umum* or KPU) recorded 151,793,293 valid national votes. Accordingly, a 4% threshold was equivalent to approximately 6,071,732 votes (Komisi Pemilihan Umum Republik Indonesia, 2024). This provision serves as an instrument for regulating party representation in the DPR, while also determining which parties qualify to have their votes translated into parliamentary seats. Taufiqurrohman (2021) and Adam *et al.* (2021) examine thresholds as instruments within a multiparty system. Consequently, the establishment of an electoral threshold should be assessed not only in terms of its objective of simplifying the party system, but also in terms of its implications for political representation and the expression of voters' aspirations.

Constitutional developments demonstrate that Indonesia's electoral framework has undergone significant changes. Through Decision No. 116/PUU-XXI/2023, pronounced on February 29, 2024, the Constitutional Court maintained the applicability of the 4% *parliamentary threshold* for the 2024 DPR election while requiring the relevant legal provisions to be revised for the 2029 election and subsequent elections in accordance with the conditions established by the Court. Subsequently, through Decision No. 62/PUU-XXII/2024, pronounced on January 2, 2025, the Court declared Article 222 of the Election Law concerning the *presidential threshold* unconstitutional and without binding legal force. Through Decision No. 135/PUU-XXII/2024, pronounced on June 26, 2025, the Court also established a revised

electoral scheduling framework separating national elections from local elections beginning in 2029.

These developments indicate that the challenges facing Indonesia's electoral system cannot be resolved merely by increasing or decreasing a single threshold figure. Reform must consider the relationship between political representation, the party system, voter choice, political financing, and government effectiveness. Accordingly, this study examines how Indonesia's electoral system can be reconstructed to balance two constitutional imperatives: ensuring that citizens votes have meaningful channels of political representation and ensuring that the resulting government possesses the capacity to function effectively.

Against this background, this study addresses three research questions: first, how does the design of Indonesia's electoral system reflect the principle of popular sovereignty and the need for government effectiveness? Second, how do electoral system provisions, including electoral thresholds, affect the balance between political representation and government effectiveness? Third, how should Indonesia's electoral system be reconstructed to balance popular sovereignty and government effectiveness? Accordingly, this study aims to analyze the constitutional relationship between popular sovereignty, political representation, and government effectiveness, and to formulate a framework for reconstructing Indonesia's electoral system based on constitutional principles and empirical considerations.

B. METHOD

This study employs a normative juridical research method, treating constitutional provisions, legislation, and Constitutional Court decisions as primary legal materials. It applies the statutory approach, conceptual approach, and case approach. Secondary legal materials, including scholarly journal articles and books, are used to analyze the relationship between the electoral system, political representation, party fragmentation, and government effectiveness. The legal materials are analyzed qualitatively using a prescriptive approach to formulate recommendations for the reconstruction of electoral law.

C. RESULT AND DISCUSSION

1. Popular Sovereignty as the Constitutional Foundation of the Electoral System

Popular sovereignty provides the normative foundation for the legitimacy of political power, which derives from the citizens. In the electoral context, this principle extends beyond the right to cast a vote and encompasses the quality of the relationship between voters choices and the resulting political representation. A democratic electoral system should provide a reasonable opportunity for voters preferences to be translated into political power while ensuring that the electoral process is conducted honestly and fairly. This perspective positions representation as a substantive element of democracy rather than merely an administrative consequence of electoral administration, consistent with the principle of popular sovereignty under Article 1(2)

and the electoral principles stipulated in Article 22E of the 1945 Constitution of the Republic of Indonesia.

Popular sovereignty in the electoral system must also be assessed in terms of how citizens choices are converted into political representation. An electoral system may satisfy democratic voting procedures while still generating representational concerns if some voters preferences lack adequate channels for influencing the composition of representative institutions. Therefore, electoral performance cannot be evaluated solely on the basis of voter turnout or the number of candidates available. It must also be assessed by examining whether the electoral design establishes a reasonable relationship between votes, seats, and political accountability. Under the open-list proportional representation system, voters can directly influence the selection of individual candidates. However, this freedom should be balanced by mechanisms that maintain meaningful connections between candidates, party platforms, and constituents interests. Studies of open-list proportional representation highlight the importance of examining the relationship between individual voting choices and the broader mechanisms of political representation (Vibhisana *et al.*, 2023; Ekayanta, 2024).

Within this framework, political representation should be understood as a process that continues beyond election day. Elected representatives derive their legitimacy from electoral outcomes, but they must also remain accountable for exercising their mandates throughout their terms of office. An electoral system that places excessive emphasis on competition among individual candidates may strengthen personal relationships between candidates and voters during campaigns without necessarily establishing effective post-election accountability. Electoral reconstruction should therefore connect candidate nomination procedures with obligations for political parties and elected representatives to communicate their policy platforms, disclose political financing information in accordance with applicable law, and provide opportunities for public evaluation. Popular sovereignty should consequently be understood not only as the right to vote but also as citizens interest in obtaining accountable political representation.

The open-list proportional representation system used in legislative elections allows voters to select candidates directly. Normatively, this arrangement strengthens voters involvement in determining their representatives and provides elected candidates with individual electoral legitimacy. Nevertheless, the literature on open-list proportional representation also discusses intra-party competition, political personalization, and the relationship between voter choice and the institutional strength of political parties. Vibhisana *et al.* (2023) examine open-list and closed-list proportional representation in relation to opportunities for strengthening public oversight, while Ekayanta (2024) discusses the continuity of the open-list proportional representation system in Indonesian legislative elections. These studies provide a basis for assessing the need to consider both voter freedom and the institutional quality of political parties when designing an electoral system.

Accordingly, popular sovereignty does not automatically require an ever-expanding range of candidate choices. The quality of political representation also depends on political parties ability to develop coherent policy platforms, establish accountability mechanisms, and maintain substantive relationships with voters. Research on the quality of political representation in regional legislative councils identifies open-list proportional representation as one factor requiring evaluation in the relationship between voter choice and representative quality (Prakasa Yakub *et al.*, 2025). Meanwhile, analyses of the performance of Indonesia's open-list proportional representation system can provide a broader basis for assessing the relationship between electoral design and the quality of representation (Wisnaeni *et al.*, 2026). Electoral reconstruction should therefore aim not only to preserve voter choice but also to strengthen the accountability of elected representatives, political party institutions, and sustained relationships between voters and their elected representatives.

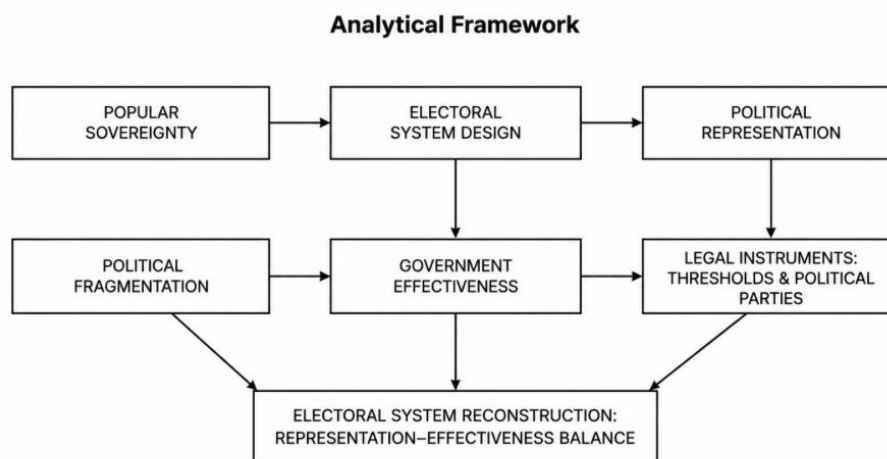


Figure 1. Framework Illustrating the Relationship Between Popular Sovereignty, Political Representation, Government Effectiveness, and Electoral System Reconstruction.

Source: Prepared by the author based on the 1945 Constitution of the Republic of Indonesia and Vibhisana *et al.* (2023), Prakasa Yakub *et al.* (2025), and Wisnaeni *et al.* (2026).

2. Government Effectiveness and the Challenges of Political Fragmentation

Government effectiveness within a presidential system concerns the ability of the executive and legislative branches to produce decisions that can be implemented without undermining democratic legitimacy. In a multiparty system, the president generally requires political support in parliament to advance the government's policy agenda. High levels of political fragmentation may increase the costs of coalition formation and complicate legislative processes. Consequently, simplifying the party system is often regarded as one of the objectives of electoral policy (Riwanto, 2016).

However, political simplification should not be understood merely as reducing the number of political choices available to voters. If simplification comes at the

expense of votes genuinely cast by citizens, government effectiveness may be achieved at an excessive cost to political representation. Abadi and Arsil (2022) examine electoral thresholds in relation to presidential system stability and a simplified multiparty system, while Taufiqurrohman (2021) analyzes the application of electoral thresholds within Indonesia's proportional electoral system. These studies provide a basis for assessing how threshold policies should consider the objective of simplifying the party system alongside their implications for political representation.

This issue presents two opposing risks. The first is excessive fragmentation, in which the presence of numerous political forces in parliament may complicate the consolidation of support for government policies. The second is disproportionality, which occurs when a threshold that is set too high prevents certain parties votes from being considered in the conversion of votes into seats. Therefore, government effectiveness should not be pursued solely by filtering electoral votes. It should also be supported by stronger political party institutions, organizational discipline, transparent political financing, and accountable coalition-building mechanisms.

A further question concerns how political fragmentation affects government effectiveness. In a multiparty presidential system, the president receives a direct mandate from voters, while legislative support emerges from election results and the distribution of parties in parliament. When too many politically relevant parties are present, securing support for government policies may become more complex because the government must establish and maintain coalitions. Nevertheless, overly aggressive party-system simplification may also impose democratic costs by reducing the diversity of political choices and increasing the number of votes that fail to secure representation. Thus, fragmentation is not merely a question of the number of parties; it also concerns how the structure of political competition affects decision-making, accountability, and the quality of representation. Electoral thresholds may help manage the consequences of fragmentation, but their effectiveness must be evaluated alongside candidate nomination arrangements, party-system characteristics, and executive-legislative relations (Abadi & Arsil, 2022; Taufiqurrohman, 2021).

Political fragmentation must also be distinguished from political pluralism. A large number of political parties does not necessarily indicate democratic failure, as it may reflect the social diversity and varied interests of society. Problems arise when fragmentation makes collective decision-making difficult or encourages coalitions without a clear programmatic foundation. Accordingly, the objective of electoral reconstruction should not be to eliminate pluralism, but to transform political diversity into organized competition. An appropriate threshold should function as one instrument for managing political representation, while the quality of coalitions and party institutions should help ensure that political diversity can be translated into effective governance. Discussions of electoral thresholds and the future of democracy are also relevant to evaluating the balance between party-system simplification and the protection of political representation (Fadlillah, 2022).

3. Threshold as an Instrument for Balancing Representation and Government Effectiveness

An electoral threshold is essentially a selection mechanism within an electoral system. In Indonesian electoral law, thresholds must be distinguished according to their respective purposes and legal consequences. The parliamentary threshold is the minimum vote share that a political party must obtain to be included in the allocation of seats in the House of Representatives (DPR). By contrast, the presidential threshold previously referred to the minimum level of support required for a political party or coalition of political parties to nominate a presidential and vice-presidential candidate pair. This distinction is important because the parliamentary threshold affects the conversion of votes into legislative seats, whereas the presidential threshold affects access to presidential nominations.

The application of the 4% parliamentary threshold in Indonesia's 2024 General Election can be examined using official data from the General Election Commission of the Republic of Indonesia. Of the 151,793,293 valid national votes, 4% was equivalent to approximately 6,071,732 votes. Political parties that failed to meet this threshold were excluded from the allocation of DPR seats, even though the votes cast for them remained valid. Therefore, a distinction must be made between the validity of votes and their ability to produce seats through the vote-conversion mechanism (Komisi Pemilihan Umum Republik Indonesia, 2024). This distinction provides an important basis for evaluating the threshold's impact on political representation.

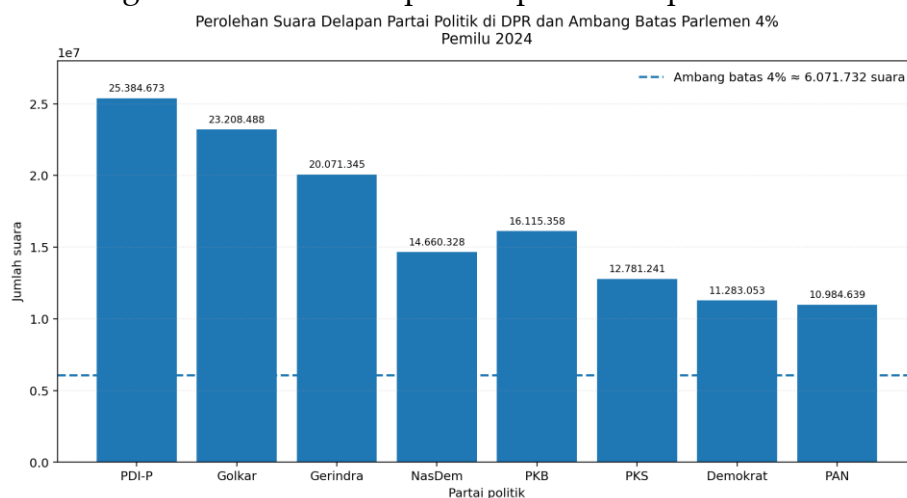


Figure 2. Vote Shares of the Eight Political Parties Meeting the 4% Parliamentary Threshold in Indonesia's 2024 General Election

Source: Compiled by the author based on General Election Commission of the Republic of Indonesia Decision No. 1204 of 2024.

Note: The dashed line represents the 4% parliamentary threshold, equivalent to 6,071,731.72 votes based on 151,793,293 valid national votes. The chart displays the eight political parties that met the threshold and obtained seats in the House of Representatives (DPR).

The Constitutional Court Decision No. 116/PUU-XXI/2023 marked an important development in the evaluation of the parliamentary threshold. The Court maintained the validity of the 4% threshold for the 2024 DPR election but established that the provision would require legislative revision for the 2029 election and

subsequent elections, taking into account the parameters specified in the decision. Hanan *et al.* (2026) discuss developments in the legal approach to the parliamentary threshold within the broader context of electoral reform in Indonesia. These developments demonstrate that determining an electoral threshold requires more than selecting a particular percentage; it requires constitutionally defensible reasoning.

Unlike the parliamentary threshold, the presidential threshold underwent a fundamental change through Constitutional Court Decision No. 62/PUU-XXII/2024. Before this decision, Article 222 of Law No. 7 of 2017 concerning General Elections required political parties or coalitions to hold at least 20% of DPR seats or obtain 25% of the valid national votes in the preceding legislative election to nominate a presidential and vice-presidential candidate pair. The Constitutional Court subsequently declared the provision contrary to the 1945 Constitution of the Republic of Indonesia and without binding legal force. Hanan *et al.* (2025) examine the constitutionality of presidential nomination thresholds in the context of electoral reform through the Constitutional Court, while Romli and Efriza (2025) discuss constitutional developments concerning the presidential threshold. This change reinforces the principle that efforts to promote effective government must remain within constitutional limits when regulating access to presidential nominations.

Studies of parliamentary thresholds also demonstrate the need to carefully evaluate the relationship between party-system simplification and political representation. Adam *et al.* (2021) discuss challenges associated with the parliamentary threshold in Indonesia's party system, while Putri and Sofwan (2024) examine the future of Indonesia's multiparty system in relation to Constitutional Court Decision No. 116/PUU-XXI/2023. These studies are relevant to evaluating whether threshold policies can achieve party-system restructuring without imposing disproportionate consequences on voters' choices. A higher threshold should therefore not automatically be assumed to produce a more effective government.

The debate over thresholds should extend beyond identifying an ideal percentage. The more fundamental issue is how to establish a threshold that can be justified in light of party-system simplification, vote proportionality, opportunities for political participation, and parliament's capacity to make collective decisions. Constitutional Court Decision No. 116/PUU-XXI/2023 provides a constitutional basis for evaluating the parliamentary threshold in future elections. Accordingly, threshold regulation should be supported by rational, transparent, and reviewable parameters rather than determined solely through political compromise.

From a constitutional law perspective, the parliamentary threshold must be supported by reasons that can withstand constitutional scrutiny. Simplifying the party system may be a legitimate policy objective, provided that the resulting regulation also considers political representation. Evaluating the threshold may therefore involve several parameters, including changes in the effective number of parliamentary parties, the proportionality of electoral outcomes, the number of votes that fail to produce seats, the geographical distribution of votes, and parliament's

ability to reach decisions. These parameters are analytical proposals that legislators may use to assess alternative regulatory designs. Such an approach would make threshold reconstruction a more evidence-based legal policy.

In the context of the parliamentary threshold, the impact on the conversion of votes into seats must be assessed before a particular percentage is adopted. Changing the threshold can alter the composition of parties represented in parliament without changing voters' original choices. Legislators could therefore compare alternative threshold scenarios using data from previous elections. Such simulations could identify differences in the number of parties obtaining seats, the proportion of votes that remain unrepresented, and the distribution of parliamentary seats. The results could then be used to evaluate whether a particular alternative improves decision-making capacity without producing excessive distortions in political representation.

The abolition of the presidential threshold should also be understood within the broader reconstruction of Indonesia's electoral system. Following the declaration that Article 222 of the Election Law has no binding legal force, legislators remain responsible for designing nomination mechanisms that are orderly and constitutionally consistent. Potential policy measures include strengthening transparency in the nomination process, coalition accountability, political financing disclosure, and internal party candidate selection. These measures are policy recommendations that require appropriate legal formulation; they are not requirements automatically imposed by the Constitutional Court's decision abolishing the presidential threshold.

This principle demonstrates that government effectiveness cannot automatically justify restrictions on political rights. Any restriction must pursue a legitimate objective, be rationally designed, and take into account the balance between its expected benefits and its impact on representation. Conversely, protecting representation does not mean that every political choice must necessarily produce a seat, since representative systems require clear rules for converting votes into seats. Balancing these two interests is a normative foundation for reconstructing an electoral system that is more measurable and accountable.

Accordingly, threshold reconstruction should be undertaken through transparent evaluation, the use of electoral data, and assessment of the effects on political representation and government effectiveness. For the parliamentary threshold, the priority is to establish a regulatory framework that can be justified through constitutional and empirical parameters. For presidential nominations, reform should focus on mechanisms that preserve the quality and integrity of electoral competition without reinstating restrictions that conflict substantively with Constitutional Court decisions. Both approaches should form part of a broader reform framework that balances popular sovereignty, political representation, and effective governance.

Electoral System Reconstruction to Achieve Balance

Electoral system reconstruction should be understood as the coordinated adjustment of several electoral instruments. First, the parliamentary threshold should

be formulated on the basis of constitutional parameters and empirical evidence. Legislators need to evaluate the relationship between the threshold level, the effective number of political parties, electoral disproportionality, votes that fail to translate into seats, and government effectiveness. In this way, the threshold would not be determined solely by short-term political considerations but would function as a rational legal policy instrument subject to periodic evaluation.

Second, the protection of political representation should be accompanied by improvements to the open-list proportional representation system and political party institutions. The threshold cannot serve as the sole instrument for addressing political fragmentation. Issues involving political costs, personalized competition, vote buying, and weak party accountability should also be addressed through stronger political financing regulations, internal party democracy, candidate recruitment, and mechanisms for holding elected representatives accountable. Sistyawan (2024) emphasizes the importance of reformulating the electoral system alongside improvements in financial governance and party accountability.

Third, reform of the electoral schedule should aim to improve the quality of voters' choices. Constitutional Court Decision No. 135/PUU-XXII/2024 provides for the separation of national and local elections beginning in 2029. National elections cover the selection of members of the House of Representatives (DPR), the Regional Representative Council (DPD), and the President and Vice President, while local elections cover regional legislative councils (DPRD) and regional heads. This separation is expected to create greater opportunities for national and local issues to be addressed more distinctly. Sani *et al.* (2025) emphasize that a more meaningful electoral design requires healthy competition, internal party democratization, independent electoral administration, and legal certainty.



Figure 3. Development of Electoral Law Relevant to Electoral System Reconstruction, 2024–2029.

Source: Compiled by the author based on Constitutional Court Decisions No. 116/PUU-XXI/2023, No. 62/PUU-XXII/2024, No. 135/PUU-XXII/2024, and No. 37/PUU-XXIV/2026.

Fourth, the process of revising the Election Law should be improved through deliberative and participatory mechanisms. Changes to electoral design should be supported by an academic paper that identifies the underlying problems, examines alternative policies, assesses the implications for political rights, and explains the

constitutional basis for the proposed measures. This process is important to ensure that legislative reform does not merely respond to short-term political interests but also accommodates Constitutional Court decisions and the institutional requirements of the 2029 elections.

Fifth, electoral evaluation should become a regular mechanism. Election law should not be revised only after disputes arise or judicial decisions are issued. Each electoral cycle should be evaluated in terms of political representation, government effectiveness, the quality of political competition, political financing, the burden on voters, and electoral administration performance. Such evaluations can help legislators determine whether existing provisions should be retained, amended, or replaced.

Government effectiveness is not determined solely by the number of parties represented in parliament. The quality of party institutions, transparency in political financing, candidate recruitment, internal party democracy, and mechanisms for representative accountability also influence the quality of political representation. Without improvements in these areas, changes to the threshold may merely shift the problem from party fragmentation to costly and personalized intra-party competition. Political efficiency should therefore be strengthened through improvements in the quality of political organizations rather than through the mere reduction of voters choices.

The separation of national and local elections beginning in 2029 also creates an opportunity to clarify the relationship between voters choices and policy issues. National issues, such as economic and defense policy, can be discussed in a different electoral arena from local issues, such as public services and regional development. However, these potential benefits depend on consistent arrangements for election schedules, campaign periods, voter education, political financing, and coordination between national and regional electoral administrators. The success of the new design should therefore be assessed according to its effects on participation and representation, rather than administrative performance alone.

In practice, electoral law reconstruction can be implemented through an evidence-based evaluation cycle. First, problems should be identified using electoral data and institutional experience. Second, alternative electoral designs should be simulated to assess their consequences for representation and government effectiveness. Third, the proposed alternatives should be examined through public participation and constitutional reasoning. Finally, the implementation of the adopted policies should be evaluated after each election. This cycle can reduce reactive legislative changes and strengthen the accountability of lawmakers.

In conclusion, electoral system reconstruction should be guided by the principle that government effectiveness must be pursued without disproportionately restricting popular sovereignty. Party-system simplification should have a clear constitutional objective, a rational foundation, and demonstrable consequences for political representation. Conversely, broader representation must be accompanied by stronger political institutions to ensure that a plural parliament can also perform its

functions effectively. The balance between these objectives lies in an electoral design that enables popular representation and effective governance to operate together.

4. Constitutional Parameters and Proportionality in Electoral System Reconstruction

The reconstruction of Indonesia's electoral system should be based on clear constitutional parameters to ensure that changes to electoral design not only promote government effectiveness but also safeguard the exercise of popular sovereignty. In a democratic constitutional state, elections serve as a constitutional mechanism for establishing representative institutions and determining political leadership through citizen participation. Electoral regulation should therefore be situated within a constitutional framework that connects the exercise of state power, democratic legitimacy, the protection of political rights, and governmental accountability. Asshiddiqie (2020) emphasizes the importance of understanding constitutional law through the relationship between fundamental constitutional principles and the exercise of state power. In the electoral context, this perspective implies that institutional design must have a constitutional foundation and remain consistent with the democratic principles underpinning the formation of state authority.

Article 1(2) of the 1945 Constitution of the Republic of Indonesia provides that sovereignty rests with the people and is exercised in accordance with the Constitution. This provision establishes the people as the source of political legitimacy while requiring the exercise of sovereignty to follow constitutional procedures. Meanwhile, Article 22E sets out the fundamental principles governing elections, including their direct, general, free, secret, honest, and fair character, as well as their periodic conduct every five years. Together, these provisions demonstrate that elections are not merely procedures for selecting public officials but also mechanisms for ensuring that political authority is established through a constitutionally legitimate process grounded in popular participation.

Isra (2017) discusses elections in connection with efforts to restore popular sovereignty. This perspective is relevant to assessing whether electoral design provides citizens with meaningful opportunities to determine their representatives and political leaders. Popular sovereignty cannot be understood solely as the right to cast a ballot on election day. It also concerns opportunities for political participation, the availability of accountable political choices, and the relationship between voters preferences and the composition of representative institutions. Electoral reconstruction should therefore consider not only procedural regularity but also the quality of the relationship between voters choices and political outcomes.

Another constitutional parameter is the protection of political rights and equal opportunities for citizens. Article 28D(3) of the 1945 Constitution of the Republic of Indonesia provides that every citizen is entitled to equal opportunities in government. In the electoral context, this principle offers a basis for assessing regulations that affect citizens opportunities to participate in political processes, whether as voters or through legally established nomination and representation mechanisms. Equal

opportunity does not mean that all electoral participants must obtain identical outcomes. However, differences in treatment established by law should have a rational basis and should not arbitrarily undermine the protection of political rights.

Santoso & Budhiati (2021) examine elections through their legal framework, institutional arrangements, electoral stages, participants, oversight mechanisms, and procedures for resolving disputes and violations. Their perspective illustrates that protecting political rights requires a legal system that electoral administrators can implement consistently and that participants and voters can understand. Legal certainty is particularly important because changes to electoral rules may affect party strategies, candidate nominations, vote distribution, and the composition of representative institutions. Changes introduced without adequate preparation or a clear rationale may undermine public confidence in the electoral process. Electoral reform should therefore consider regulatory consistency, implementation timelines, administrative readiness, and public access to information about changes.

Another important parameter is proportionality in electoral policymaking. Proportionality can serve as an analytical framework for assessing the relationship between a policy objective and its effects on constitutionally protected rights or interests. In the context of the parliamentary threshold, for example, legislators may pursue objectives such as reducing party fragmentation in parliament or improving the effectiveness of collective decision-making. However, the existence of these objectives does not automatically justify every threshold level. The policy must still be assessed in terms of whether the chosen instrument is suitable for achieving its objective, whether relevant alternatives are available, and what consequences the policy has for political representation.

A proportionality assessment may be structured around several analytical questions. First, is the policy objective clearly stated and constitutionally legitimate? Second, does the chosen instrument have a rational connection to that objective? Third, are there alternative arrangements that could achieve a similar objective while imposing a smaller burden on political representation? Fourth, are the anticipated benefits proportionate to the consequences for political rights and representative outcomes? These questions constitute an analytical framework proposed in this study, they should not be interpreted as direct quotations from the cited literature. Their purpose is to make the evaluation of electoral design more systematic and accountable.

When applying the parliamentary threshold, evaluation should not rely on the assumption that a higher threshold necessarily produces a more effective government. The relationship between threshold levels, parliamentary fragmentation, and government effectiveness must be examined using relevant evidence. Legislators could compare the number of parties obtaining seats, vote distribution, the proportion of votes that fail to translate into seats, and patterns of coalition formation under alternative electoral designs. These findings should be considered alongside other factors, including party discipline, the capacity of representative institutions, and decision-making processes. The threshold should therefore be evaluated on the basis

of its effects rather than the assumption that reducing the number of parties automatically improves government effectiveness.

Isra (2017) provides a perspective for situating this evaluation within the principle of popular sovereignty, while Santoso and Budhiati (2021) offer context concerning the legal framework and administration of elections. Taken together, these perspectives support the argument that electoral design should maintain an explainable relationship between voters choices and the composition of representative institutions. When a regulation causes some votes not to produce representation, legislators should assess the scale and distribution of that impact and explain why the regulation is necessary. This does not mean that every vote must directly produce a seat, since electoral systems employ different mechanisms for converting votes into seats. Nevertheless, the effects on representation remain an important factor in evaluating the rationality of electoral policy.

Constitutional parameters also concern the limits of legislative authority in determining electoral design. Legislation gives lawmakers discretion to establish various electoral arrangements, including electoral formulas, thresholds, and technical rules for conducting elections. This policy space is necessary because the Constitution does not specify every technical aspect of the electoral system. However, legislative discretion does not mean that every policy choice is exempt from constitutional review. As reflected in Asshiddiqie's (2020) discussion of constitutional law, the exercise of state authority must be understood in relation to the Constitution as both the foundation and the limit of governmental power. Electoral policies should therefore be supported by arguments explaining their objectives, underlying considerations, and consistency with constitutional principles.

Within this context, the concept of open legal policy should be applied carefully. It concerns the discretion afforded to lawmakers in regulating matters that the Constitution does not determine in detail. Nevertheless, this discretion cannot justify disregarding constitutional rights, equality before the law, legal certainty, or the principles of democratic elections. Evaluating electoral policy requires consideration of both legislative authority and its constitutional limits. Accordingly, judicial review of thresholds should not focus solely on whether lawmakers possess the authority to establish such rules, but also on how that authority is exercised and how the resulting regulations affect political representation.

Legal certainty is another essential parameter in electoral reconstruction. Santoso and Budhiati (2021) highlight the importance of a legal framework governing electoral administration, including institutional arrangements, electoral stages, oversight, and dispute resolution. Frequent regulatory changes, particularly those introduced shortly before an election, may increase the adjustment burden on electoral administrators and participants. Moreover, changes made without clear explanations of their objectives and consequences may make it difficult for voters to understand the applicable rules. Electoral reform should therefore be conducted through a transparent, evidence-based legislative process that provides adequate time for affected parties to adapt.

Legal certainty does not mean that electoral regulations must remain unchanged. Reform may be necessary when evaluation identifies shortcomings in the existing system or when constitutional developments require adjustments. The central issue is how such changes are designed and implemented. Legislators should identify the problems to be addressed, consider alternative approaches, assess the implications for political rights, and establish clear implementation arrangements. An academic paper can demonstrate the relationship between empirical evidence, policy choices, and constitutional principles. Meaningful public participation should also ensure that affected groups have opportunities to express their views before new regulations are adopted.

Based on these parameters, the reconstruction of Indonesia's electoral system can be directed toward an integrated evaluation of representation, government effectiveness, and the protection of political rights. Regarding representation, evaluation may measure vote distribution, the conversion of votes into seats, and opportunities for political groups to obtain representation under the applicable rules. Regarding effectiveness, evaluation may consider the capacity of representative institutions to perform their legislative, budgetary, and oversight functions, as well as the political system's ability to generate support for implementing government policies. Regarding political rights, evaluation should assess whether regulations are applied consistently, provide fair opportunities, and avoid restrictions that cannot be rationally justified. These three dimensions should be examined together so that one indicator is not used to disregard the others.

An integrated set of parameters also helps prevent oversimplification of electoral problems. A smaller number of parties does not necessarily indicate better political representation, just as a larger number of parties does not automatically guarantee substantive representation. Government effectiveness is also influenced by the quality of party organizations, representatives political conduct, coalition-building mechanisms, and the capacity of state institutions. Changes to the threshold should therefore be accompanied by broader evaluations of the party system and political governance. This perspective is consistent with the need to understand elections as an integrated legal and institutional process, as discussed by Santoso and Budhiati (2021).

Ultimately, constitutional parameters and proportionality should guide the evaluation of electoral reform both before and after implementation. Before a change is adopted, legislators should establish clear objectives, compare alternative designs, and anticipate their consequences for representation and government effectiveness. After implementation, outcomes should be assessed using predetermined indicators so that decisions to retain or revise a regulation can be supported by evidence. Isra (2017) provides a foundation for placing popular sovereignty at the center of electoral analysis, while Asshiddiqie (2020) helps situate electoral policy choices within the constitutional framework governing the exercise of state power.

In conclusion, constitutionally grounded electoral reconstruction does not require an absolute choice between broad political representation and effective

government. Instead, it requires mechanisms for balancing these objectives through rational, transparent, and evaluable regulations. Restrictions on political competition must be justified by their objectives and consequences, while broader representation must be accompanied by attention to institutional capacity and party accountability. By applying constitutional parameters, proportionality, legal certainty, and evidence-based evaluation, electoral reform can safeguard popular sovereignty while strengthening the effectiveness of government.

D. CONCLUSION

Indonesia's electoral system serves as both an instrument for exercising popular sovereignty and a mechanism for establishing government. Accordingly, electoral design must balance political representation with government effectiveness. Electoral thresholds are one instrument for managing political fragmentation, but they cannot provide a comprehensive solution on their own. The 4% parliamentary threshold illustrates this dilemma: although it may contribute to simplifying representation in the House of Representatives (DPR), it can also limit the conversion of valid votes into legislative seats. Meanwhile, the presidential threshold was declared unconstitutional by Constitutional Court Decision No. 62/PUU-XXII/2024. Constitutional Court Decision No. 135/PUU-XXII/2024 also establishes a new framework for separating national and local elections beginning in 2029.

Therefore, electoral system reconstruction should be pursued comprehensively by reformulating the parliamentary threshold on the basis of constitutional parameters and empirical evidence, strengthening political party institutions and accountability, improving political financing governance, and consistently implementing the separation of national and local elections. Under this approach, government effectiveness should not be achieved by diminishing popular sovereignty, but by developing political institutions capable of translating diverse public preferences into representative and effective governance.

The Indonesian legislature should reformulate the parliamentary threshold through transparent, evidence-based assessments of its effects on political representation, vote-to-seat conversion, and government effectiveness. Such assessments should consider alternative threshold scenarios and their constitutional implications before new regulations are adopted. Political parties should also strengthen internal democracy, candidate recruitment, financial transparency, and accountability to voters. Furthermore, the government and electoral authorities should prepare for the separation of national and local elections beginning in 2029 through clear regulations, effective coordination, and adequate voter education. Future research should empirically evaluate the effects of these reforms on political representation, party fragmentation, and government performance to support the development of a more inclusive and constitutionally accountable electoral system.

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