

Pro and Contra of the Parliamentary Threshold among Electoral Management Bodies (EMBs) and Political Parties: Seeking a Relevant Model for Indonesia's Legislative Election

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Article Info

Article History;

Received:

2022-06-20

Revised:

2022-07-04

Accepted:

2022-09-08

Abstract: This paper is going to examine the pro and contra among the Electoral Management Bodies' (EMBs) commissioners and political parties' functionaries in responding to the parliamentary threshold issue. Methodologically, this paper is based on qualitative research by utilizing a multiple case approach. It is supported by employing Qualitative Data Analysis Software (Q-DAS), namely NVivo 12Plus to analyse the data written in the transcript of the Focus Group Discussion (FGD) with the EMBs' commissioners and politicians in six provinces and nine cities/counties. The finding demonstrates that the all actors agree to adopt the parliamentary threshold in the national legislative election. Afterward, the mind map contains distinctive issues among EMBs and politicians. Thus, the parliamentary threshold is still required to strengthen the consolidation of Indonesian democracy. Such a threshold is also an essential standard to encourage well institutionalized parties and to modernize them. Thus, four percent of the parliamentary threshold is an ideal model. Subsequently, the increase of the parliamentary threshold percentage is no needed anymore. In addition to that, it is not applied in the regional legislative election.

Keyword: *Parliamentary Threshold; Legislative Election; Electoral Management Bodies (EMBs); Political Parties; Indonesia..*

DOI: <https://doi.org/10.18196/jgpp.v9i3.15149>



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INTRODUCTION

Generally speaking, the democratization process consists of three gradual stages: the death of a dictatorial regime, the installation of a democratic system, and the consolidation of a democratic system (Huntington 1991). By adopting the democratic system, people have numerous channels to articulate their interests, not merely to influence any policies but also to continuously check the exercise of state power (Diamond 1999). Similarly, the democratic system goes to invent desirable goals: evading tyranny, protecting fundamental rights, guarantying general freedom, allowing self-determination, presenting moral independence, advocating human development and peace-seeking, struggling for political equivalence, and realizing welfare (Dahl 2000).

In the contemporary world, democratic consolidation is necessary because it ensures popular representation, stability, and good governance, which developing countries desperately want. It is similar to climbing a steep ladder where the risk of falling is as great as the prospect of achieving the wanted peak. In various cases, the positive growth of a consolidated democracy is counterbalanced by a situation that renders the new democracies increasingly unstable and defective. Scientists agree that unconsolidated democracy is typified by poor democratic institutions, the domination of patrimonialism in social relations, weak law enforcement, the lack of power distribution, the application of violence in a political contest, the instrumentalization of ethno-religious sentiments by political elites (Hadiwinata & Schuck 2007). Therefore, the impact of the democratic transition does not only present so-called “embedded democracy” but also provides two other prospects: the decline of democracy (comprising disintegration and dictatorial regime) and democratic stagnation, i.e., defective democracy (Schuck 2003; Hadiwinata & Schuck 2007).

The term “embedded democracy” is aimed to describe the consolidation of democracy. Stable constitutional democracies are implanted in two ways. Internally, the specific interdependence/independence of the five indicators of a democracy secures its normative and functional existence. Externally, these five indicators are embedded in spheres of enabling situations for democracy which protect it from outer as well as inner shocks and destabilizing tendencies. On the contrary, if one of the five indicators of embedded democracy is impaired, it tends to be characterized as a defective democracy. Hence, some influential factors which affect defective democracy are established: the path of modernization, the level of modernization, economic trends, social capital, civil society, state and nation-building, the type of dictatorial predecessor regime, transitional ways, political institutions, and the global context (Merkel 2004; 2007; Merkel & Croissant 2004).

Hadiwinata & Schuck (2007) hypothesized that Indonesia oscillates between a defective and a consolidated democracy. Some growths denote positive signs, while others designate stagnation. Abuza (2007), Bünte & Ufen (2009), Ufen (2009), Aspinall (2010), Hilmy (2010), and Liddle & Mujani (2013) provided some positive and negative facts about Indonesian democratization. There are seven positive aspects: 1) a lot of political parties are emerging with distinctive types; 2) five free and fair election cycles are established; 3) the amendment of the 1945 Constitution was taking place; 4) women in public spaces are empowered; 5) police-military representatives in the legislature and state control over societal organizations were removed; 6) freedom of association and press is supported, and 7) the power distribution is instituted. In the meantime, the weaknesses are: 1) the lack of basic human needs in various regions; 2) corruption and bribery of officials are rampant; 3) patrimonial ties and nepotism encroaching on democratic institutions are still robust; 4) religious and tribal tolerance amongst society is still disrespected; 5) the economy is stagnant; 6) human rights enforcement for marginal people is useless; 7) extreme-radical religious groups, separatist movements, and terrorist deeds are rising.

One of the fascinating issues in the democratic state is the electoral system. The threshold must be investigated deeply to figure out the relevant electoral system in a country. This paper will analyze the relevance of the parliamentary threshold in Indonesia’s legislative election. It is related to representative democracy, where it puts the people’s legitimation as the highest part of the hierarchy of democracy. The transparent election proved that democracy works as a system in social and political life. The regulation in Indonesia attempts to apply the parliamentary threshold in the electoral system. Hence, the threshold can be defined in some concepts. First is the electoral threshold that limits candidates (parties, party coalitions, or political organizations) from entering parliament. Second, the threshold is expressed in numbers and percentages based on specific parameters. It is aimed, for instance, to restrict the extremist groups in Germany and Poland, to reduce the party fragmentation in Moldova, to stop small parties from getting representation in the German and Turkish parliaments, or realize the simple multi-party system in Indonesia. Third, the threshold is related to the function of law in Romania. Fourth is that the threshold is related to the choice of the electoral system adopted by a country. Most countries that adopt such a threshold apply the Proportional Representation (PR) system. Fifth is that each

country has variations in applying the parliamentary threshold. Some apply it merely at the national level. Few adopt it both at the national and regional levels. Others apply with the distinction between parties (single) and party coalitions (combined) or apply optionally (threshold does not have to be used if certain conditions have been met, such as in Germany, Denmark, and New Zealand (Fatih 2018).

Besides the parliamentary threshold issue, the presidential threshold is also important because it can strengthen the legitimacy of the elected president in ruling the government. Some scholars argue that the presidential threshold is unconstitutional since it inserts additional requirements to establish the candidate's eligibility for the presidency that is not stated clearly in the 1945 Constitution. Thousands of political scientists have petitioned the Constitutional Court to restore the primary meaning of gnawing away people's rights. Such a threshold had been set in the previous election, merely parties having the parliamentary seats in 2019 which can nominate the presidential candidate. In the meantime, political parties which failed to surpass the parliamentary threshold in 2019 have no chance to nominate their candidates in the upcoming election (Helmi et al. 2019). However, Al-Hamdi (2021) argued that the presidential threshold affects the winning ideology among political parties because they have pragmatism orientations rather than ideological considerations in making the party decision. The ideological contest is inactive when parties deal with power issues.

Therefore, the ability of political parties to reach the parliamentary seats relies on the effort to surpass the parliamentary threshold. As an impact, millions of legitimate votes cast under the people's sovereignty were squandered due to such a threshold (Maftuh 2020). Consequently, some studies demonstrated the declining ideology caused by this issue, mainly from 2009 until the present. There are no significant distinctions among those parties' platforms. It revealed that ideological competition is submerged (Al-Hamdi 2019; 2020).

To some extent, the parliamentary threshold does not support the simplification of political parties in the parliament because various parties in Indonesia are always coming up in the electoral contest. New parties are emerging in each election (Adam et al. 2021). Money politics or vote buying is part of the impact of the parliamentary threshold because all parties desire to reach the minimum threshold standard (Bachmid 2020; Ginting & Saragih 2018). Although the design to restrict political parties is still needed in the electoral system, it would be better to do not to sacrifice people's votes. Engineering can still be carried out without being determined by political power but by constitutional means (Indrawan & Aji 2020).

Based on those backgrounds, this study will examine three main issues. First is the map of pros and cons among EMBs' commissioners and political parties' activists responding to the parliamentary threshold issue. Second is the relation of the aspect and the actors pro and contra of the parliamentary threshold in the Indonesian electoral system. The third is the proposal on the relevant design of the parliamentary threshold for the Indonesian legislative election. Thus, this paper seems to recommend the model on the parliamentary threshold in Indonesia.

RESEARCH METHOD

This paper applied the qualitative method (Denzin and Lincoln, 2011, 3-4; Silverman, 2001, 32; Devine, 2002, 197-215; Patton, 2002, 14) by using the multiple case study approach (Flyvbjerg, 2011: 301-316). A case study can be defined as an intensive investigation that describes one or more cases for particular aims within a tied case or multiple cases through in-depth data collection by gathering various sources (Creswell, 2013, 97; Gerring, 2004, 352; Flyvbjerg, 2011, 301-302). More technically, this paper employed a descriptive way to deliver the values using graphic and table analysis. More technically, this paper utilized Qualitative Data Analysis Software or Q-DAS (Kurniawan et al. 2021; Sutan, Nurmandi, & Salahudin 2021; Sutan, Nurmandi, Mutiarin et al. 2021). The software in this paper was NVivo 12Plus, to analyze the data by employing two kinds of specific analysis: Crosstab Analysis and Word Cloud Analysis.

Regarding the data gathering, this paper utilized documentary, Focus Group Discussion (FGD), and in-depth interviews (Kamberelis & Dimitriadis, 2011: 545-561; Silverman, 2001, 83-144). FGD and in-depth interviews were conducted with approximately 127 respondents,

spreading into three institutions: the Election Commission (KPU), the Election Supervisory Body (Bawaslu), and political parties. It spent approximately four months, from March to June 2021. Meanwhile, the documentary was conducted before, during, and after the field research.

The research location took six provinces and nine counties/cities across the country. The selection of these locations was decided based on a sevenfold consideration: many cases of electoral fraud, rampant money politics, death of the Electoral Management Bodies (EMBs), capital of the state, special autonomy regions, and the electorate base in the 2019 election. Based on such considerations, this research selected six distinctive provinces: Aceh, Jakarta, West Java, East Java, South Sulawesi, and Papua. Meanwhile, Banda Aceh City, Central Jakarta City, Bandung City, Indramayu Regency, Surabaya City, Bangkalan Regency, Makassar City, Barru Regency, and Jayapura City were selected as county and municipal representatives.

After the data were gathered, the last step was analysis into a fourfold step. First was data collection from FGD and in-depth interviews. Second, coding data entailed categorizing and grouping FGD and interview data using terms, nodes, or indicators. Third, once the data had been coded, it was analyzed using NVivo 12Plus to create graphical or statistical data using Chart analysis. The fourth was presenting data which required descriptive language to convey the data and value.

RESULT AND DISCUSSION

This paper will investigate three aspects using the SWOT analysis and technically supported by the NVivo 12Plus application, mainly crosstab analysis. First is the pro-cons of views among actors in KPU, Bawaslu, and political parties toward the parliamentary threshold issue. Second is the mind map of actors, scope, and content. Third is formulating the relevant design of the parliamentary threshold for the Indonesian parliamentary election.

Pro-Cons of Views on the Parliamentary Threshold

The Views of KPU Commissioners on the Parliamentary Threshold: Pro-Cons SWOT Analysis

This chapter determines the tendency of the pros and cons of the parliamentary threshold among KPU's commissioners. By employing Crosstab analysis, this paper seeks to reveal the KPU's tendency to respond to the parliamentary threshold in the pros and cons.

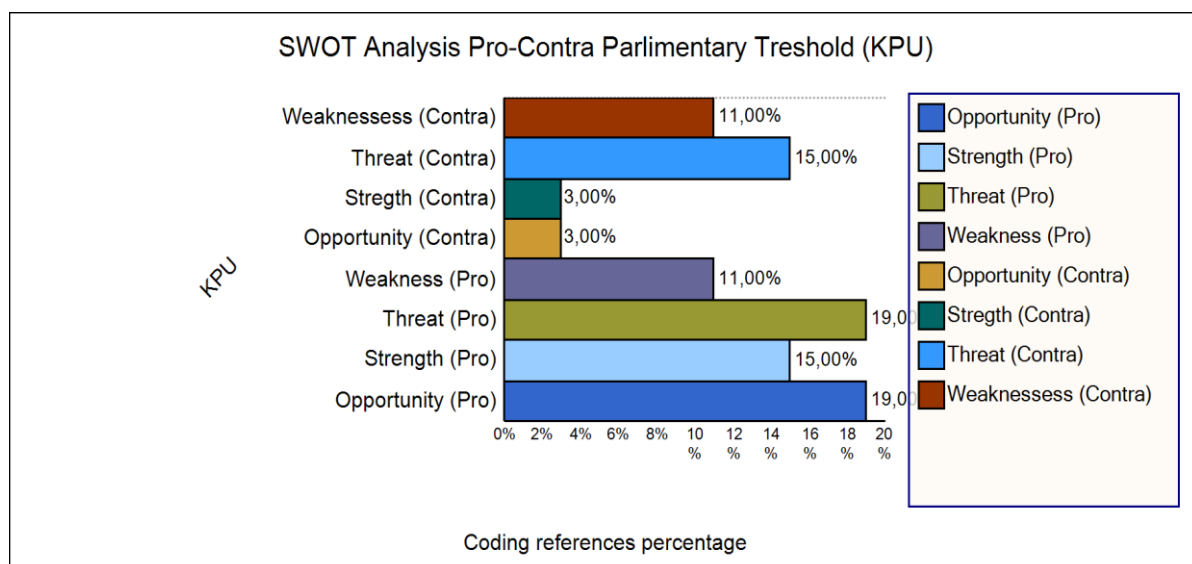


Figure 1. A SWOT Analysis of Pro-Contra on the Views of KPU Commissioners on the Parliamentary Threshold

Table 1. A SWOT Analysis of Pro-Contra on the Views of KPU Commissioners on the Parliamentary Threshold

Actor	Opportunity (Pro)	Strength (Pro)	Threat (Pro)	Weaknesses (Pro)	Opportunity (Contra)	Strength (Contra)	Threat (Contra)	Weaknesses (Contra)	Total
KPU	19,23%	15,38%	19,23%	11,54%	3,85%	3,85%	15,38%	11,54%	100%
Total	19,23%	15,38%	19,23%	11,54%	3,85%	3,85%	15,38%	11,54%	100%

Source: NVivo 12Plus Analysis.

The SWOT analysis related to the pros and cons of the parliamentary threshold is dominated by opportunity and threat in the pros of the parliamentary threshold with 19.23%. On the other hand, the second position is on the pros and cons regarding the parliamentary threshold in the KPU with strength (pro) and threat (contra) with the same percentage, namely 15.38%. In the third rank, there are also pros and cons related to the parliamentary threshold where there are weaknesses on the pro and contra sides with increases, weakness (pro) of 11.54% and weakness (contra) of 11.54% as well. The lowest position was obtained by opportunity and strength on the contra with the acquisition of opportunity (contra) with 3.85% and strength (contra) with the same value of 3.85%.

Some interesting points can be explained here. Firstly, the concentration of pros and cons of the parliamentary threshold on the KPU as the actor is dominated by the view of the pro to the parliamentary threshold, which is specific to the opportunities and threats aspects of the implementation of the parliamentary threshold and also the threats that exist in the implementation of the parliamentary threshold. Secondly, by narrowing the opportunity and threat aspects to the pro view of the parliamentary threshold in the KPU, the tendency of these actors to see the positive and negative impacts of the parliamentary threshold on the opportunities can be achieved by the parliamentary threshold as well as on the existing threats.

The Views of Bawaslu Commissioners on the Parliamentary Threshold: Pro-Cons SWOT Analysis

Figure 2 and Table 2 discover the trend of the pros and cons of the parliamentary threshold in Bawaslu. The paper seeks to reveal the tendency of Bawaslu in the pros and cons of the parliamentary threshold.

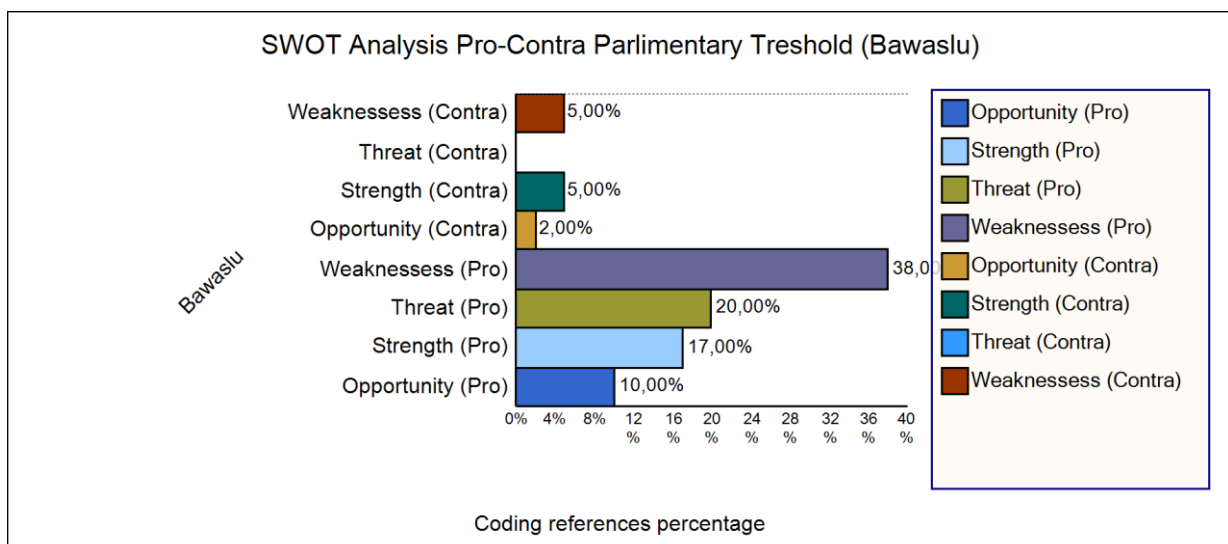


Figure 2. A SWOT Analysis of Pro-Contra on the Views of Bawaslu Commissioners on the Parliamentary Threshold

Table 2. A SWOT Analysis of Pro-Contra on the Views of Bawaslu Commissioners on the Parliamentary Threshold

Actors	Opportunity (Pro)	Strength (Pro)	Threat (Pro)	Weaknesses (Pro)	Opportunity (Contra)	Strength (Contra)	Threat (Contra)	Weaknesses (Contra)	Total
Bawaslu	10,26%	17,95%	20,51%	38,46%	2,56%	5,13%	0%	5,13%	100%
Total	10,26%	17,95%	20,51%	38,46%	2,56%	5,13%	0%	5,13%	100%

Source: NVivo 12Plus Analysis.

Figure 2 and Table 2 demonstrate the domination of the weakness (pro) aspect or the pro side with 38.46%. In the second position, there is a threat on the pro side, with a gain of 20.51% on the threat (pro). There is strength (pro) in the third position with 17.95%, and the fourth position is the opportunity at 10.26%. On the cons side, there are only strengths (contra) and weaknesses (contra) at 5.13% and opportunity (contra) at 2.56%, and threat (contra) at 0%.

Two important arguments can be presented here. Firstly, the tendency of Bawaslu regarding the pros and cons is to look at the weaknesses and threats if the parliamentary threshold is imposed. Bawaslu's place is questioning the parliamentary threshold because it focuses on weaknesses and threats if the parliamentary threshold is applied. Secondly, Bawaslu is more inclined to question the parliamentary threshold because it concentrates on weaknesses and threats if the parliamentary threshold is applied. However, Bawaslu also sees opportunities and strengths in implementing the existing threshold. Nevertheless, it differs from the Bawaslu perception regarding the cons of implementing the parliamentary threshold, especially on the focus of threats if it is not implemented, which has no gain (0%). Therefore, if the parliamentary threshold is applied, Bawaslu prefers to focus on weaknesses and threats.

The Views of Political Parties' Activists on the Parliamentary Threshold: Pro-Cons SWOT Analysis

Figure 3 and Table 3 illustrate the trend of the pros and cons of the parliamentary threshold among activists of political parties.

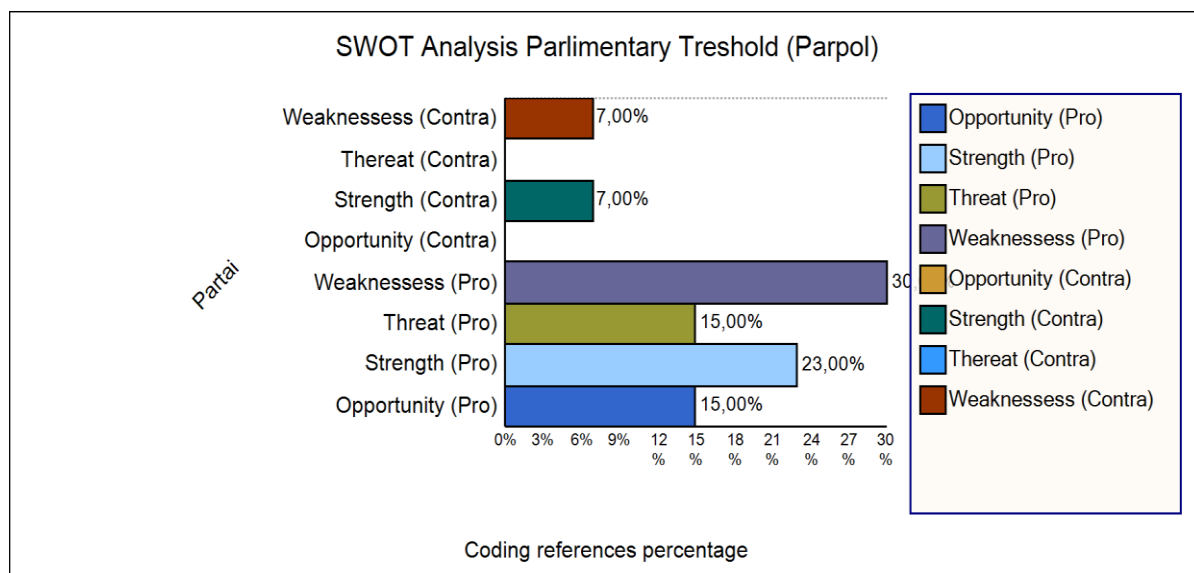


Figure 3. A SWOT Analysis of Pro-Contra on the Views of Political Parties' Functionaries on the Parliamentary Threshold

Table 3. A SWOT Analysis of Pro-Contra on the Views of Political Parties' Functionaries on the Parliamentary Threshold

Actor	Opportunity (Pro)	Strength (Pro)	Threat (Pro)	Weaknesses (Pro)	Opportunity (Contra)	Strength (Contra)	Threat (Contra)	Weaknesses (Contra)	Total
Parties	15,38%	23,08%	15,38%	30,77%	0%	7,69%	0%	7,69%	100%
Total	15,38%	23,08%	15,38%	30,77%	0%	7,69%	0%	7,69%	100%

Source: NVivo 12Plus Analysis.

Based on data in Figure 3 and Table 3, the top position is visible on weakness (pro), where it is 30.77% lively. In addition, there is strength (pro) with a value of 23.08%. Afterward, there is an opportunity (pro) and threat (pro) with a value of 15.38%. On the other hand, the deepest contra perception concerns strengths (cons) and weaknesses (cons), with a value of 7.69%. Meanwhile, opportunity (contra) and threat (contra) have merely a value of 0%.

Therefore, two interesting facts can be exposed here. Firstly, the political parties focus on weaknesses and threats if there is a parliamentary threshold. It is supported by the absence of threats if the parliamentary threshold is not realized (there are cons: 0%). Secondly, political parties should consider the opportunities and strengths if applying the parliamentary threshold.

Mind Map of Actors, Scope, and Content in SWOT Analysis

It is designed to relate to the scope and games with actors and the content contained. More technically, it employs the Mind Map on NVivo 12Plus, divided into six maps related to the pros and cons of the parliamentary thresholds and from related actors, namely Bawaslu, KPU, and Political Parties.

Mind Map of Pro-Cons on the Views of KPU Commissioners on the Parliamentary Threshold

Figure 4 reveals that the "strength" aspect concerns four contents: multi-party simplification system, election strategy, election militarism, and tidying up the state administration system. The "weakness" aspect consists of three contents: the dominance of major parties, the disproportionality of votes, and unequal representation (central-regional). The "opportunity" aspect consists of five ranges: supervision, strengthening the presidential system, the simplification of political parties, political stability, and budget efficiency. The "threat" aspect has five contents: aspiration problems, the existence of small parties, the supremacy of major parties, community disappointments, and political oligarchy.

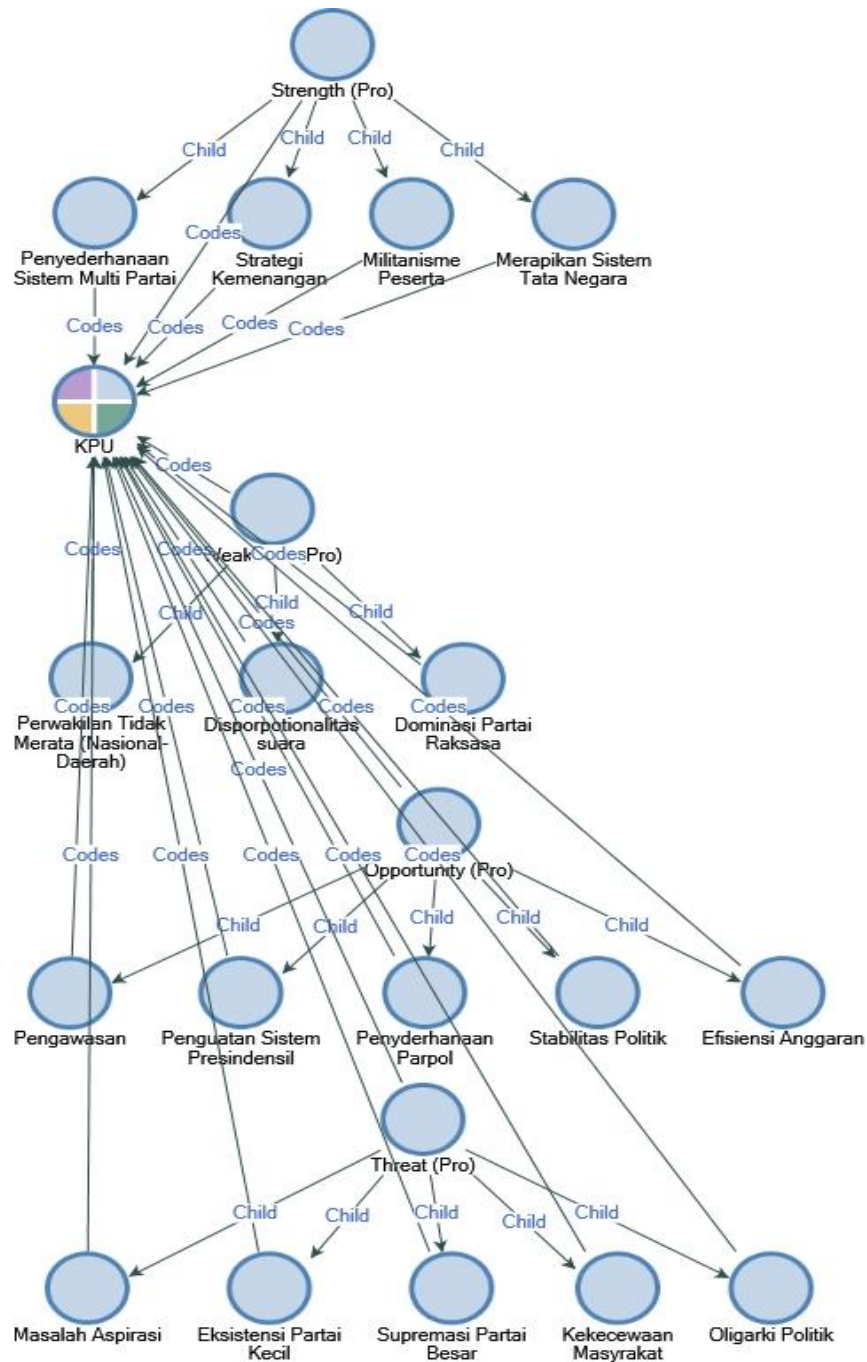


Figure 4. Mind Map of A SWOT Analysis on the Pro Parliamentary Threshold (KPU)

Based on Figure 5, the “strength” aspect concentrates on one content: party rights. Furthermore, the “weakness” aspect concerns four contents, i.e., the number of parties, the position of small parties, the movement of cadres, and overwhelmed organizers. It also denotes that the “opportunity” aspect merely focuses on one content, namely the democratic election. In the meantime, the “threats” aspect takes four contents: number of parties and decision-making, confused voters, seasonal politicians, and political stability.

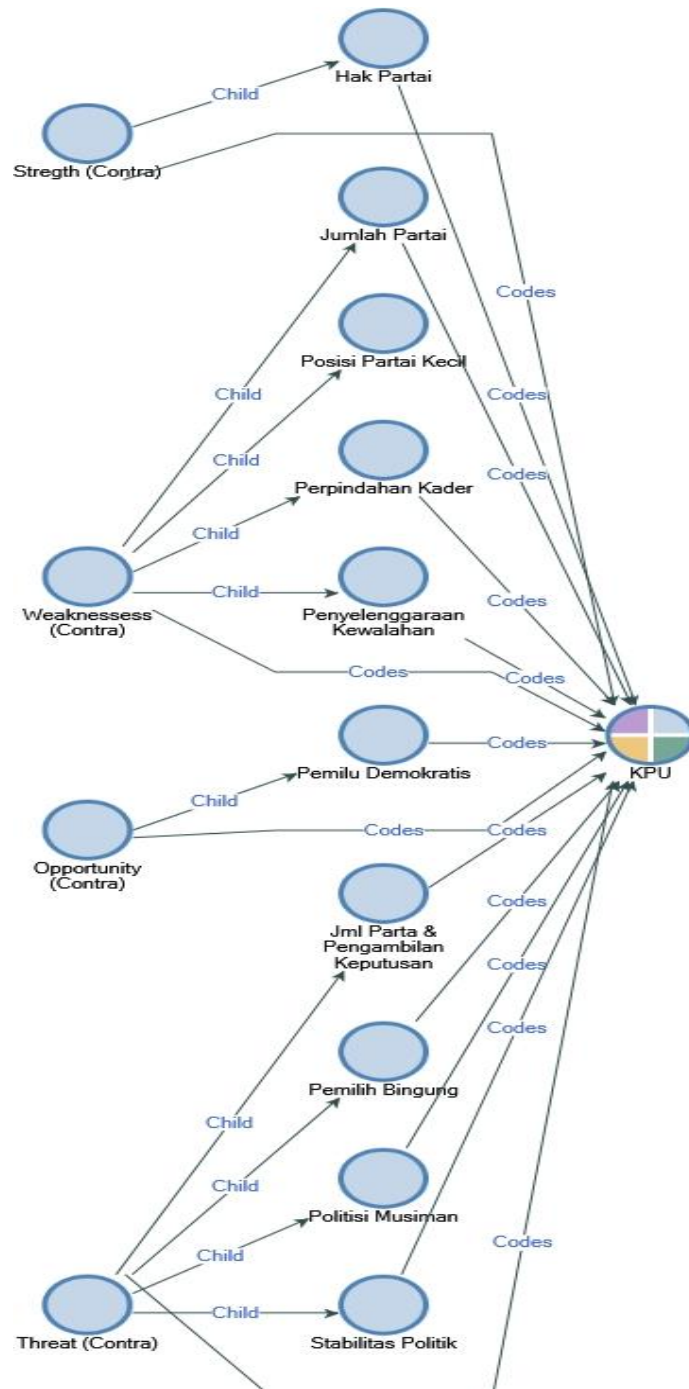


Figure 5. Mind Map of A SWOT Analysis on the Contra Parliamentary Threshold (KPU)

Mind Map of Pro-Pro-Cons on the Views of Bawaslu Commissioners on the Parliamentary Threshold

Figure 6 discovers that the “strength” aspect focuses on two contents: the right to be elected and elected and party verification. The “weakness” aspect concentrates on community outreach, cadre system, and human resource and campaign strategy. Moreover, the “opportunity” aspect attempts to concern one content, institutional synergy. In addition, the “threat” aspect concentrates on two contents, i.e., the campaign strategy and the fate of small parties.



Figure 6. Mind Map of a SWOT Analysis of the Pro-Parliamentary Threshold (Bawaslu)

Refers to Figure 7, the “strength” aspect prefers focusing on one content: political rights. The “weakness” aspect concentrates on two contents: the number of major parties and the fading ideology. Furthermore, the “opportunity” aspect attempts to concern one range: the party requirement is fulfilled. Lastly, the “threat” aspect does not focus on content and relationships with actors.

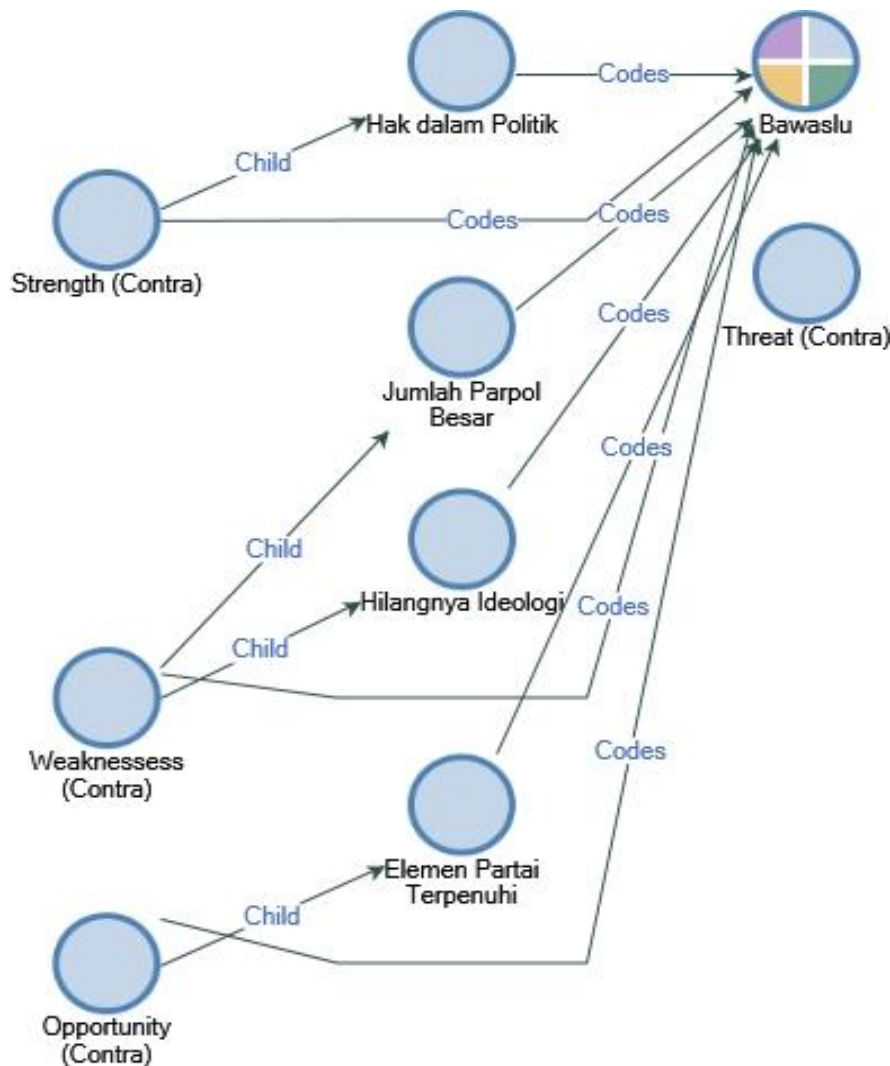


Figure 7. Mind Map of a SWOT Analysis on the Contra Parliamentary Threshold (Bawaslu)

Mind Map of Pro-Cons on the Views of Political Parties’ Activists on the Parliamentary Threshold

Based on Figure 8, the “strength” aspect concentrates on three contents: strengthening democracy, system improvement, and party selection. The “weakness” aspect focuses on four contents: electoral rights, the hegemony of major parties, the loss of party diversity, and post-election conflict. In the meantime, the “opportunity” aspect concerns two contents: the simplification of political parties and the ideal position in the parliament. In addition, the “threat” aspect merely focuses on two contents: the monopoly of major parties and the ban of society from gathering.

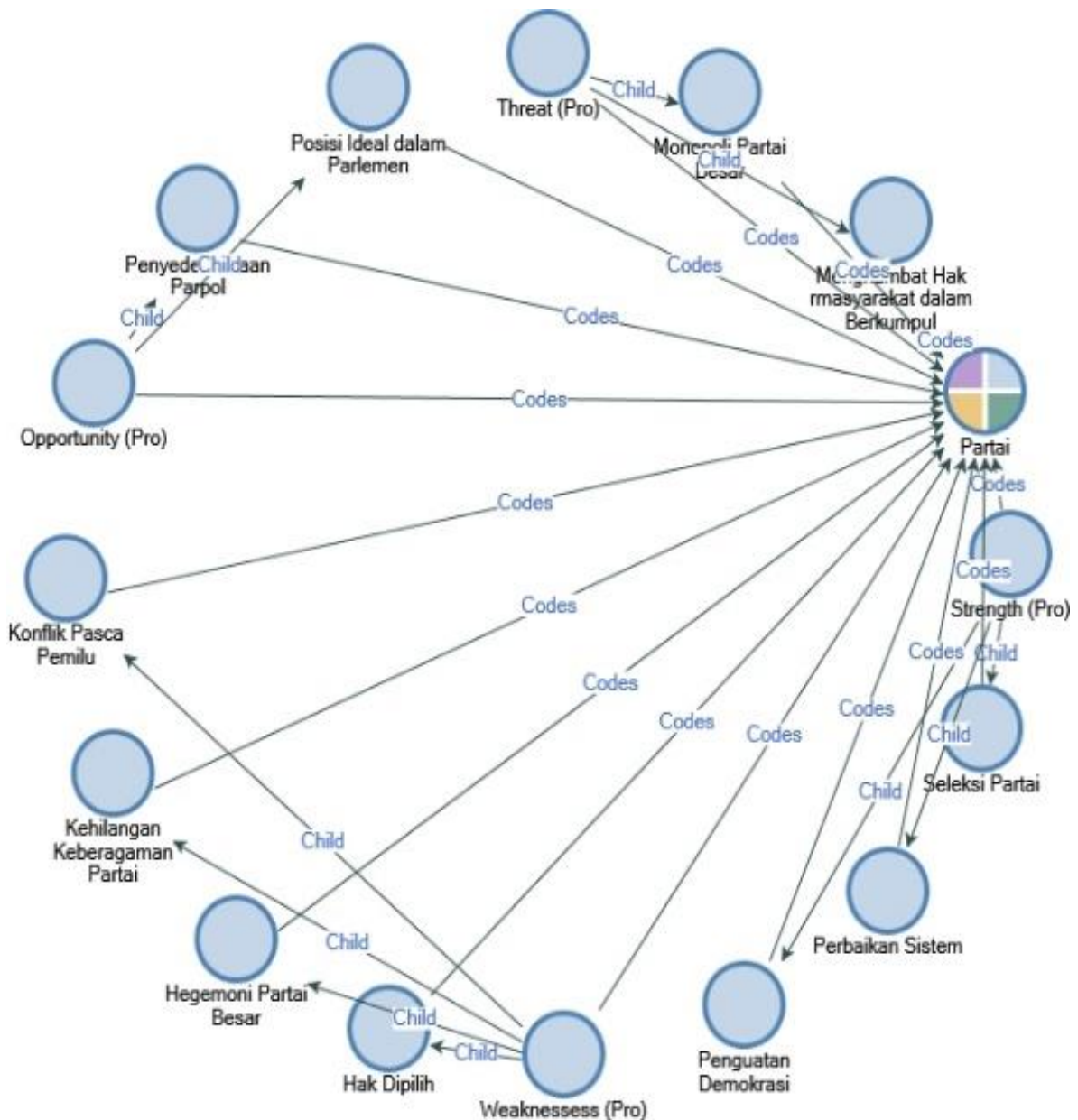


Figure 8. Mind Map of a SWOT Analysis on the Pro-Parliamentary Threshold (Political Parties)

Figure 9 explores that the “strength” aspect seems to concern one content: the opportunity of small parties. Furthermore, the “weaknesses” aspect prefers to focus on one issue: looking back at the election. In the meantime, the “opportunities” and “threats” aspects have no concentration and relationship with existing actors.

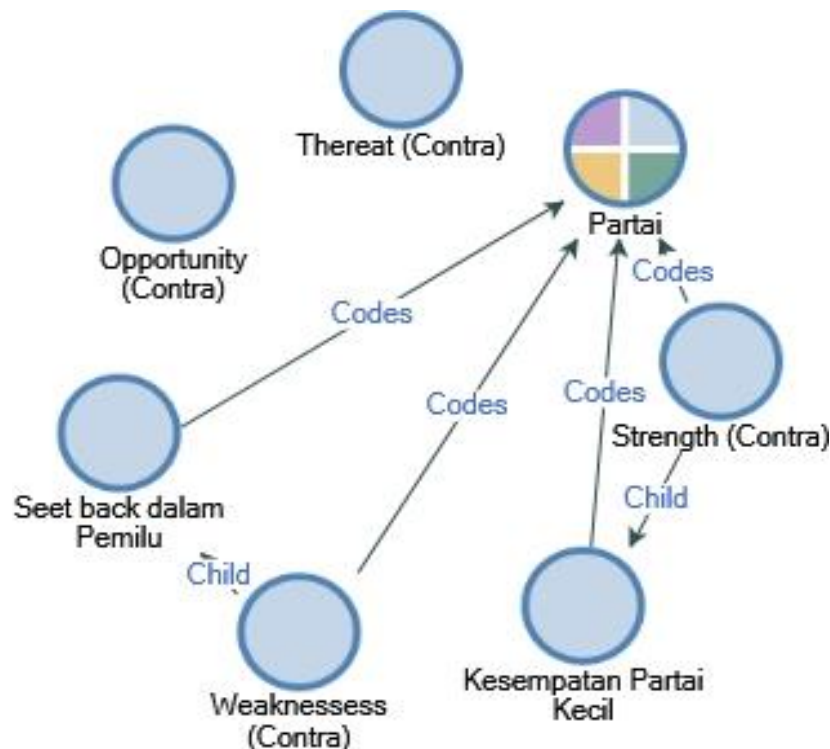


Figure 9. Mind Map of a SWOT Analysis on the Contra Parliamentary Threshold (Political Parties)

The Proposed Design of Parliamentary Threshold in the Legislative Election

Considering the pro-cons of views among commissioners of the EMBs and functionaries of political parties toward the parliamentary threshold issue, it can be detected that most actors favor concurring with the realization of the parliamentary threshold in the national legislative election. Therefore, this paper proposes some ideas to design the parliamentary threshold in the Indonesian national legislative election.

1. The parliamentary threshold in the Indonesian national legislative election is still relevant to guarantee the quality of democracy. It is a strategy to reward political parties with a smart performance in the electoral contest. For parties that cannot surpass such a threshold, it is a serious evaluation for them to manage their parties well and to have smart campaign strategies in the electoral stage.
2. The realization of the parliamentary threshold limits the number of political parties in the House of Representatives (DPR RI). The impact is that the coalition in the parliament can be managed well among those selected parties. It is also to avoid uncontrolled fragmentation in the parliament and government.
3. The percentage of the parliamentary threshold is not too big and also not too low. Between 2.5 % for the lowest and 4 % for the highest is an ideal option. Thus, 4 % in the 2019 and 2024 elections based on Act 7/2017 is the maximum percentage of the parliamentary threshold and is supposed not to increase such a percentage in the next elections.
4. If the percentage is increased, the high number of wasted votes can harm democratic values and the people's representative. It also harms the middle and small parties that maintain national stability. Indeed, that merely major parties which agree to improve the percentage. As a "win-win situation," 4 % is a precise option for all political parties.
5. The parliamentary threshold is irrelevant for the regional legislative election because each region has its characteristics. Removing the parliamentary threshold in local politics can positively improve the dynamics of local politics. It is helpful and valuable for democratic consolidation in Indonesia.

CONCLUSION

By utilizing the NVivo 12Plus application in examining the FGD and in-depth interview transcripts, most actors (the EMBs and political parties) eventually concur in adopting the parliamentary threshold in the national legislative election. Second, the mind map consists of various issues among KPU commissioners, Bawaslu commissioners, and political party activists. Third is that the projected design of the parliamentary threshold is still needed to ensure the fundamental quality of democracy. Among the five points of such a design, the parliamentary threshold is a standard to select political parties in the House of Representatives with a good performance and, in turn, to decrease wild fragmentation among them. It also supports a stable coalition in the parliament and executive wings; the elected government can work and govern effectively. The most important aspect is that the maximum restriction is four percent of the parliamentary threshold. Thus, there is no longer an additional percentage for the parliamentary threshold. Also, such a threshold is applied merely in the national legislative election, not in the regional legislative election.

ACKNOWLEDGEMENT

The authors express honest thanks to the Ministry of Education, Culture, Research, and Technology (Mendikbud-Ristek) Republic of Indonesia for providing the generous grant for this research under grant number 1867/E4/AK.04/2021 and three other derivative contracts numbers: 165/E4.1/AK.04.PT/2021 (between Mendikbud-Ristek and LLDIKTI in Yogyakarta Region), 3279.4/LL5/PG/2021 (between LLDIKTI in Yogyakarta Region and Universitas Muhammadiyah Yogyakarta), and 015/SP.LRI/VIII/2021 (between the Research and Innovation Institute Universitas Muhammadiyah Yogyakarta and the grantee). Our sincere gratitude also goes to the informants who spent their time and shared their fruitful experiences to improve this paper. Special thanksgiving is addressed to the regional team (Agus Mahfudz Fauzi, Wais Alqorni, Hadi Saputra, Ahmad Nur Hidayat, Masmulyadi, Margono, and Ubay) and the research assistants in managing research data (Dyah Mely Anawati, Milla Farihatul Ahna, Krisma Trianisa, and Dimas Subekti).

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