



***MINIMUM EDUCATION REQUIREMENTS FOR PRESIDENTIAL  
CANDIDATES IN THE ADMINISTRATION OF STATE GOVERNMENT***

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**ABSTRACT**

This research discusses the relevance of the minimum education of presidential candidates, as stipulated in Article 169 of the Law of the Republic of Indonesia Number 7 of 2017 on General Elections, with a focus on the concept of state capacity. State capacity theory identifies three main elements: extractive, coordinative, and compliance. Higher education is considered important in improving the capacity of state leaders, especially in the face of the complexity of leadership tasks. By using a juridical-normative research method, this study analyzes several Indonesian presidents who have a bachelor's degree or higher level of education. The formulation of the problem in this study is What is the basis for considering the minimum high school education of presidential candidates as one of the requirements for nomination? The results illustrate the stagnation in the relevant laws and regulations, especially Article 169, which maintains the minimum high school education limit for presidential candidates. By involving the theory of state capacity, the author concludes that there is a need for reform in the educational requirements of presidential candidates to increase the state's capacity to face increasingly complex tasks and challenges. Continuous evaluation of the education system and laws and regulations is essential to create more qualified national leaders in the future.

**Keywords:** *Minimum education limit for presidential candidates.*

**INTRODUCTION**

Article I paragraph (2) of the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution of the Republic of Indonesia, states that "Sovereignty is in the hands of the people and shall be exercised according to the Constitution". The meaning of "sovereignty is in the hands of the people" is that the people have sovereignty, responsibility, rights, and obligations to democratically elect leaders who will form a government to manage and serve all levels of society, as well as elected representatives of the people to oversee the course of government.

The President is the highest head of government in Indonesia. His duties and authority are listed in the 1945 Constitution of the Republic of Indonesia. The presidential system of government not only places the President as the center of executive power but also as state power (Ludwikoski, 2003). This means that the President is not only the head of government (chief of executive) but also the head of state (chief of state). As in one quote from Rett R. Ludwikowski "The President, as the sole executive, is elected as head of state and head of the government". The position of the President in the Presidential government system based on the 1945 Constitution of the Republic

of Indonesia is not separated as head of state and head of government, in the sense that the position as head of state and head of government is attached to one hand of the President (Sudirman, 2014).

Article 169 of Law of the Republic of Indonesia No. 7 of 2017 on General Elections, as last amended by Law of the Republic of Indonesia No. 7 of 2023 on General Elections, hereinafter referred to as Law No. 7 of 2023 on General Elections, regulates the requirements to become presidential and vice presidential candidates, one of which is the minimum education limit for candidate pairs, namely having at least a high school diploma (SMA), Madrasah Aliyah (MA), Vocational High School (SMK), Madrasah Aliyah Kejuruan (MAK), or other equivalent forms. Furthermore, Law No. 17/2017 on Elections, regulates the holding of Presidential and Vice Presidential Elections which have the aim of electing a President and Vice President with strong support from the people.

Meanwhile, in the discussion of the Association for Elections and Democracy team, hereinafter referred to as Perludem, in November 2020, it was required that to become president and vice president, at least a minimum education of a bachelor's degree or equivalent, this is because the duties of a head of state are so complex and vital that a wise and genius mindset is needed. This is also expected to be a requirement for all regional representatives including governors, DPR-RI, DPRD (Regional People's Representative Council), Regents, and other level officials (Felix Nathaniel, 2023).

Looking further, Article 15 of Law of the Republic of Indonesia Number 24 of 2003 concerning the Constitutional Court, as amended several times last by Law of the Republic of Indonesia Number 7 of 2020 concerning the Constitutional Court, hereinafter referred to as Law of the Republic of Indonesia No. 7 of 2020 concerning the Constitutional Court, requires that a candidate for a constitutional court judge must have a doctoral degree (strata three) based on an undergraduate who has an educational background in law. This is also the same as the qualifications of supreme court judges who also require that a candidate for judges must have a master of law background and pass judge education, this is regulated in article 7 of Law of the Republic of Indonesia Number 14 of 1985 concerning the Supreme Court, as amended several times, most recently by Law of the Republic of Indonesia Number 3 of 2009 concerning the Supreme Court. In addition, article 9 of Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, as amended by Law of the Republic of Indonesia Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia, requires that candidates for a prosecutor must have at least a law degree.

Another profession that requires a bachelor's degree, which is regulated in the Law of the Republic of Indonesia Number 14 of 2005 concerning teachers and lecturers, hereinafter referred to as Law No. 14 of 2005 concerning Teachers and Lecturers. Where in Article 9 of Law No. 14 of 2005 concerning Teachers and Lecturers it is explained that teachers must have academic qualifications, namely through a bachelor's or diploma four program, through Article 1 of the Regulation of the Minister of Education of the Republic of Indonesia Number 16 of 2007 concerning Academic Qualification Standards and Teacher Competencies, hereinafter abbreviated

as Permen RI No. 16 of 2007 concerning Academic Qualification Standards and Teacher Competencies, states and requires that to become a teacher of PAUD, SD, SMP, and SMA the minimum education is a bachelor's degree by the subjects taught. Likewise, Article 29 of the Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 3 of 2020 concerning National Higher Education Standards, hereinafter referred to as Permendikbud RI No. 3 of 2020, which requires that the minimum educational requirement to become a lecturer is a master or applied master relevant to the study program.

The President as Head of State and Head of Government is required to have the ability and intellectual capacity and must be supported by complex organizational experience, so in this case, the election of a president is crucial in a country. One important consideration in choosing a president is their educational background. Having a president who has a university degree provides several advantages and important qualifications for leading the country (Suny, 1963). Therefore, the study in this paper is related to the formulation of the problem What is the basis for considering the minimum high school education of presidential candidates as one of the requirements for nomination?

## **RESEARCH METHODS**

The type of research used in this research is normative or doctrinal juridical (normative law research). This research is conducted by studying examining and analyzing library materials or secondary data (Soekanto, 2007). Where in this normative research, researchers carry out a process to find legal rules, legal principles, and legal doctrines, to answer the legal problems at hand (Marzuki, 2013).

The normative judicial approach method is carried out on statutory legal materials, in this case, testing and examining secondary data relating to the Minimum Education Requirements for Presidential Candidates in the Implementation of State Government. The approaches that the author uses are Statute Approach, Conceptual Approach, Theoretical Approach, and Comparative Approach (Mann, 2008).

Based on the nature of this research, after collecting the data, it will then be analyzed by using content analysis. The analysis contains the content and form of positive law and field studies, this builds the author's activities to determine the content or meaning of what rules will be used as a reference in solving legal problems in the subject to be studied.

## **RESULTS AND DISCUSSION**

To provide answers to the formulation of the problems raised in this study, the author will first describe the theory of state capacity initiated by Lindvall and Teorell indicating that the leaders of state institutions and state bureaucratic apparatus are one of the key determinants of the extent to which the outcomes desired by the people can be realized. There are many definitions of capacity put forward by experts or experts, one of which is according to Morgan "capacity is the ability, skills, understanding, attitudes, values, relationships, behavior, motivation, resources,

and conditions that enable individuals, organizations, networks/sectors, and the broader system to carry out their functions and achieve development goals that have been set over time" (Saepul Mikdar, 2019).

The most widely used implicit or explicit conceptualization of state capacity building is according to Weber's description of the State as an organization/institution that can make and apply rules (Soifer, 2013). Subsequently, legal scholars have divided this conceptualization in various ways. One of the most influential understandings of state capacity is Weber's definition, which contrasts the power of the "despot" where actions are taken by state rulers without consultation with the power of the "infrastructure", which is an absolute attempt to penetrate/compel civil society (Mann, 2008).

A state has several forms of capacity, including coercive capacity, administrative capacity, and extractive capacity (Lindvall & Teorell, 2016). In other literature, the Theory of State Capacity consists of 3 elements, including:

- a. Extractive capacity, the ability to collect resources, in the form of capacity most often scrutinized by scholars concerned with the origins of state capacity, who see extraction as the foundation for all forms of capacity building. The most efficient methods of extraction, such as national income taxes, require costly penetration into society through tools such as censuses and record-keeping, the epistemic capacities referred to in the previous discussion of measurement. Extraction is therefore closely correlated and likely endogenous to economic development. Hence, countries that lack extractive capacity often opt for less lucrative but easier-to-collect trade taxes, the application of which is localized in border areas and places a smaller burden on administrators (Nyarwi Ahmad, 2019).
- b. Coordinative capacity, Coordinative capacity refers to the ability of state agents to organize collective action. This depends, first, on the relationships among the bureaucrats themselves and, second, on the relationships between the bureaucrats and the citizens they must coordinate. The professional Weberian bureaucracy is the most prominent institutional apparatus for such coordination. While resources obtained through extraction are necessary for the establishment and continued functioning of coordination institutions, coordination also depends on a long-term process of bureaucratization that builds autonomy and expertise and promotes appropriate institutional design and cultural norms.
- c. Compliance/Coercive Capacity, By compliance capacity, we mean the ability of state leaders to ensure compliance with their objectives. The form that compliance takes depends on whose compliance is being demanded, whether that of the general public, non-state elites, or even the state apparatus itself. Ideology, economic incentives, and eventually coercion are classic ways to achieve compliance of the general population; given ideological, economic, and military power. Efforts to achieve compliance can even lead to the development of new capacities. For example, capacity building in East Asia is the result of vulnerable elites' quest for far-reaching, low-cost side payments. Some of the same techniques can be used to secure elite compliance, but with additional reliance on structural conditions, suggesting that under

conditions of high inequality, compliance by non-state elites may be more difficult to obtain. In contrast, according to Flores, security concerns in Colombia encourage elites to comply with Colombia's so-called democratic security tax (Berwick & Christia, 2018).

Regarding the minimum education of presidential candidates as a prerequisite in the administration of state government, we need to know that the biographies of the presidents of the Republic of Indonesia since the reform period until now are quite classy, not spared from undergraduate education, including the 3rd President of the Republic of Indonesia, Prof. Bacharuddin Jusuf Habibie, whom we usually refer to as BJ Habibie, who completed his doctoral education at the Technische Hochschule, Germany in 1960. There is also KH. Abdurrahman Wahid who we often call Gus Dur, is the 4th President of Indonesia, Gus Dur completed his undergraduate education at the Higher Department of Islamic and Arabic Studies, Cairo, Egypt, and the Faculty of Literature, Baghdad University, Iraq in 1970. The 5th President of the Republic of Indonesia, Dyah Permata Megawati Soekarno poetry or what we often refer to as Megawati, also had an undergraduate education at the Faculty of Agriculture, Padjadjaran University and the Faculty of Psychology, University of Indonesia for the period 1970-1972, but Megawati was not able to complete her studies in full due to the political turmoil after Soekarno seizes power by Suharto. Next is the 5th president of the Republic of Indonesia, General TNI (Ret) Susilo Bambang Yudhoyono, or what we often call SBY, he is a graduate of the Armed Forces Academy of the Republic of Indonesia (Akabri) and has studied Master o Art (MA) at Webster University, Missouri, United States. Finally, there is the 7th president of Indonesia, Ir Joko Widodo or what we often refer to as Jokowi, he is an alumnus of the Faculty of Forestry, Gajah Mada University Yogyakarta in 1985.

The Theory of State Capacity is very helpful in analyzing the extent to which the State can fulfill these tasks and what factors affect its capacity. So in the context of the presidential system of government, as in the theory, the capacity of the state is also related to the ability of the president to carry out his duties and functions, as well as how the influence of a president's education strata on the quality and effectiveness of the running of the state administration. Based on the State Capacity Theory as well, in the present time a presidential candidate must have a minimum of a bachelor's degree, as a way to create and produce leaders who are more complex in terms of ability and knowledge, especially since the problems of the country are getting more complex and bigger every day, or vice versa, a president with a high school background is sufficient as long as he has good quality and credibility in leading, of course, supported by proven flight hours.

In response, higher education also trains critical analysis and problem-solving skills. A scholar is accustomed to logical and analytical thinking and can analyze complex information, evaluate arguments, and make decisions based on available data. These are important qualities for a president, who is faced with issues that require in-depth judgment and analysis. A president who has an undergraduate educational background will have a better understanding of how public policies are made, implemented, and evaluated. They will have a better insight into the mechanics of government and the consequences of policies taken, allowing them to be more effective and

responsible leaders. So that increasing the quality standard of a leader's education greatly affects his capacity to make policies and problem-solving as well as maturity in action, this will be in line with what is in the theory of state capacity, which requires a leader to fulfill his duties, including providing public services, tackling social problems, and maintaining stability effectively and efficiently.

The arguments above have concluded that, the course of renewal of laws and regulations is relatively very stagnant or there is no serious attention to improving the quality and credibility of the nation's leaders, this is evidenced by Article 169 of the Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, which requires the president to have only a high school degree / equivalent, indeed education does not guarantee a person has a good level of maturity and leadership, However, what needs to be noted is that education is a basic milestone and something fundamental to improve abilities, experience and complex knowledge, so that a person's higher education also affects his thought procession in solving problems that occur, and if we look back at the many positions that exist in the process of organizing state governance that require a bachelor's degree, as well as vacancies - job vacancies both private and public, this also requires a bachelor's degree in his qualifications. Launching data from the Central Bureau of Statistics, noted that there is an increase of 4.1% / year for the number of Indonesian students who go to college (Adisty, 2022). This increase in the number of students certainly brings fresh air to the world of Indonesian education, where people are starting to realize the importance of education, if we look again at the Presidents who have led Indonesia also have a bachelor's education background and some even have a doctorate or professor and some of them get *Honoris causa* titles because of their dedication to improving the quality of human resources.

In the theory of state capacity, it is mentioned that capacity is an ability/power possessed by an individual, organization, and/or a system in carrying out its duties and functions effectively, and efficiently, which in turn, will be sustainable by applicable rules to achieve a target and common goals in a development. In terms of State capacity, three important elements become explanatory factors for the theory of State capacity, namely capacity policy, implementation of authority, and efficient operations. Then this can be fulfilled immediately, through the mechanism of updating Article 169 of the Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, which requires that the minimum education of the president of high school be changed and increased to a bachelor's degree or equivalent.

## **CONCLUSION**

In the context of state capacity theory, the concept of state capacity is closely related to the ability of a state to carry out its duties. This theory highlights three main elements of state capacity: extractive, coordinative, and compliance capacity. Extractive capacity includes the state's ability to gather resources, while coordinative capacity involves the ability to coordinate among bureaucratic apparatus and citizens. Meanwhile, compliance capacity relates to the ability of state leaders to ensure compliance with their goals.

In the context of a presidential candidate's minimum education, the theory of state capacity can be applied to analyze the extent to which state leaders can fulfill their duties and functions. Higher education is considered important because it trains critical analysis skills, problem-solving, and understanding of government mechanisms. Although education does not guarantee good leadership, an undergraduate educational background can provide a better understanding of public policy, governance mechanisms, and policy consequences.

However, the Election Law that requires a minimum high school education for a president raises questions about the quality and effectiveness of leadership. In the face of the complexity of the problems and duties of a president, the renewal of the article requiring a minimum of a bachelor's degree can be a positive step in increasing the country's capacity to realize effective and efficient development. This is in line with the increasing number of university students in Indonesia, showing public awareness of the importance of education to create quality leaders.

The importance of reform in the educational requirements of a presidential candidate is also reflected in the various Indonesian presidents who have undergraduate educational backgrounds, some of whom even earned doctoral degrees. These reforms are expected to create leaders who are more complex in their abilities and knowledge, by the demands and complexity of the problems faced by the country. Along with that, evaluations of the education system and laws and regulations need to be carried out continuously to ensure a better quality of the nation's leaders in the future.

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