



Law Reform in Parliamentary Democratization: A Comparative Study of Legislative Terms in Indonesia, Philippines, and the United States of America

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Abstract

The purpose of this study is to compare the taxation policies of legislative members' terms of office in Indonesia with the Philippines and the United States, along with an analysis of the urgency of the legislative member's term of office. The study methodology employed is normative legal research. The findings of the research show that the legislative member's term of office has not been regulated in the Indonesian constitution because Law No. 17 of 2014 only regulates the length of office in one period. This is distinct to the Philippines, which establishes a term limit for legislative members, where the term of office of senate members is 6 years and may be re-elected twice, while the term of office for the House of Representatives is 3 years and can be re-elected in three terms. Meanwhile, in the United States, there is also no regulation regarding the taking of terms of office, only the term of office of legislative members in the United States is only 2 (two) years each period, while in Indonesia it is quite long, namely 5 (five) years.

Keywords

Parliamentary, Democratization, Limits Term of Office, Legislative Members.

Introduction

Indonesia is a country of law that carries out its state activities based on people's democracy. Democracy is included in the components of the government system whose function is to realize People's sovereignty. A country that follows a people's democratic system, such as Indonesia, places the interests of the people above all else where full control is in the hands of the people and government officials only act as implementers and mouthpieces for the community. One of the important pillars in the democratic system in Indonesia is the application of the trias politica principle which divides state institutions into three powers, namely legislative, executive, and judicial powers¹. This division of power is intended so that the duties and authorities of each state institution do not overlap and actually hinder the running of the government system.

Law reform is a fundamental aspect of parliamentary democratization, ensuring legal frameworks evolve to uphold democratic principles, governance efficiency, and political accountability. In Indonesia, the absence of legislative term limits has become a pressing issue, raising significant concerns regarding political entrenchment, leadership stagnation, and governance inefficiencies. Unlike the executive and judicial branches, which have tenure restrictions, legislators can serve indefinitely if re-elected. This loophole enables political monopolization, reduces democratic competitiveness, and weakens public trust in legislative institutions. The urgency of addressing this issue is heightened by the increasing number of long-serving legislators who consolidate power, potentially leading to a decline in political innovation and responsiveness. Comparative insights from other democratic nations, such as the Philippines and the United States, demonstrate that the regulation of term limits is essential to maintaining

¹ Agung Sahib, "The Implementation of Trias Politica Concept in The System of Government in Indonesian Constitution Post Amendment," *Alauddin Law Development Journal* 6, no. 1 (2024): 1–8, <https://doi.org/10.24252/aldev.v6i1.41362>.

democratic resilience, preventing unchecked authority, and ensuring periodic leadership renewal.

From a legal standpoint, Indonesia's framework lacks explicit provisions for legislative term limits, creating an imbalance in the political system. Law No. 17 of 2014 on the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council (MD3 Law) establishes the structure and functioning of the legislature but fails to restrict the number of terms a legislator can serve. This stands in contrast with the Philippines, where House of Representatives members are limited to three consecutive terms, and the United States, where congressional elections occur every two years to ensure accountability. The absence of such provisions in Indonesia facilitates prolonged political dominance, weakening the democratic principle of leadership rotation and reducing opportunities for fresh perspectives in governance.

From a governance perspective, democracy thrives on leadership renewal, as periodic changes in representation allow for evolving societal values to be reflected in policy-making. The continued tenure of the same legislators contradicts the democratic ideal of fair and equal participation. Without term limits, entrenched politicians can prioritize personal or party interests over public welfare, leading to policy stagnation and diminished responsiveness to emerging national challenges. Leadership monopolization also restricts the dynamic exchange of ideas, hindering political progress and adaptability in addressing socio-economic transformations.

At the societal level, the indefinite tenure of legislative members impacts political inclusivity and public engagement. The perception that elections do not lead to meaningful change discourages voter participation and limits the emergence of new political leaders. Long-standing legislators accumulate significant resources and networks, creating an uneven playing field that disadvantages younger and less-established candidates. This reduces diversity in representation and undermines public confidence in the electoral process. Studies on political trust have shown that governance structures allowing for extended tenure without clear limitations contribute to declining public faith in democratic institutions, as citizens perceive a lack of

accountability and transparency.

Legislative power lies in the hands of three state institutions, namely the People's Representative Council (DPR), the People's Consultative Assembly (MPR), and the Regional Representative Council (DPD). Then the executive power lies in the hands of the President and Vice President. If the legislature plays a role in making and formulating laws and regulations, then the executive institution plays a role as an implementing institution for the rules that have been set. Finally, there is the judicial power or called the judicial power which consists of the Supreme Court (MA), the Constitutional Court (MK), and the Judicial Commission (KY) where all three only existed after the reformation. These three institutions take on the role of supervising the running of the government. These three powers do have different functions and authorities, but all three have interrelated functions so that these institutions cannot stand alone but also do not have the right to interfere in the affairs of each institution. This is what is called the principle of checks and balances². Where there is no interruption but only ensures that the implementation of a policy is continuous and does not conflict with one another.³ Aside from the separation of power, a further important aspect of Indonesia's constitutional structure is the restriction of the term of office. This is important to obtain restrictions considering that during the New Order government, the length of office holders' powers became uncontrolled and were carried out without being based on democratic values as adopted by Indonesia. The term of office of the President and Vice President as holders of executive power is concretely regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia which states that "The President and Vice President hold office for five years, and thereafter may be re-elected for the same term, only for one term of office". From this article it can be interpreted that a President and Vice President can only hold office for a maximum of 2 (two) terms of office or 10 (ten) years.

² Demson Tiopan, Agus Setiawan, and Kevin Alim Rabbani, "Implementation of The Trias Politica Concept and The Prospects For Establishing New High State Institutions in Indonesia," *UNES Law Review* 6, no. 1 (2023): 3431–42.

³ M. Syamsudin, "Rekonstruksi Masa Jabatan Anggota Legislatif Perspektif Demokrasi Pancasila," *JIL: Journal of Indonesian Law* 2, no. 2 (2022): 125–61, <https://doi.org/10.18326/jil.v2i2.125-161>.

Then for the judicial power, in the Constitutional Court the term of office for the Chief Justice and Deputy Chief Justice of the Constitutional Court is also stated concretely in Article 4 paragraph (3) of Law No. 7 of 2020 concerning the Third Amendment to Law No. 24 of 2003 concerning the Constitutional Court which states that “The Chief Justice and Deputy Chief Justice of the Constitutional Court are elected from and by members of the constitutional judges for a term of office of 5 (five) years starting from the date of appointment of the Chief Justice and Deputy Chief Justice of the Constitutional Court”. Then both can be re-elected for the same term of office for 1 (one) term of office as stated in Article 4 paragraph (3a). Both articles indicate that there are clear term limitations for the Chief Justice and Deputy Chief Justice of the Constitutional Court who can only serve for a maximum of 10 (ten) years. The same thing is also regulated in the state institution of the Supreme Court where according to Article 5 paragraph (6) of Law No. 3 of 2009 concerning the Second Amendment to Law No. 14 of 1985 concerning the Supreme Court states that “The term of office of the Chief Justice, Deputy Chief Justice, and Deputy Chief Justice of the Supreme Court is 5 (five) years”. The last judicial institution in Indonesia is the Judicial Commission which according to Article 6 paragraph (2) of Judicial Commission Regulation No. 1 of 2010 concerning Procedures for the Election of the Leadership of the Judicial Commission states that “The term of office of the Leadership is 2 (two) years 6 (six) months and thereafter can be re-elected for the next 2 (two) years 6 (six) months of office”. From this article it is clear that the maximum term of office of the KY Leadership is 5 (five) years which is divided into two terms of office.

A slightly different regulation exists in the legislative institution in Indonesia where based on Article 7 paragraph (2) of Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People’s Consultative Assembly, the People’s Representative Council, the Regional Representative Council, and the Regional People’s Representative Council hereinafter referred to as the MD3 Law states that “The term of office of MPR members is 5 (five) years and ends when the new MPR members take the oath/promise”. The same regulation also applies to the DPR where Article 76 paragraph (4) states that “The term of office of DPR members is 5 (five) years and ends when the new DPR members take the oath/promise”. Then for the

term of office of the DPD it is regulated in Article 252 paragraph (5) which states that “The term of office of DPD members is 5 (five) years and ends when the new DPD members take the oath/promise”. Not only does it apply to the central legislature, the same term of office regulation also applies to regional legislative institutions as stated in Article 318 paragraph (4) which states that “The term of office of members of the Provincial DPRD is 5 (five) years and ends when the new Provincial DPRD members take the oath/promise”. This also applies to the Regency/City DPRD”.

Several recent studies have examined this issue. First, Hulain et al. (2023) analyzed legislative tenure restrictions in constitutional democracies, emphasizing the role of term limits in enhancing governance efficiency. Second, Mangesti et al. (2024) explored constitutionalism in Indonesian parliamentary reforms, highlighting the legal inconsistencies arising from the absence of term limits. Third, Purnomo et al. (2023) discussed the necessity of restricting legislative tenure to prevent power monopolization and foster democratic renewal. Fourth, Iriani et al. (2023) investigated public perceptions of legislative accountability, demonstrating how indefinite tenure contributes to declining public trust in parliament. Finally, Handoyo (2024) examined legislative checks and balances, arguing that institutional reforms, including term limits, are essential for upholding democratic integrity.

From the understanding of these articles, it can be understood that there is no term limit for members of the legislative institution like the executive and judicial institutions which have a limit on repeating terms of office. This certainly has its own implications for the political order of the state in Indonesia where it is possible that in empirical conditions a member of parliament continues to nominate himself and be elected as a member of the legislature for a period of more than 1 (one) period and that means it will limit the political rights of other citizens, namely the opportunity to occupy government positions because of the control by certain parties over positions in parliamentary seats. In addition, a term of office that is too long can also increase the opportunity for members of the legislature to abuse their power or misuse the authority they have. However, if the term of office is limited, it could eliminate quality members due to the limited term of office. Through this research, the urgency of limiting the term of office of legislative members will be

explained along with a comparison with several other countries that both adhere to democratic governments, namely the Philippines as a representation of a country in Southeast Asia and the United States as a representation of a developed country in the American Continent. So that later recommendations can be given regarding the regulation of term limits for legislative members so as not to damage the democratic order in Indonesia.

Method

This study employs a normative legal research approach to analyze legislative term limits within Indonesia's parliamentary system. By examining legal frameworks, statutes, and constitutional provisions, the research seeks to identify gaps in existing regulations and assess their impact on governance. The study also explores relevant legal theories, such as statutory theory and the principle of checks and balances, to provide a conceptual understanding of the issue. In addition, a comparative approach is used to evaluate how other democratic nations, particularly the Philippines and the United States, regulate legislative tenure, offering insights into potential reforms for Indonesia.

The research relies on secondary data sourced from legal documents, books, journals, research reports, and other credible academic references. Data collection is conducted through an extensive literature review, systematically identifying and analyzing relevant laws and scholarly perspectives. A descriptive-analytical method is applied to interpret findings and assess their implications, ensuring a structured discussion on the urgency of legislative term limits. By integrating normative and comparative legal analysis, this study aims to provide a comprehensive understanding of the issue while formulating recommendations for future legal reforms.

Result and Discussion

A. Regulation of the Term of Office of Legislative Members in Indonesia

The legislative institution in Indonesia plays a role as a law maker, followed by subsequent ratification according to the theory of the

division of powers put forward by Montesquieu⁴. Not much different from this theory, CF. Strong stated that the legislative institution is a state institution that holds special governmental powers in the formulation of legal products called laws.⁵ The two statements regarding legislative institutions are emphasized by the meaning of legislative institutions according to Hans Kelsen, who stated that legislative institutions are state institutions that function to form written legal norms in the form of laws⁶.

The existence of legislative institutions in Indonesia is not without reason. According to Miriam Budiardjo, several important functions or roles of legislative institutions in Indonesia include (1) formulating, determining, and ratifying laws along with the authority to change them so that legal products in the form of laws continue to be updated according to the conditions and needs of the people; (2) controlling the implementation of the executive body's position in Indonesia which is carried out by the President and Vice President in the central government and regional heads in regional governments. This is intended so that the executive body carries out its authority in accordance with the established regulatory corridor; and (3) as a channel for the aspirations of the people. Indonesia is a democratic country where the voice of the people plays an important role in the sustainability of the state so that the legislative institution should be the mouthpiece between the people and the government where the legislative institution must listen to the aspirations

⁴ Eko Nursetiawan and Riris Ardhanariswari, "Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law," *Jambe Law Journal* 5, no. 2 (2022): 251–70, <https://doi.org/10.22437/jlj.5.2.251-270>.

⁵ Aini Shalihah and Fahrizal Nur Mahili, "Perbandingan Constitutional Theory Dalam Doktrin Para Ahli Sebagai Bentuk Landasan Kelembagaan Negara," *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 3, no. 1 (2023): 1–17.

⁶ Nazhif Ali Murtadho et al., "Structure and Classification of Legal Norms : Institutional Challenges in Law Making," *NAGARA LAW JOURNAL* 1, no. 2 (2024): 43–63.

of the people before determining and ratifying a written legal product⁷⁸.

The opinion regarding the function of the legislative institution was also put forward by Jimly Asshidiqie who stated that there are 4 (four) functions of the legislative institution, namely (1) as the initiator of the creation of laws; (2) discussing draft laws after hearing the aspirations of the people; (3) ratifying draft laws after the regulations have been discussed thoroughly and the urgency of their ratification has been assessed; and (4) providing approval for the ratification or approval of international agreements before they are declared valid in Indonesia.⁹ In fact, the function of the legislative institution is not far from the meaning of the legislature itself, which comes from the word “legislation” which means legislation, so that all the functions of the legislative institution are related to legislation¹⁰.

Taking a brief look at the history of the development of legislative institutions in Indonesia, it began with the Central Indonesian National Committee (KNIP) which was formed based on the mandate of Article 4 of the Transitional Provisions of the 1945 Constitution which was in effect at that time. KNIP played an important role in assisting the implementation of the president’s duties, but unfortunately this state institution could not function optimally due to the conditions in Indonesia which at that time was still in the phase of maintaining independence. The next development was when Indonesia entered the period of the union government, namely the Republic of the United States of Indonesia in 1949. Members of the DPR at this time had several rights such as budget rights, initiative rights, amendment rights, interpellation rights, inquiry rights, and asking questions. But

⁷ Maximus Dorisara, “Critical Review of the Journey of Democracy in Indonesia: Functions and Authorities of the Regional Representative Council (DPD) in the Constitutional System,” *Journal of Social Science* 5, no. 4 (2024): 975–82, <https://doi.org/10.46799/jss.v5i4.886>.

⁸ Zulkarnain Ridlwan and Zainal Arifin Mochtar, “Regulate DPR’s Committees: Making Indonesian Presidential System More Representative,” *FIAT JUSTISIA: Jurnal Ilmu Hukum* 13, no. 2 (2019): 129–50, <https://doi.org/10.25041/fiatjustisia.v13no2.1566>.

⁹ Siti Tiara Maulia and Witra Rahmadani, “Hierarki Lembaga Negara Di Indonesia,” *Causa: Jurnal Hukum Dan Kewarganegaraan* 4, no. 9 (2024): 41–50.

¹⁰ E. L. Rubin, “Law and Legislation in the Administrative State,” *Columbia Law Review* 89, no. 3 (1989): 369–426.

unfortunately in 1959 after President Soekarno issued a Presidential Decree on July 5, 1959, the power and authority of the DPR became limited again where many of its rights were reduced even though the validity of the Constitution had returned to the 1945 Constitution.¹¹

In 1959, the first election was also held, which then formed the Gotong Royong DPR (DPR-GR) in 1960 with its main function being to assist the government. Entering the New Order era, elections were held again in 1971 under the government of President Soeharto and the DPR-GR during the New Order began to carry out its duties and functions after the ratification of Law Number 10 of 1966. The many political unrest in 1998 which led to the impeachment of President Soeharto by the people because he had served as President for approximately 32 (thirty-two) years so that he was considered to have tarnished Pancasila and the 1945 Constitution.¹² Only then did the reform era enter, which meant that political reform was also implemented. The DPR worked very hard to revise and add new provisions in the 1945 Constitution of the Republic of Indonesia, as evidenced by the procurement of 4 (four) amendments in 1999, 2000, 2001, and 2002, so that the 1945 Constitution of the Republic of Indonesia was known as the one currently used.¹³ Although in the period 1999-2004 the positions of President and Vice President in Indonesia continued to change before finally in 2004 the first Presidential Election was held after the reform, the DPR that served was still the DPR for the 1999-2004 period.

The legislative institution in Indonesia is occupied by three state institutions at once, namely the Regional Representative Council (DPD), the People's Representative Council (DPR), and the People's Consultative Assembly (MPR) at the central government level and the Regional People's Representative Council (DPRD) at the regional level

¹¹ Martitah Martitah et al., "Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 545–94.

¹² Andrian Fernando and Tri Susilowati, "Legislative Functions of the House of Representatives in the Perspective of the 1945 Constitution of the Republic of Indonesia," *Jurnal Indonesia Sosial Sains* 4, no. 06 (2023): 523–30.

¹³ Sugiarto Sugiarto and Faisal Santiago, "Legal Reform of Term Limitations for Legislative Members as a Form of Institutional Reform," *Cognitionis Civitatis et Politicae* 1, no. 6 (2024): 422–38.

which carry out their duties, authorities, and functions based on Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council which has been last amended by Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council¹⁴.

One of the important things in the concept of a democratic state is the limitation of government power so that it does not act arbitrarily and interfere with the democratic rights of the people. This limitation of power is related to the limitation of the term of office of legislative members.¹⁵ This limitation of the term of office is considered important to be determined because if someone holds a position for a long time, there will be a great opportunity for that person to commit acts beyond his authority such as corruption, accepting bribes, collusion, and other deviant acts that will only tarnish the implementation of people's democracy in Indonesia¹⁶. The excessively long term of office has concrete evidence, especially during the New Order government, where at that time the President could serve a term of office of more than 30 (thirty) years and resulted in many cases of corruption, collusion, and nepotism in the country. That is one of the things behind the regulation of restrictions on power over government positions in Indonesia since the reform era.¹⁷

The idea of limiting the term of office of state institutions is

¹⁴ Shelvi Rusdiana, "Improving Legislative Performance by Strengthening Authority and Increasing Obligations," *YURISDIKSI : Jurnal Wacana Hukum Dan Sains* 18, no. 3 (2022): 345–60, <https://doi.org/10.55173/yurisdiksi.v18i3.155>.

¹⁵ Nabilla Putri Aryani et al., "Perbandingan Konsep Demokrasi Dalam Teori Perkembangan Filsafat Dengan Relevansi Menjelang Pemilu 2024," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 01 (2024).

¹⁶ Mahdi Abdullah Syihab and Muhammad Hatta, "Punishment Weighting for Criminal Acts of Corruption in Indonesia," *Sasi* 28, no. 2 (2022): 307–22, <https://doi.org/10.47268/sasi.v28i2.955>.

¹⁷ Yovita Arie Mangesti et al., "Term Limitation of Indonesian Parliamentarians Seen from Constitutionalism," *Revista de Investigações Constitucionais* 11, no. 2 (2024): 2–24, <http://legal.isha.or.id/index.php/legal/article/view/652>.

certainly very good, but unfortunately the regulation is not yet comprehensive. In the 1945 Constitution of the Republic of Indonesia, it is only regulated regarding the limitation of the term of office of the executive institution, namely in Article 7 paragraph (2) it is only limited to 5 (five) years of office and can be extended once and in the laws and regulations that regulate each judicial institution also only regulate the term of office of the related position where for the MA and MK the limit is 5 (five) years of office and can be re-elected while for the KY the term of office is 2.5 (two and a half years) and can be re-elected for one period thereafter¹⁸¹⁹ This is the problem: The 1945 Constitution of the Republic of Indonesia and other laws and regulations have never regulated the limitation of the term of office of legislative members consisting of the MPR, DPR, DPD, and DPRD. Even in Law No. 7 of 2017 concerning General Elections, which is known to regulate the implementation of elections, there is no such regulation.²⁰ The absence of regulations regarding the term of office of legislative members certainly has its own implications for the political situation and conditions in Indonesia.²¹

The following are the provisions regarding the term of office of legislative members in Indonesia from time to time, starting from the reformation until now:

Period 1999-2004. From a normative perspective, the regulation regarding the term of office of legislative members is regulated in Article

¹⁸ Vicki Dwi Purnomo, Suryawan Raharjo, and Aida Dewi, "It Is Necessary to Limit the Term of Office of the House of Representatives to Prevent Abuse of Authority in Indonesia," *Formosa Journal of Applied Sciences* 2, no. 3 (2023): 437–340, <https://doi.org/10.55927/fjas.v2i3.3588>.

¹⁹ THE OFFICE OF THE REGISTRAR AND THE SECRETARIAT GENERAL OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA, *THE 1945 CONSTITUTION OF THE REPUBLIC OF INDONESIA*, 5th ed. (Jakarta: THE OFFICE OF THE REGISTRAR AND THE SECRETARIAT GENERAL OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA, 2015).

²⁰ Hulain Hulain et al., "Periodesasi Masa Jabatan Anggota Legislatif Dalam Perspektif Negara Demokrasi Konstitusional," *Journal on Education* 5, no. 4 (2023): 15121–42, <https://doi.org/10.31004/joe.v5i4.2602>.

²¹ Muhammad Mutawalli Mukhlis et al., "Democratization or Extra-Constitutionalism: Ideas for Limiting the Term of Office for Chairmen of Political Parties in Indonesia," *Jambura Law Review* 6, no. 2 (2024): 367–402.

4 of Law Number 4 of 1999 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council, and the Regional Representative Council which states that "The term of MPR membership is 5 (five) years and ends together when the new MPR members take the oath/promise". Meanwhile, for DPR members, their term of office is the same as the MPR, which is 5 (five years) and the fulfillment of their membership is based on general elections and appointed ABRI members. Both the representative councils at the central and regional levels have the same term of office, which is 5 (five) years without further explanation regarding the maximum term of office that can be served. In this period, it can be concluded that the term of office of legislative members is 5 (five) years and there are no regulations regarding the term of office limits²².

Period 2004-2009. In this period, Law No. 4 of 1999 was no longer considered effective and did not comply with the applicable state system so that the regulation was amended by Law No. 22 of 2003 concerning the Composition and Position of the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council. Article 4 states that "The term of office of MPR members is five years and ends at the same time when the new MPR members take the oath/promise". Then for the DPR it is regulated in Article 18 which states that "The term of office of DPR members is five years and ends at the same time when the new DPR members take the oath/promise."²³ The same thing also applies to the DPD, precisely in Article 34 it is stated that "The term of office of DPD members is five years and ends at the same time when the new DPD members take the oath/promise". Meanwhile, for the position of the Provincial DPRD it is regulated in Article 54 which states that "The term of office of Provincial DPRD members is five years and ends at the same time when the new Provincial DPRD members take the oath/promise". Finally, the term of office for members of the Regency/City DPRD is regulated in Article 70 which states that "The

²² M Q Malapu, "Juridical Analysis of the Office Term of Legislative Members in the Republic of Indonesia," Legal Brief 11, no. 5 (2022): 3366–71, <https://doi.org/10.35335/legal>.

²³ Mangesti et al., "Term Limitation of Indonesian Parliamentarians Seen from Constitutionalism."

term of office of members of the Regency/City DPRD is five years and ends at the same time as the new members of the Regency/City DPRD take their oath/promise". In this period it is still the same as the previous period, except that no DPR members come from ABRI members who were confirmed, but in terms of the term of office of legislative members it is still the same, namely 5 (five) years without any term of office limits in the next period.^{24 25}

Period 2009-2014. In this period, Law Number 27 of 2009 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council was established which came into effect on August 29, 2009. The term of office of the MPR is regulated in Article 6 paragraph (2) which states "The term of office of MPR members is 5 (five) years and ends when the new MPR members take the oath/promise". Then for the term of office of the DPR it is regulated in Article 74 paragraph (4) which states that "The term of office of DPR members is 5 (five) years and ends when the new DPR members take the oath/promise". Next, regarding the term of office of the DPD, it is regulated in Article 227 paragraph (5) which states that "The term of office of DPRD members is (five) years and ends when the new DPD members take the oath/promise". No different from other positions, the term of office of members of the Provincial DPRD is also enforced for 5 (five) years as regulated in Article 294 paragraph (4) which states "The term of office of members of the Provincial DPRD is 5 (five) years and ends when the new member of the Provincial DPRD takes the oath/promise". Finally, the term of office of members of the Regency/City DPRD is regulated in Article 345 paragraph (4) which states that "The term of office of members of the Regency/City DPRD is 5 (five) years and ends when the new member of the Regency/City DPRD takes the oath/promise". From the normative regulation, it can also be concluded that the term of office of legislative members is 5 (five)

²⁴ Bobby Rivaldi Ramadestya and SH Labib Muttaqin, "Rekonstruksi Aturan Hukum Masa Jabatan Presiden Dan Wakil Presiden Demi Terciptanya Pemerintahan Yang Efektif" (Universitas Muhammadiyah Surakarta, 2024).

²⁵ Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyashah," *Al-Istinbath Jurnal Hukum Islam* 9, no. 2 (2024): 505–26.

years with no regulation regarding the limitation of the term of office in the 2009-2014 period.²⁶

Period 2014-2019. In this period, Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council applies where the term of office of the MPR is regulated in Article 7 paragraph (2) which states that "The term of office of MPR members is 5 (five) years and ends when the new MPR members take the oath/promise". Then for the term of office of the DPR it is regulated in Article 76 paragraph (4) which states that "The term of office of DPR members is 5 (five) years and ends when the new DPR members take the oath/promise". Furthermore, the term of office of the DPD is regulated in Article 252 paragraph (5) which states that "The term of office of DPD members is 5 (five) years and ends when the new DPD members take the oath/promise". Not only does it apply to the central legislative body, the same term of office regulation also applies to regional legislative bodies as stated in Article 318 paragraph (4) which states that "The term of office of members of the Provincial DPRD is 5 (five) years and ends when the new member of the Provincial DPRD takes the oath/promise". This also applies to the Regency/City DPRD as regulated in Article 367 paragraph (4) which states that "The term of office of members of the Regency/City DPRD is 5 (five) years and ends when the new member of the Regency/City DPRD takes the oath/promise".

During the 2014-2019 government period, Law No. 17 of 2014 experienced several changes, namely Law No. 42 of 2014, Law No. 2 of 2018, and Law No. 13 of 2019 so that officially the regulation has been changed 3 (three) times, but in the three changes there were no changes regarding the term of office of legislative members and/or additional regulations regarding the limitation of the term of office of legislative members. From here it can be understood that the regulations in Law No. 17 of 2014 are still stated to apply, especially in the regulations

²⁶ Pahrur Rizal and Habibi Habibi, "Rekosntruksi Hukum Periodeasasi Pembatasan Masa Jabatan Legislatif Menurut Prinsip Keadilan," *Juridische: Jurnal Penelitian Hukum* 1, no. 2 (2024): 1-15.

regarding the term of office of legislative members.²⁷

B. Legislative Members' Term Of Office In Democratic Countries: A Comparative Study Of Several Democratic Countries

1. Term of Office of Legislative Members in the Philippines

The Philippines is a democratic country just like Indonesia, that is why the Philippines also has a legislative body called congress²⁸. This congress then consists of two memberships, namely legislative members and senate members. For the senate institution, there are main requirements to be able to occupy the position, namely that you must be at least 35 years old and be a native citizen of the Philippines²⁹. The term of office for senate members is 6 (six) years and can be re-elected for 2 (two) terms so that the maximum term of office for a senate member is 9 (nine) years³⁰. This is stated in Article VI, Section 4 of the Philippine Constitution which states that:

“The terms of office of the Senators shall be six years and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No senator shall serve for more than two consequential terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term of which he was elected”.

²⁷ Muhammad Al Kautsar and Kurniawan Kurniawan, “Pembatasan Periode Sasi Masa Jabatan Anggota Legislatif,” *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan* 3, no. 3 (2019): 361–71.

²⁸ Raesitha Zildjianda, Dian Herlambang, and Embri, “COMPARISON OF THE PRESIDENTIAL GOVERNMENT SYSTEM BETWEEN INDONESIA AND THE PHILIPPINES,” *Rewang Rencang : Jurnal Hukum Lex Generalis* 5, no. 8 (2024): 1–18.

²⁹ J Carpio, *DISSENTING OPINION* (2015).

³⁰ Nico Ravanilla and Allen Hicken, “When Legislators Don’t Bring Home the Pork: The Case of Philippine Senators,” *Political Science Research and Methods* 11, no. 4 (2023): 785–803, <https://doi.org/10.1017/psrm.2022.27>.

If translated into Indonesian it can be interpreted as follows:

“The term of office of a senator shall be for six years, unless otherwise provided by law. At noon on the 30th day of June, an election for the Senate shall be held. No senator shall serve more than two consecutive terms. Voluntary resignation at any time shall not be deemed to be an attempt to interrupt the continuance of office for the full term for which he was elected.”

Then for legislative members, the main requirement is to be at least 25 years old and be a native citizen of the Philippines. Legislative members in the Philippines are similar to DPD members in Indonesia where they must be elected from legislative districts that have been divided into provinces, cities, and the Metropolitan Manila area, the number of which is adjusted to the population of each region where its function is as a regional representative institution. The term of office of legislative members in the Philippines is 3 (three) years and can be re-elected for 3 (three) consecutive terms. That means the longest term of office of a legislative member is 12 (twelve) years and after that they cannot run as legislative members at all. Such regulations are stated in Article IV Section 7 which states that:

“The members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No member of the House of Representatives shall serve for more than three inconsistent terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected”.

The text of the article, when translated into other languages, will read:

“Members of the House of Representatives are elected for a term of three years starting, if otherwise provided by law, on the afternoon of the 30th of June when elections to the House of Representatives are held. No member of the House of Representatives may serve more than three consecutive terms. “Voluntary resignation at any time

shall not be considered as an attempt to disrupt the continuity of office for the full term for which he was elected.”

From the provisions of these two articles, it can be understood that legislative members in the Philippines have a term limit.

2. Legislative Term in the United States of America

The legislative members in the United States are called the House of Representatives which is similar to the DPR and Senate (State Representatives)³¹. Both are in the congress which is then regulated in the United States constitution. This is different from Indonesia where the legislative members consist of the DPR and DPD which together are members of the MPR and exercise their authority based on the Indonesian constitution, namely the 1945 Constitution of the Republic of Indonesia³². The provisions regarding the term of office of the House of Representatives are regulated in Article 1 Section 2 which states that “The House of Representatives shall be composed of members chosen every second year by the people of the several states, this article if translated into language can be interpreted as “Members of the House of Representatives are elected every two years by the people of the several states”.

Similar to Indonesia, the United States also does not set a limit on the number of terms for its DPR, but what is different from Indonesia is that the United States only gives the DPR a term of office of 2 (two) years and after that a general election must be held again. This short term of office is intended so that DPR members do not abuse their authority so that when it turns out that their performance is not good, they will be immediately removed within 2 (two) years and are indeed entitled to participate in the election again, but the people’s votes will still not be given to them. The purpose of this short period is clear so that the DPR continues to carry out its mandate for the benefit of its people because

³¹ Alexander J Sinukaban, “The Existence Of Regional Representative Boards In The Indonesian Representative Institution System,” *Journal of Law Science* 2, no. 1 (2020): 15–23, <https://doi.org/10.35335/jls.v2i1.1607>.

³² Benediktus Hestu Cipto Handoyo, “The Regional Representative Council (DPD RI) and Checks and Balances in Indonesia’s Legislative Process,” *Jurnal Ius Constituendum* 9, no. 3 (2024): 542–63, <https://doi.org/10.26623/jic.v9i3.10633>.

each period the DPR still has to report and be responsible to its constituents.³³

Then regarding the term of office of the senate, regulated in Article 1 Section 3 of the United States Constitution which states that “The Senate of the United States shall be composed of two Senators from each State...for six years”, which if translated into language will be interpreted as follows “The Senate of the United States consists of two senators from each state with a term of office of six years”. The term of office of the senate is longer than the House of Representatives, this is intended because it is expected to provide political stability in the United States and the Senate is also expected to be able to provide decisions and/or policies that are beneficial to the government in the long term. Although the term of office is 6 years, general elections are still held every 2 (two) years by electing 1/3 of the old senators to be re-elected by the public in order to maintain the continuity of programs and work plans formulated by the senators.³⁴

C. Ideas For Regulating Legislative Members’ Terms of Office in the Future

The absence of term limits is certainly considered to tarnish democratic values in Indonesia because Indonesia is a country that respects human rights, one of which is basic rights in the field of government which provide equal opportunities to sit in government as regulated in Article 28D paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that “Every citizen has the right to receive equal opportunities in government”³⁵. However, without any restrictions, it is possible for a legislative member who has served for 2 (two) terms to nominate himself again for the next election period and

³³ Muhammad Mutawalli Mukhlis, Dian Rahadian, and Georges Olemann Lohalo, “Narrating Recruitment Model for Legislator Candidates: Is It Fair?,” *Jambe Law Journal* 7, no. 1 (2024): 91–126.

³⁴ Nurlita Purnama, Aditya Ardiansyah, and Isdihar Chairunnisa, “Perbandingan Parlemen Di Indonesia Dengan Amerika Serikat,” *Jurnal Sosial Humaniora Dan Pendidikan* 2, no. 2 (2022): 80–88.

³⁵ Dewi Iriani et al., “Citizen Guarantees in Determining National Leaders Through Elections and Democratic Integrity,” *Jurnal Dinamika Hukum* 23, no. 1 (2023): 53–68, <https://doi.org/10.20884/1.jdh.2023.23.1.3231>.

be re-elected on the basis of having experience as a legislative member. This will certainly limit the basic rights in the field of government of other citizens. The absence of term limits is also considered to have violated the values contained in the fifth principle of Pancasila, namely regarding social justice, where every citizen has the right to nominate themselves as a member of the legislature, but with the absence of term limits, this right cannot be fully fulfilled.³⁶

Following are some names of members of the legislature who have served as members of parliament several times in consecutive time periods:

TABLE 1. Legislative Members with the Longest Term of Office

No.	Name	Position	long serving
1.	Yasonna Laoly	Member of DPR	1999-2004, 2004-2009, 2009-2014
2.	Setya Novanto	Member of DPR	1999-2004, 2004-2009
3.	Taufik Kurniawan	Member of DPR	2004-2009, 2009-2014, 2014-2019
4.	Bambang Kurisyanto	Member of DPRD Central Java	2004-2009, 2009-2014, 20014-2019, 2019-2024
5.	Sahat Tua Simanjuntak	Member of DPRD East Java	2009-2014, 2014-2019, 2019-2024
6.	Milhous Teddy Sulistio	Member of DPRD Salatiga City	2004-2009, 2009-2014, 2014-2019

From the table it can be seen that one member of the council can serving more than two terms of office, which of course raises fears or problems for prospective legislative members who are new to politics because they have opponents who are considered seniors who clearly have more mature and extensive experience due to repeated terms of office in parliament. Interestingly, Setya Novanto stopped serving as a member of the DPR not because he was no longer running as a member of the DPR but because he was named a Defendant in the E-KTP

³⁶ Syamsudin, “Rekonstruksi Masa Jabatan Anggota Legislatif Perspektif Demokrasi Pancasila.”

corruption case and was sentenced to 15 (fifteen) years in prison³⁷. This is what further extends the reasons for the urgency of regulating the limitation of the term of office of legislative members.

In the author's opinion, term limits now have a concrete urgency so that in the future this regulation must be enforced. The necessity of regulations regarding term limits for legislative members is based on several things, including:

First, the performance of legislative members tends to be passive and undeveloped. One indicator is the failure to achieve the target of ratifying draft laws that have been neatly prepared in the national legislation program. In the 2009-2014 period, the number of bills passed was 125 bills, but in reality this number decreased drastically in the 2014-2019 period, where only 84 bills were passed into law. Only then did this number increase drastically in the 2019-2024 government period by ratifying a total of 225 bills.³⁸ Not only in terms of performance, in fact, legislative members also did not show significant developments where there was no significant development in people's lives when the laws that were passed were laws that aimed to improve the welfare of the people and what actually increased was the number of legislative members who committed corruption and a series of other cases of abuse of authority.³⁹ Legislative members are unable to innovate and keep up with world developments so that Indonesia is once again lagging behind in all aspects.

Not to mention the public's trust in legislative members has drastically decreased due to poor implementation of their office

³⁷ Muhammad Zaki, Tofik Y Chandra, and Hedwig Adianto Mau, "THE PROBLEM OF CORRUPTION LAW ENFORCEMENT THAT CAUSES STATE LOSSES SINCE THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA NUMBER 25 / PUU-XIV / 2016 DECISION," POLICY, LAW, NOTARY AND REGULATORY ISSUES (POLRI) 1, no. 3 (2022): 17–34.

³⁸ Mangesti et al., "Term Limitation of Indonesian Parliamentarians Seen from Constitutionalism."

³⁹ Oky Pitoyo Laksono, "Kajian Terhadap Periodisasi Anggota Legislatif Sebagai Upaya Meminimalisir Kecurangan Pemilu," Nomos: Jurnal Penelitian Ilmu Hukum 2, no. 4 (2022): 129–37.

functions⁴⁰. When it turns out that the faces occupying parliamentary seats are the same faces, it is the same as they will not get the people’s trust anymore and their victory in the general election is also questionable.⁴¹

The following is a list of survey results regarding the level of public trust in the performance of the DPR from year to year issued by the Indonesian Survey Institute:

TABLE 2. Percentage of Public Trust in the DPR

Time Period	Percentage
2005	56,00%
April 2006	52,80%
September 2007	51,70%
January 2009	60,00%
January 2010	64,70%
December 2010	62,30%
October 2012	57,40%
2014	40,00%
2019	40,00%
2023	64,80%
2024	62,60%

From the table, it can be understood that even the percentage of public trust in the DPR has never reached more than 70%, which means that many people have expressed their distrust of the DPR’s performance for various reasons, so that if there is no rotation of membership in parliament, the same actions will be repeated, causing the implementation of democracy in Indonesia to not be able to move forward and continue to stagnate in the current condition.

Second, the authority of public officials must have a time limit. Actually, it is not only a time limit but also a limitation on which authority may and may not be exercised, but in the context of this

⁴⁰ Monica Brezzi et al., “An Updated OECD Framework on Drivers of Trust in Public Institutions to Meet Current and Future Challenges,” OECD Working Papers on Public Governance, vol. 48, 2021, <https://dx.doi.org/10.1787/b6c5478c-en>.

⁴¹ Sokhikhul Akbar, “The Limit of Term Periodization on Legislative Assembly Officials: A Constitutional Democracy Perspective,” *Acitya Wisesa: Journal Of Multidisciplinary Research* 1, no. 3 (2022): 76–85.

discussion, what must be limited is the term of office. It has been exemplified through a comparative study of two other countries, namely the Philippines which has a term limit, Indonesia should follow this example. This term limit is intended so that public officials, especially members of the legislature, do not continue to take arbitrary actions by exploiting the positions they hold.⁴² The power exercised in Indonesia is not absolute power where there is a big role for the people in it⁴³. There would be no difference between the government during the New Order and now if the term of office of legislative members was not limited, where the impact is clear, namely the many cases of corruption, collusion, and nepotism that have continued to drag on until now⁴⁴.

Moreover, Indonesia is a country of law so that the implementation of government authority must also be based on applicable legal regulations⁴⁵, so that later when the regulation regarding term limits has been implemented, the members of the legislature have no other choice but to submit to the rules that have been set. Arbitrary actions that are likely to occur if term limits are not regulated will also cause misery to the people and this is certainly not in accordance with the national goals of the Indonesian nation⁴⁶ as stated in paragraph IV of the Opening of the 1945 Constitution of the Republic of Indonesia which states that "Then from that to form a Government of the State of Indonesia that protects all the Indonesian people and all of Indonesia's

⁴² Ihtisab Afandi Sahidin, Hotma Sibuea, and Hedwig Adianto Mau, "Pengaturan Periodesasi Masa Jabatan Anggota DPR RI Dalam Sistem Ketatanegaraan Indonesia Sebagai Negara Hukum Demokratis," *Blantika: Multidisciplinary Journal* 3, no. 2 (2024).

⁴³ Masitah Pohan, "Absolute Power in the Dimensions of Indonesian Law," *International Journal Rglement & Society* 3, no. December (2022): 195–202, <https://doi.org/10.55357/ijrs.v3i3.271>.

⁴⁴ Suryaningsi and Taruna Qalis Mula, "The Review of Corruption Eradication in Indonesia Based on the Aspect of Juridical, Morality, and Ideology of Pancasila," *Awang Long Law Review* 2, no. 2 (2020): 93–106, <http://ejournal.stih-awanglong.ac.id/index.php/awl/article/view/85>.

⁴⁵ Mery Herlina, "Implementation of The Legal Functions of State Administration in Creating A Good Governance System in Indonesia," *Legal Brief* 11, no. 5 (2022): 3229–35, <https://doi.org/10.35335/legal>.

⁴⁶ Zahrotul Aulia, Sekar Anggun, and Gading Pinilih, "Urgency of Term Limitation of Political Party Chairman in Indonesia," *IJMRA* 07, no. 12 (2024): 5557–60, <https://doi.org/10.47191/ijmra/v7-i12-24>.

blood and to advance public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace, and social justice". Public welfare will not be created if there is abuse of authority by officials because officials will only prioritize their own interests and ignore the community.

The limitation of the term of office of legislative members is also related to the realization of the second principle of Pancasila, namely "just and civilized humanity" where in exercising their basic rights, humans must still pay attention to the basic rights of others. Participating in government is one of the implementations of human rights in the field of government as regulated in Article 28D paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "Every citizen has the right to receive equal opportunities in government". This means that the absence of a term of office limit will reduce the fulfillment of this right because it is possible that legislative candidates only come from members who have previously served and been re-elected only because they are considered more experienced than new legislative candidates.

Third, term limits are regulated in order to provide legal certainty. One of the objectives of law is to provide legal certainty to the community so that justice can be realized⁴⁷. Laws that are not based on certainty will lose their meaning in protecting the rights of the community and cannot be used as guidelines for behavior because they do not have certain certainty boundaries⁴⁸. Legal certainty is provided in the form of clear regulations in laws and regulations that regulate what may be done and what is prohibited along with the accompanying sanctions⁴⁹. If the question is whether Indonesia has regulations

⁴⁷ Raden Mas Try Ananto Djoko Wicaksono, "Reviewing Legal Justice, Certainty, and Legal Expediency in Government Regulation Number 24 of 2018 Concerning Electronically Integrated Business Services," *Lex Scientia Law Review* 5, no. 1 (2021): 1–24, <https://doi.org/10.15294/lesrev.v5i1.44905>.

⁴⁸ Alexander V. Demin, "Certainty and Uncertainty in Tax Law: Do Opposites Attract?," *Laws* 9, no. 30 (2020): 1–30, <https://doi.org/10.3390/laws9040030>.

⁴⁹ Anindita Tresa Valerina and Daud Rismana, "LIVING LAW IN MODERN LEGAL SYSTEMS: CHALLENGES TO THE PRINCIPLE OF LEGALITY," *Walisongo Law Review (Walrev)* 6, no. 1 (2024): 29–41, <https://doi.org/10.21580/walrev.2024.6.1.22062>.

regarding terms of office, then the answer is that Indonesia has them as regulated in the provisions of Article 7 paragraph (2) for the MPR, Article 76 paragraph (4) for the DPR, Article 252 paragraph (5) for the DPD, Article 318 paragraph (4) for the Provincial DPRD, and Article 367 paragraph (4) for the Regency/City DPRD where all legislative members hold office for 5 (five) years. However, there has never been any regulation whatsoever regarding the term limits of legislative members which prohibits legislative members from running again after two terms of government as is the case with other functional positions such as President and Vice President or other positions in the judiciary⁵⁰.

All legislative members' terms will end when the new legislative members take their oath/promise. The phrase used is "new legislative members" so that the meaning will be interpreted that the legislative members in the previous government period will end with the election of legislative members in the next government but there is no limitation that legislative members in the previous government period may not register themselves as legislative candidates in the next government period^{51,52}. The membership of the MPR is a combination of members of the DPR and DPD so that the following will present evidence that there are no requirements indicating that active legislative members may not run again in the next election period which can be analyzed from the requirements that must be met to become a member of the DPD as regulated in Article 182 of Law Number 7 of 2017 concerning General Elections which states that, "Individuals as referred to in Article 181 may become election participants after fulfilling the following requirements:

- a. Indonesian citizens who are 21 (twenty one) years old or older;
- b. Devoted to God Almighty;
- c. Residing in the territory of the Unitary State of the Republic of Indonesia;
- d. Able to speak, read, and/or write in Indonesian;

⁵⁰ Malapu, "Juridical Analysis of the Office Term of Legislative Members in the Republic of Indonesia."

⁵¹ Purnomo, Raharjo, and Dewi, "It Is Necessary to Limit the Term of Office of the House of Representatives to Prevent Abuse of Authority in Indonesia."

⁵² Muhammad Mutawalli Mukhlis et al., "Regional Government According to the 1945 Constitution: Ideas Refinements and Law Reform," *Journal of Law and Legal Reform* 5, no. 2 (2024): 495–530.

- e. Have a minimum education of high school, Islamic high school, vocational high school, vocational Islamic high school, or other equivalent schools;
- f. Loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
- g. Never been sentenced to prison based on a court decision that has obtained permanent legal force for committing a crime that is threatened with imprisonment of 5 (five) years or more, unless openly and honestly stating to the public that the person concerned is a former convict;
- h. Physically and mentally healthy, and free from drug abuse;
- i. Registered as a Voter;
- j. Willing to work full time;
- k. Resign as regional head, deputy regional head, village head and village apparatus, Village Consultative Body, state civil apparatus, member of the Indonesian National Army, member of the Indonesian National Police, directors, commissioners, supervisory board and employees at state-owned enterprises and/or regional-owned enterprises and/or village-owned enterprises, or other bodies whose budgets are sourced from state finances, which is stated in a letter of resignation that cannot be withdrawn;
- l. Willing not to practice as a public accountant; advocate, notary, land deed official, and/or not to carry out work as a provider of goods and services related to state finances and other work that may cause a conflict of interest with the duties, authorities, and rights as a member of the DPD in accordance with the provisions of laws and regulations;
- m. Willing not to hold concurrent positions as other state officials, directors, commissioners, supervisory boards and. employees at state-owned enterprises and/or regional-owned enterprises and other bodies whose budgets are sourced from state finances;
- n. Nominate only for 1 (one) representative institution;
- o. Nominate only for 1 (one) electoral district; and
- p. Obtain minimal support from voters in the relevant electoral district”.

Then, the requirements for membership of the DPR, Provincial DPRD, and Regency/City DPRD are regulated in Article 240 paragraph (1) of Law No. 7 of 2017 which states, “Prospective candidates for members of the DPR, Provincial DPRD, and Regency/City DPRD are Indonesian citizens and must meet the following requirements:

- a. Is 21 (twenty one) years old or older;
- b. Is devoted to God Almighty;
- c. Resides in the territory of the Unitary State of the Republic of Indonesia;
- d. Can speak, read, and/or write in Indonesian;
- e. Has a minimum education of high school, Islamic high school, vocational high school, vocational Islamic high school, or other equivalent schools;
- f. Is loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
- g. Has never been sentenced to prison based on a court decision that has obtained permanent legal force for committing a crime that is threatened with imprisonment of 5 (five) years or more, except openly and honestly stating to the public that the person concerned is a former convict;
- h. Is physically and mentally healthy, and free from drug abuse;
- i. Is registered as a Voter;
- j. Is willing to work full time;
- k. Resign as regional head, deputy regional head, village head and village apparatus, Village Consultative Body, state civil apparatus, member of the Indonesian National Armed Forces, member of the Indonesian National Police, board of directors, commissioners, supervisory board and employee at state-owned enterprises and/or regional-owned enterprises and/or village-owned enterprises, or other bodies whose budgets are sourced from state finances, as stated in a letter of resignation that cannot be withdrawn;
- l. Willing not to practice as a public accountant; advocate, notary, land deed official, and/or not to carry out work as a provider of goods and services related to state finances and other work that may cause a conflict of interest with the duties, authorities, and

- rights as a member of the DPR, Provincial DPRD, and Regency/City DPRD in accordance with the provisions of laws and regulations;
- m. Willing not to hold concurrent positions as other state officials, directors, commissioners, supervisory boards and. employees at state-owned enterprises and/or regional-owned enterprises and other bodies whose budgets are sourced from state finances;
- n. Become a member of a political party participating in the election;
- o. Nominate only for 1 (one) representative institution; and
- p. Nominate only for 1 (one) electoral district”.

In both articles, it is not stated at all that members of the legislature who are still in office may not run again as members of the legislature, so it is appropriate if it is felt that the current regulations cannot provide legal certainty regarding the term limits of legislative members.

Law reform is an essential aspect of parliamentary democratization, ensuring that legislative frameworks evolve to meet the demands of a just, accountable, and effective governance system⁵³. In a democratic state, law reform is particularly crucial in addressing structural imbalances that may hinder fair political competition and representation⁵⁴. One key area requiring reform in Indonesia’s legislative system is the regulation of term limits for members of parliament. Unlike the executive and judicial branches, which have clear restrictions on tenure, legislative members in Indonesia can serve an unlimited number of terms, as long as they continue to be re-elected⁵⁵. This is in contrast to other democratic nations such as the Philippines, where members of the House of Representatives are restricted to a maximum of three consecutive terms, or the United States, where congressional elections are held every two years, ensuring continuous political accountability. The

⁵³ Muharuddin et al., “Journal Equity of Law and Constitutional Law Reform: Analysis and Impact,” *Journal Equity of Law and Governance* 4, no. 2 (2024): 24–32.

⁵⁴ OSCE ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (Poland: OSCE ODIHR, 2023).

⁵⁵ Mangesti et al., “Term Limitation of Indonesian Parliamentarians Seen from Constitutionalism.”

absence of such regulations in Indonesia raises several concerns, including political stagnation, lack of leadership renewal, and potential abuses of power by long-serving legislators.

One of the primary arguments for implementing term limits through law reform is to prevent the monopolization of political power by a select group of individuals⁵⁶. Without restrictions, seasoned politicians with established networks and resources hold a significant advantage over new candidates, making it difficult for emerging leaders to participate in governance^{57,58}. This lack of rotation in leadership not only limits diversity in political representation but also restricts the introduction of fresh ideas and perspectives that are necessary for democratic progress. In countries where term limits are enforced, legislative bodies experience higher turnover rates, which promote political innovation and reduce the risks of entrenched corruption⁵⁹. By contrast, in Indonesia, where the same individuals can hold office indefinitely, there is an increased possibility of power concentration leading to practices such as nepotism, collusion, and policy manipulation for personal or party benefits.

Another important reason for legislative term limits is the need to enhance public trust in democratic institutions⁶⁰. Over time, prolonged tenure in office can result in a disconnect between legislators and their constituents, as politicians may become more focused on maintaining their positions rather than addressing the needs of the people. Survey data on public trust in the Indonesian Parliament (DPR) has shown fluctuations in confidence levels, often correlating with cases of political scandals, corruption, and underperformance in legislative functions.

⁵⁶ Dan Greenberg, "Term Limits: The Only Way to Clean Up Congress," 1994.

⁵⁷ Irman Puansah, Oman Sukmana, and Vina Salviana D Soedarwo, "Political Dynasties in Village Government and Their Impact on Society and Development," *IJRS: International Journal Reglement & Society* 5, no. 2 (2024): 119–36.

⁵⁸ Muhammad Mutawalli Mukhlis et al., "Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism or Republic Model," *Malaysian Journal of Syariah and Law* 13, no. 1 (2025): 35–57, <https://doi.org/10.33102/mjssl.vol13no1.760>.

⁵⁹ Rick Stepenhurst, *The Role of Parliament in Curbing Corruption* (Washington DC: The International Bank for Reconstruction and Development, 2006).

⁶⁰ J. A. Karp, "Explaining Public Support for Legislative Term Limits," *The Public Opinion Quarterly* 59, no. 3 (1995): 373–391.

Implementing legal reforms to regulate term limits could help mitigate these issues by ensuring a systematic and periodic transition of leadership, thereby strengthening accountability and responsiveness to the electorate.

Furthermore, limiting legislative tenure aligns with broader democratic principles that emphasize equal political opportunities. The Indonesian Constitution guarantees every citizen the right to participate in government, yet in practice, career politicians dominate parliamentary seats, leaving limited space for newcomers. Reforming the law to include a maximum number of terms would create a more level playing field, allowing new candidates to compete fairly and bring diverse perspectives to policy-making. Additionally, shorter or limited terms would encourage legislators to focus on achieving concrete results within their tenure, rather than relying on long-term political survival strategies that often prioritize party interests over national progress⁶¹.

In conclusion, law reform in Indonesia's legislative system is necessary to introduce term limits for parliamentary members, as seen in other democratic nations. Such reforms would help curb the excessive concentration of power, encourage leadership renewal, and enhance democratic accountability. By ensuring a more dynamic and inclusive political environment, legislative term limits would promote greater public trust, reduce the risks of corruption, and strengthen the overall democratic framework of the country. Given the long-standing challenges of political monopolization and stagnation in Indonesia's legislature, it is imperative that legal reforms address this issue to uphold the principles of fair representation, transparency, and good governance in the nation's parliamentary system.

D. Legal Objectives in Legislative Term Limits Regulation

The juridical objectives of implementing legislative term limits in Indonesia are anchored in promoting legal certainty, justice, and fairness within the governance framework. Currently, Indonesia's legal system does not impose explicit term limits on members of the legislative branch, contrasting with the executive and judicial branches, which have tenure

⁶¹ Purnomo, Raharjo, and Dewi, "It Is Necessary to Limit the Term of Office of the House of Representatives to Prevent Abuse of Authority in Indonesia."

restrictions. This absence can lead to an imbalance in the democratic process, potentially allowing legislators to entrench themselves in power indefinitely.

A recent study by Wijaya et al.⁶² delved into the legal construction of legislative term limits in Indonesia, highlighting the necessity of such limits to prevent excessive power consolidation and to ensure the rotation of political elites. The study emphasized that term limits serve as a crucial tool in maintaining a dynamic and accountable legislative body, aligning with democratic principles.

Furthermore, Reyhan⁶³ discussed the urgency of legislative term limits from Radbruch's theoretical perspective, underscoring the importance of such limits in preventing power abuses and ensuring the fair execution of legislative duties.

Comparative legal analyses reveal that countries like the Philippines have implemented legislative term limits to prevent the over-consolidation of power and to encourage political regeneration. In the Philippines, for instance, members of the House of Representatives are limited to three consecutive terms, promoting regular infusion of new perspectives into the legislative process. Adopting similar measures in Indonesia could enhance the accountability and dynamism of its legislative institutions.

Implementing legislative term limits would require amendments to existing laws related to elections, political parties, and legislative bodies. Such legal reforms would establish clear guidelines for political tenure, fostering a more accountable and transparent legislative system. By addressing these juridical objectives, Indonesia can strengthen its democratic institutions and promote a more equitable and dynamic political environment.

Beyond the juridical considerations, the philosophical underpinnings of legislative term limits are pivotal in fostering a democratic system that embodies fairness, representation, and the

⁶² Andika Wijaya et al., "Juridical Construction of Legislative Term Limits in Indonesia," *JOURNAL OF CONSTITUTIONAL AND GOVERNANCE STUDIES* 1, no. 2 (2025): 152–71, <https://doi.org/10.20885/JCGS.vol1.iss2.art3>.

⁶³ Alendra Nauval Mufti Rayhan et al., "Urgensitas Pembatasan Masa Jabatan Legislatif Perspektif Radbruk Theory," *Siyasah: Jurnal Hukum Tata Negara* 04, no. 2 (2024): 230–42, <https://doi.org/10.32332/siyasah.v4i1>.

prevention of power monopolization. The absence of term limits can lead to the entrenchment of political figures, potentially hindering the infusion of new ideas and perspectives essential for a vibrant democracy.

Term limits play a vital role in maintaining a healthy democratic system by preventing the excessive concentration of power in the hands of a few individuals. Without term limits, leaders may become entrenched in their positions, leading to stagnation, complacency, and even authoritarian tendencies. By imposing restrictions on the number of terms a leader can serve, governments can promote political competition, encourage fresh perspectives, and ensure that leadership remains dynamic and adaptable to the evolving needs of the electorate^{64,65}.

Moreover, term limits foster accountability, as leaders are aware that their time in office is finite. This limitation incentivizes them to prioritize effective governance and implement policies that genuinely benefit the public rather than focusing solely on personal or political survival. Additionally, rotating leadership helps prevent corruption and abuse of power, as long-term incumbency often increases the risk of unethical practices due to unchecked authority. Another critical advantage of term limits is that they create opportunities for new leaders to emerge, diversifying political representation and preventing a monopoly on leadership by a single individual or party. This continuous renewal strengthens democratic institutions, promotes civic engagement, and ensures that governance remains aligned with the changing aspirations of the people. In essence, term limits are a safeguard against political stagnation and a mechanism to keep leadership responsive, transparent, and accountable to the electorate.

Term limits, while often implemented to promote democratic accountability and prevent entrenched political power, may unintentionally widen ideological disparities between legislators and their constituents. This occurs because term-limited legislators, knowing

⁶⁴ Firdaus Arifin, "A Comparative Analysis of Constitutional Models for Presidential Term Limit Optimization," *Sultan Jurisprudence* 4, no. 2 (2024): 268–91, <http://dx.doi.org/10.51825/sjp.v4i2>.

⁶⁵ Muhammad Mutawalli Mukhlis, Muhammad Saleh Tajuddin, and Abdul Rahman., *Hukum Otonomi Pemerintahan Daerah Dan Pemerintahan Desa Di Indonesia* (Yogyakarta: Jejak Pustaka, 2024).

they have a finite tenure, may feel less pressure to align closely with voter preferences, instead prioritizing personal policy agendas, party ideology, or interest group influences. Additionally, as experienced legislators are replaced by newcomers, there is a risk of decreased institutional knowledge and increased reliance on unelected advisors or lobbyists, further distancing legislative decision-making from public sentiment. Consequently, rather than ensuring better representation, term limits can lead to a disconnect between elected officials and the electorate, challenging the assumption that they inherently enhance democratic responsiveness⁶⁶.

A well-functioning democracy is built upon the principles of representation, equality, and the periodic renewal of leadership. Beyond legal considerations, the regulation of legislative term limits also holds significant philosophical importance in ensuring the democratic process remains inclusive and fair. Without term limits, the risk of political stagnation and power entrenchment increases, potentially undermining democratic values and public trust.

From a philosophical standpoint, democracy is built on the principle of representation, which necessitates leadership renewal to reflect the evolving will of the people. Unlimited legislative tenure contradicts the democratic ideal of equal opportunity in governance, as it creates an entrenched political elite that hinders fresh participation.

The essence of democratic governance lies in the dynamic exchange of ideas and the continuous adaptation of laws to societal needs. Term limits promote this by ensuring that new individuals with diverse perspectives and innovative solutions have the opportunity to contribute to policymaking. Furthermore, the principle of justice within Pancasila's fifth precept, *Keadilan Sosial bagi Seluruh Rakyat Indonesia*, underscores the necessity of equitable political participation. By limiting terms, Indonesia would be reinforcing the ethical foundation of its democracy, ensuring that no single individual or group dominates legislative power at the expense of broader societal representation.

Legislative term limits can significantly reshape the distribution of

⁶⁶ Michael P. Olson, "Legislative Term Limits and Ideological Representation," *Journal of Policy History* 37, no. 1 (2025): 48–70, <https://doi.org/10.1017/S0898030624000113>.

power within a government, often producing partisan consequences. These limits, designed to promote political renewal and prevent entrenched incumbency, can unintentionally shift institutional power in ways that favor one political party over another. One key mechanism behind this effect is the differential impact of term limits on legislative experience. When experienced legislators are forced to leave office, the institutional knowledge and policy expertise they have accumulated are lost. If one party relies more heavily on long-serving legislators, it may suffer greater disruptions compared to a party that frequently rotates its representatives. This can lead to an imbalance in legislative effectiveness, policy influence, and leadership positions.

Additionally, term limits may alter the composition of political candidates and electoral strategies. Parties with stronger recruitment networks and deeper benches of qualified candidates may adapt more effectively, while others may struggle to maintain continuity in governance. The executive branch, lobbyists, and bureaucratic agencies can also gain relative power as the legislative branch experiences higher turnover, further shifting the balance of influence.

These partisan effects highlight a deeper philosophical question about the fairness of term limits in a democracy. While they aim to enhance representation and prevent career politicians from dominating the system, they may instead weaken legislative independence and tilt political competition in unintended ways. This complexity challenges the assumption that term limits inherently promote democratic balance, revealing instead that they can create new forms of inequality in political influence⁶⁷.

In essence, the philosophical objectives of implementing legislative term limits are deeply rooted in promoting democratic principles, ensuring equitable representation, and preventing the concentration of power, thereby fostering a more dynamic and fair political system.

Society plays a crucial role in shaping and sustaining a democratic government. The regulation of legislative term limits has profound sociological implications, particularly in fostering political participation,

⁶⁷ Andrew B. Hall, "Partisan Effects of Legislative Term Limits," *Legislative Studies Quarterly* 39, no. 3 (2014): 407–29, <https://doi.org/https://www.jstor.org/stable/43862497>.

enhancing public trust, and promoting equitable representation. The absence of term limits in Indonesia's legislative system affects the social fabric by reducing political inclusivity and contributing to voter apathy.

Dynasties can undermine democratic principles by consolidating political influence within specific families, restricting the broader participation necessary for a truly representative government. When power is passed down within a family, political opportunities for individuals outside these circles become significantly limited, reducing diversity in leadership and policymaking. This not only hampers meritocracy but also stifles fresh perspectives that are essential for responsive governance⁶⁸.

Furthermore, the dominance of political dynasties can create an uneven playing field in elections. Established families often have extensive networks, financial resources, and name recognition, which give them a competitive advantage over independent or emerging candidates. This can discourage political competition, making elections less about policy debates and more about lineage and legacy.

As a result, public disillusionment can grow, with citizens perceiving the political system as exclusive and resistant to change. This disillusionment often translates into decreased voter turnout and civic engagement, as people feel that their participation has little impact on the outcome. Ultimately, when political dynasties persist unchecked, democratic institutions risk becoming weakened, leading to a system that, while democratic in name, functions more like an oligarchy where power remains concentrated in the hands of a few.

These practices can hinder democratic processes by reducing political inclusivity and perpetuating power within a select group, which may contribute to voter apathy and diminished public trust in legislative institutions⁶⁹.

This indicates that democratic systems with term limits encourage greater public involvement in politics by providing opportunities for

⁶⁸ Yacov Tsur, "Political Tenure, Term Limits and Corruption," *European Journal of Political Economy* 74 (2022), <https://doi.org/10.1016/j.ejpoleco.2021.102166>.

⁶⁹ Ni Putu Ika Armitha Pratiwi and I Made Minggu Widyantara, "The Phenomenon of Political Dynasties in Regional Head Elections and Their Impact on Democracy in Indonesia," *Indonesian Journal of Law and Justice* 2, no. 3 (2025): 1–8, <https://doi.org/10.47134/ijlj.v2i3.3764>.

diverse representation. Additionally, in societies with high corruption risks, indefinite legislative tenure increases the likelihood of power abuse and favoritism, further eroding public confidence in democratic institutions. Establishing term limits would thus enhance political inclusivity, strengthen democratic engagement, and ensure governance structures remain responsive to societal needs.

By addressing these sociological objectives, Indonesia can create a more inclusive, participatory, and accountable political system that reflects the aspirations of its people.

Conclusion

The term of office of legislative members in Indonesia is regulated in Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, which is for 5 (five) years and ends when the new legislative members take their oath/promise. Unfortunately, the limitation of the term of office of legislative members has not been regulated in the Indonesian constitution or in laws and regulations. This causes someone to be able to serve as a legislative member many times and leads to violations of human rights in the fields of politics and government. This is different from the Philippines, which is also a democratic country but sets a term limit for legislative members where the term of office of senate members is 6 (six) years and can be re-elected for 2 (two) terms while the term of office of the House of Representatives is 3 (three) years and can be re-elected for 3 (three) terms. Indonesia seems to be more or less influenced by the regulations in the United States where there are also no regulations regarding term limits, only the term of office of legislative members in the United States is only 2 (two) years for each period, while Indonesia is quite long, namely 5 (five) years.

From the discussion that has been presented, it can be concluded that the advice that can be given regarding the limitation of the term of office of legislative members is that it must be regulated regarding the regulation because of the following things, namely (1) the performance of legislative members tends to be passive and not developing; (2) the authority of public officials must have a time limit so as not to carry out arbitrary actions and violate the human rights of others; and (3), the

limitation of the term of office is regulated in order to provide legal certainty because the regulation does not mention the limitation of the term of office of legislative members.

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