


Juridical Revitalization of Parliamentary Term Limits Through Justice Principles for Strengthening Good Governance

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Abstract

This study addresses the legal uncertainty surrounding the term limits of legislative members in Indonesia, encompassing the House of Representatives (DPR), Regional Representative Council (DPD), and Regional People's Representative Councils (DPRD). The core problem lies in existing laws, such as Law No. 17 of 2014 on MD3 and Law No. 8 of 2012 on Elections, which specify a five-year term but lack explicit limitations on re-election periods. This regulatory vacuum enables incumbents to hold office indefinitely, leading to significant implications for democratic quality. The research aims to analyze the legal and socio-political consequences of this unlimited tenure, including the stagnation of democratic circulation, the proliferation of political dynasties, increased risks of corruption, and declining public trust. It employs a normative-legal methodology, scrutinizing primary legal materials, academic journals, and survey data to evaluate the existing framework. Findings reveal that the absence of term limits undermines equal political opportunities, fosters political dynasties, and correlates with a high incidence of corruption cases among



legislative members. Comparative analysis with other countries, such as Venezuela and the Philippines which impose strict term limits, highlights the necessity for reform. The study concludes that amending the 1945 Constitution and revising the MD3 Law and Election Law to include clear term limitations is crucial. These legislative reconstructions are essential to foster leadership regeneration, enhance accountability, and ensure a healthy, responsive constitutional democracy in Indonesia.

Keywords: *Legislative Term Limits, Dynastic Politics, Democratic Stagnation, Legal Uncertainty, Constitutional Democracy.*

I. Introduction

Discussions on the term of office of members of the Indonesian House of Representatives are always relevant, especially in the context of political dynamics and the ever-growing demands for reform. Various current issues highlight the importance of reviewing or at least in-depth analysis of the provisions on the term of office in force. One central issue is the potential for political stagnation and oligarchy that can arise from a term of office that is too long or without clear limits. When a member of the House of Representatives can serve continuously without significant rotation, this has the potential to create consolidated power in certain individuals or groups. This consolidation of power can reduce opportunities for new figures with fresh ideas to contribute, as well as weaken accountability due to the existence of a political "comfort zone" that is difficult for voters to shake.¹ Another issue that is no less important is the effectiveness of the representation function. Too long a term of office can cause members of the DPR to lose sensitivity to constituent aspirations due to the severance of emotional and social ties with their voter base. They may tend to focus more on the interests of certain political parties or groups than on the interests of the people they represent.² On the other hand, a term of office that is too short can also cause problems, such as a lack of experience and in-depth understanding of complex legislative issues, as well as instability in the policy-making process. Finding a balance between continuity and change is a major challenge in

¹ Jurnal Politik Kontemporer, "Stagnasi Politik dan Tantangan Regenerasi Elit Legislatif," *Jurnal Ilmu Politik Indonesia* Vol. 7, No. 1 (2024): 45-62.

² Laporan Perludem, *Efektivitas Representasi Anggota Legislatif dalam Konteks Masa Jabatan*, (Jakarta: Perludem, 2023), 15-20.

formulating an ideal term of office. Furthermore, issues regarding transparency and accountability of DPR members also enrich the discourse on terms of office. Extension of terms of office or the absence of clear term limits are often associated with minimal accountability. The public tends to find it difficult to monitor the performance of individuals who have long occupied legislative seats, especially if such performance is not balanced with adequate transparency.³ The discourse on term limits emerged as one solution to encourage leadership regeneration, increase accountability, and prevent the accumulation of power that leads to abuse of authority. This is also related to public perception of the integrity of the legislative institution. Cases of corruption or ethical violations involving members of the DPR often strengthen the argument for the need for a tighter control mechanism, one of which is through a review of the term of office.

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In the post-reform Indonesian political landscape, the issue of dynasty politics has become one of the most pressing and worrying socio-political problems. This phenomenon, in which political power tends to be inherited or consolidated within one family or group of relatives, has a close correlation with the term of office of DPR members and the potential for abuse of power. The flexibility of dynasty politics practices, both openly and covertly, has serious consequences for the quality of democracy and good governance.⁴ Abuse of power by members of the DPR in the context of dynasty politics is often not only limited to financial corruption, but also to the use of positions to expand and maintain family power. DPR members who are part of a political dynasty can use their legislative influence to smooth the way for other family members to occupy public office, both at the executive and legislative levels in the regions. This can happen through political lobbying, pressure on parties, or even the use of networks and resources that have been built up over a long term of office. As a

³ Jurnal Hukum Tata Negara, "Akuntabilitas Legislatif dan Pembatasan Masa Jabatan," *Jurnal Konstitusi dan Demokrasi* Vol. 9, No. 3 (2023): 112-130.

⁴ Jurnal Studi Demokrasi, "Fenomena Politik Dinasti di Indonesia: Analisis Dampak Terhadap Kualitas Demokrasi," *Jurnal Demokrasi dan Keadilan* Vol. 5, No. 2 (2024): 78-95.

result, the meritocratic system in political recruitment is eroded, and opportunities for competent figures outside the dynasty circle are very limited.⁵

One of the main negative impacts of the flexibility of dynastic politics is the decline in public participation and trust. When people see that the path to power is determined more by bloodline or closeness to certain political figures, rather than by competence and track record, this can lead to frustration and cynicism towards the democratic process. Voters may feel that their voices are no longer significant in determining the direction of policy or electing people's representatives, because the decision has been "arranged" by the power of the dynasty. This low level of trust can in turn lead to high rates of golput (not voting) and weaken the legitimacy of representative institutions.⁶ Furthermore, dynasty politics can also exacerbate the problem of corruption and collusion. Members of parliament who come from political dynasties may have greater incentives to engage in corrupt practices in order to maintain or expand their family wealth. They also tend to form collusive networks with private parties or bureaucrats to smooth projects that benefit the dynasty, often at the expense of the public interest. Cases such as corruption in the procurement of infrastructure projects, mining permits, or other projects involving the families of officials, are clear examples of how dynasty politics can be the root of systemic corruption problems.⁷ In addition, dynasty politics can also lead to policy stagnation and lack of innovation. When power is held by the same people or from the same family circle continuously, there is a tendency to maintain the status quo and be resistant to change or new ideas that may not be in line with the interests of the dynasty. This hinders the reforms needed to address complex societal problems, and ultimately harms national development. DPR members who are trapped in the logic of dynasty politics may focus more on efforts to maintain power than on formulating progressive policies that side with the people. The issue of the flexibility of dynasty politics is increasingly relevant in the context of the DPR members' terms of office that do not have term limits. The absence of these limits indirectly facilitates the consolidation of power within political families, because they have the opportunity to continuously occupy legislative seats and build strong political networks from generation to generation. Therefore, discussions

⁵ Laporan ICW, *Politik Dinasti dan Penyalahgunaan Kekuasaan di Lingkungan Legislatif*, (Jakarta: ICW, 2022), 30-40.

⁶ Artikel Penelitian LP3ES, "Dampak Politik Dinasti Terhadap Partisipasi dan Kepercayaan Publik dalam Pemilu," *Jurnal Ilmu Sosial dan Politik* Vol. 6, No. 1 (2024): 25-40

⁷ Analisis PUKAT FH UGM, "Korupsi dan Oligarki dalam Politik Dinasti di Indonesia," *Jurnal Anti Korupsi* Vol. 4, No. 2 (2023): 60-75.

regarding the terms of office of DPR members cannot be separated from systemic efforts to overcome the practice of dynasty politics and its impacts that damage democracy.

Normatively, the main basis regarding the term of office of DPR members in Indonesia comes from the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Article 22E paragraph (1) of the 1945 UUD NRI explicitly states that "general elections are carried out directly, generally, freely, secretly, honestly and fairly every five years."⁸ Although this article does not directly regulate the term of office of DPR members, the implication is that the term of office of DPR members is five years, in accordance with the election cycle. 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 (MD3 Law), as amended several times, is the main reference. Article 175 paragraph (1) of the MD3 Law clearly states that "DPR members serve for 5 (five) years and ends when the new DPR member takes the oath/promise."⁹ However, the MD3 Law does not regulate the term limits for DPR members. The absence of this term limit is a loophole that can be exploited by dynasty politics, because it allows family members to continuously occupy legislative positions from period to period.

Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council (Election Law), as amended, regulates the process of electing members of the DPR. However, the Election Law also does not explicitly prohibit the practice of dynasty politics. Although there are several provisions that regulate the requirements for legislative candidates, such as never having been sentenced to prison based on a court decision that has obtained permanent legal force for committing a crime that is punishable by imprisonment of 5 (five) years or more (Article 68)¹⁰ This provision focuses more on the criminal aspect and does not directly address the problem of dynasty politics. Meanwhile,

⁸ Majelis Permusyawaratan Rakyat Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Pasal 22E ayat (1).

⁹ Indonesia, *Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah*, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 182, Tambahan Lembaran Negara Republik Indonesia Nomor 5568, Pasal 175 ayat (1).

¹⁰ Indonesia, *Undang-Undang Nomor 8 Tahun 2012 tentang Pemilihan Umum Anggota Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah*, Lembaran Negara Republik Indonesia Tahun 2012 Nomor 117, Tambahan Lembaran Negara Republik Indonesia Nomor 5329, Pasal 68.

Law Number 2 of 2011 concerning Political Parties regulates political recruitment and cadre formation. This law emphasizes the importance of a transparent and accountable recruitment process. Article 13 letter (e) states that political parties are required to "carry out recruitment and selection of members openly and democratically."¹¹ However, the implementation of this provision is often ineffective in preventing the practice of dynasty politics, because political parties have great autonomy in determining the candidates they will nominate. Likewise, the General Election Commission Regulation (PKPU) also does not explicitly regulate the prohibition of dynasty politics. Although the PKPU regulates the requirements for legislative candidates, its focus is more on administrative aspects and does not directly address the problem of dynasty politics.

From the above legal review, it is clear that Indonesian positive law has not comprehensively regulated and prohibited the practice of dynasty politics. The absence of a term limit for members of the DPR in the MD3 Law, as well as the absence of an explicit prohibition on dynasty politics in the Election Law and the Political Party Law, creates a regulatory gap that can be exploited to perpetuate the practice of dynasty politics. Although there are provisions on open and democratic recruitment in the Political Party Law, their implementation is often ineffective. This regulatory gap is exacerbated by the lack of an effective oversight mechanism for the practice of dynasty politics. Although there is an election supervisory institution, its authority is limited to administrative violations and election crimes, and does not directly address the problem of dynasty politics. Therefore, a revision or amendment to the relevant laws is needed to more firmly regulate the term limit for members of the DPR and the prohibition of dynasty politics. This is important to create a more just, transparent, and accountable political system, as well as to prevent abuse of power resulting from the practice of dynasty politics.

Normative-legal studies on the term of office of DPR members cannot be separated from various intellectual thoughts and theories of democracy. One of the relevant philosophical foundations is the theory of separation of powers introduced by Montesquieu. Although in principle the separation of powers in Indonesia does not adhere to a pure separation, but rather a division of power with a checks and balances mechanism, this principle remains relevant. An

¹¹ Indonesia, *Undang-Undang Nomor 2 Tahun 2011 tentang Partai Politik*, Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5189, Pasal 13 huruf (e).

unlimited term of office for members of the legislature has the potential to disrupt the balance of power and strengthen legislative dominance, or conversely, make the legislature vulnerable to intervention from other branches of power, especially if there are elements of dynastic politics in it. Furthermore, the theory of public accountability is very important in this discourse. Public accountability demands that public officials, including members of the DPR, be accountable to the people who elected them. An unlimited term of office has the potential to weaken the accountability mechanism because DPR members may feel less pressured by the threat of not being re-elected, especially if they are supported by a solid dynasty. The idea of "healthy democracy" often emphasizes the importance of changing leadership and introducing new ideas to maintain the vitality of the political system and prevent stagnation caused by the dominance of dynastic politics.

Indonesian constitutional law scholars have also expressed many views. Several experts argue that the absence of term limits for members of the DPR is a weakness in the system that must be fixed through amendments to the law, especially to stem the pace of dynastic politics. Their arguments are often based on the principles of good governance that emphasize transparency, accountability, and participation. They compare this to the system in developed countries that implement term limits for members of parliament or other legislative bodies, with the aim of preventing cronyism and maintaining the integrity of the institution from the grip of political dynasties.¹² On the other hand, there is also a school of thought that emphasizes continuity and accumulation of experience. Members of the DPR who have served for several terms certainly have a deeper understanding of the legislative process, political dynamics, and national issues. This experience can be valuable capital in formulating comprehensive and effective policies. Therefore, it is feared that overly strict term limits can eliminate "institutional memory" and hinder the efficiency of legislative work. However, this argument needs to be balanced with the risk of the emergence of destructive dynasty politics. This study will also touch on the comparative aspect of constitutional law. By analyzing the practice of term periods for members of parliament in various countries, as well as how these countries address the issue of dynasty politics through regulations or political conventions, we can gain valuable insights into the advantages and disadvantages of each model. For example, some countries have laws that

¹² Artikel Studi Komparatif, "Lessons Learned from Term Limits in Comparative Parliaments," *Journal of Comparative Politics* Vol. 12, No. 4 (2021): 210-225.

specifically prohibit or limit the practice of dynasty politics, while others rely on strong social control mechanisms and political parties. This comparison will enrich the normative-legal analysis and provide a broader perspective in formulating policy recommendations that are appropriate to the Indonesian context.

The main objective of this study is to find a point of harmony between democratic idealism and constitutional practice, especially in the context of the term of office of members of the DPR, with a focus on efforts to minimize abuse of power, including that caused by the flexibility of dynastic politics. Abuse of power can manifest in various forms, ranging from corruption, abuse of authority, to the formation of political oligarchies that dominate the legislative and decision-making processes. Unlimited terms of office, without being balanced by strong control mechanisms, have the potential to create an environment conducive to such abuses, especially with the increasingly entrenched dynastic politics.

The principle of democracy demands a circulation of power and broad participation. A fair and balanced term of office can be one instrument to realize this principle. With the change of leadership, it is hoped that new ideas, a spirit of reform, and a stronger commitment to the public interest will emerge. In addition, term limits can also increase political accountability, because members of the DPR will be more aware that they must show good performance in a certain period to gain public support and not rely on dynastic power. However, on the other hand, the state system also demands stability and efficiency. The complex legislative process requires members of the DPR who are experienced and understand its ins and outs. Therefore, the formulation of a harmonious term of office must consider both of these aspects carefully. This harmony can be achieved through a combination of appropriate regulations, effective oversight mechanisms, and a political culture that supports integrity and accountability, as well as concrete efforts to overcome the practice of dynastic politics. This normative-legal study will attempt to identify how the existing legal framework, as well as its potential amendments, can contribute to achieving this goal. Is it necessary to limit the term of office for members of the DPR to stem dynasty politics, or is it sufficient to strengthen internal and external monitoring mechanisms and tighten regulations related to political recruitment? These questions will be the core of the analysis, taking into account various perspectives and experiences. Thus, it is hoped that this study can provide constructive contributions to create a legislative institution that is more accountable,

representative, and free from the practice of abuse of power caused by dynasty politics, in order to realize justice and prosperity for all Indonesian people.

A comprehensive understanding of the term of office of DPR members is an absolute prerequisite for building a strong democratic system and effective governance in Indonesia. Through a normative-legal approach, supported by analysis of current issues, review of laws, and review of intellectual thought, it is hoped that the formulation of the term of office that is most harmonious with the principles of democracy and the needs of the state can be found. This is not merely about how long a people's representative can serve, but rather how the term of office can encourage the creation of a representative institution that is more qualified, responsive to the aspirations of the people, and most importantly, able to minimize the potential for abuse of power, including the consequences of the flexibility of dynasty politics, for the sake of realizing justice and prosperity for all Indonesian people.

II. Methods

This study comprehensively adopts the type of normative legal research with an in-depth focus on positive legal rules and norms, specifically aimed at examining the urgency of limiting the term of office of DPR RI members in the context of strengthening the principles of constitutional democracy in Indonesia. Through a statute approach, this study will analyze in detail primary regulations such as the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 2012 concerning General Elections, Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD, and DPR RI Regulation Number 1 of 2014, to identify the existence and implications of term of office regulations on abuse of power. This approach is complemented by a conceptual approach, which is used to explore the views of legal scholars and theories related to limiting power and preventing dynasty politics, enriched through literature studies on various legal, social, and political literature. All legal materials collected will then be analyzed using a descriptive analytical method (analytical prescriptive), which not only describes the existing legal framework, but also interprets, evaluates, and presents prescriptive legal recommendations to address problems, especially in preventing the practice of dynastic politics and abuse of power in order to realize a healthier and more accountable constitutional democracy. Relevant legal studies to support this research include the concept of term limits in constitutional

democracy to analyze its significance as a deterrent to the concentration of power; the balance between popular sovereignty and the limitation of constitutional rights to balance individual rights with long-term public interests; the principle of checks and balances and legislative accountability to see how limitations can improve oversight and performance; and an analysis of dynastic politics and its impact on the integrity of democracy, which shows how legal loopholes facilitate corrupt practices. In addition, comparative law with other countries that implement legislative term limits will enrich the analysis and offer valuable lessons for the Indonesian context.

III. Result and Discussion

A. The circulation of democracy is blocked due to the unlimited term of office of DPR members.

The stagnation of democratic circulation is one of the most detrimental consequences of the absence of restrictions on the term of office of legislative members in Indonesia, a problem that hampers the fundamental principles of democracy. The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) in Article 22E paragraph (1) indicates a five-year term of office according to the general election cycle. This provision is emphasized in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (UU MD3), Article 76 paragraph (4), which states that DPR members serve for five years and ends when the new DPR member takes the oath/promise.¹³ However, crucially, the MD3 Law does not regulate the period limits on how many times a member can serve again.¹⁴ This legal vacuum, which is not regulated either in the 1945 Constitution or special laws such as the MD3 Law and Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, in

¹³ Majelis Permusyawaratan Rakyat Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Pasal 22E ayat (1); Indonesia, *Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah*, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 182, Tambahan Lembaran Negara Republik Indonesia Nomor 5568, Pasal 76 ayat (4), Pasal 318 ayat (4), dan Pasal 367 ayat (4).

¹⁴ Indonesia, *Undang-Undang Nomor 17 Tahun 2014 tentang Majelis Permusyawaratan Rakyat, Dewan Perwakilan Rakyat, Dewan Perwakilan Daerah, dan Dewan Perwakilan Rakyat Daerah*, Pasal 76 ayat (4), Pasal 318 ayat (4), dan Pasal 367 ayat (4).

practice allows DPR members to hold their positions without limits as long as they are elected in the general election.¹⁵ Panggabean, Haryono, and Firmanda (2025) even stated that the implication of the absence of restrictions on the term of office of legislative members is that there are many corruption cases that ensnare legislative members, the power that legislative members have tends to be conservative which will give birth to democracy that leads to capitalist democracy and gives birth to absolutist power so that the frame that is built in legislative circles is a frame that benefits certain individuals and groups.¹⁶

Specifically, the stagnation of democratic circulation directly hampers the regeneration of political leadership in legislative institutions. Incumbents who have served for a long time tend to dominate parliamentary seats.¹⁷ The findings of the Center for Strategic and International Studies (CSIS) show that 56.4 percent of incumbent candidates were re-elected in Senayan, far exceeding newcomers who were only 43.6 percent. This incumbent dominance, often supported by strong political capital and relationships, closes democratic space for new and young figures who do not have these political elements.¹⁸ As a result, the constitutional rights of every citizen to obtain equal opportunities in government are not implemented. This creates injustice for new legislative candidates as well as minorities, young people, and women. Political parties also tend not to be optimal in cadre formation, which causes the emergence of "the same faces" in parliament, thus not giving rise to a real concept of representation. The absence of direct term limits also facilitates the flexibility of dynastic political practices, where political power tends to be inherited or consolidated within one family or group of relatives. This damages the meritocratic system in political recruitment and limits opportunities for competent figures outside the dynasty circle.

The stagnation of power circulation due to unlimited terms of office weakens the accountability mechanism of DPR members. They may feel less pressured by the threat of not being re-elected, especially if supported by solid

¹⁵ Mey Sry Rejeki Panggabean, Dodi Haryono, dan Hengki Firmanda, "Perbandingan Konstitusi Antara Indonesia Dengan Venezuela Terkait Dengan Masa Jabatan Dewan Perwakilan Rakyat," *Jurnal Ilmiah Wahana Pendidikan*, Vol. 10, No. 24.2 (Desember 2024): 619.

¹⁶ Panggabean, Haryono, dan Firmanda, "Perbandingan Konstitusi Antara Indonesia Dengan Venezuela," 621.

¹⁷ "Gagal ke Senayan, Caleg PPP Uji Aturan Masa Jabatan Anggota DPR ke MK," *Kompas.com*, 23 Oktober 2024, <https://www.kompas.com/tag/gagal+ke+senayan+caleg+ppp+uji+aturan+masa+jabatan+anggota+dpr+ke+mk>.

¹⁸ Aulia, Saputra, dan Ridho, "Urgensi Pembatasan Periodisasi Anggota Lembaga Perwakilan Rakyat," 177.

dynasty power. Power that is continuously held by the same person tends to be conservative, resistant to change, and lacks innovation. This results in policy stagnation and a lack of innovation in the formulation of laws, and has the potential to produce elitist or conservative legal products, which are actually detrimental to society. Low public trust (distrust) in legislative institutions further hampers the country's progress, because the public feels that their aspirations are not represented and fraudulent practices continue to occur.

The urgency of limiting the term of office has prompted concrete legal efforts, such as the judicial review of the MD3 Law to the Constitutional Court (MK) on October 23, 2024, filed by Muhamad Zainul Arifin, a legislative candidate who failed to advance to *Senayan*. The applicant questioned the articles of the MD3 Law that did not limit the term of office of members of parliament, considering that it contained legal uncertainty and caused a blockage in the circulation of democracy. Abdul Hakim, the applicant's attorney, explicitly stated the hope that this judicial review could create a new norm that limits someone from becoming a member of the legislature at the same level to a maximum of two terms, the same as the executive. The recommendation that emerged from this study is the need for an amendment to the 1945 Constitution and/or a revision of the MD3 Law to explicitly regulate the limitation of the term of office of legislative members, for example with a system of one mandatory break period or a maximum of two terms. Thus, it is hoped that harmony can be achieved between democratic idealism and state practice that can minimize the potential for abuse of power and encourage a healthy and accountable circulation of democracy in Indonesia.

A. Legal and Socio-Political Implications of the Term of Office of DPR Members

Amid the public spotlight on various strategic policies being discussed in *Senayan*, such as the revision of the agrarian law or the latest economic stimulus package, a fundamental issue that has long been of concern to the public has resurfaced: the unlimited term of office of members of the People's Representative Council (DPR). Although a wave of optimism accompanied the release of the Kompas Research and Development survey in June 2024 which showed an increase in the DPR's positive image by 62.6%, behind these figures, deep-rooted voices of dissatisfaction remain a major homework assignment.¹⁹

¹⁹ "Pembatasan Periode Masa Jabatan Anggota Legislatif: Limitation Periods on the People's Representative Council," *Jurnal Ilmu Hukum dan Kenegaraan Fakultas Hukum Universitas Syiah Kuala* 8, no. 3 (Desember 2020): 184-185.

This phenomenon, which is implicitly connected to the duration of power that tends to be unlimited, is increasingly relevant amidst various reports that highlight the performance of the DPR, ranging from the high perception of corruption to the minimal absorption of the people's true aspirations. The limitation of terms of office, which has been applied to executive positions, has now become a crucial debate again, questioning whether without these limitations, the DPR is truly able to represent the people's sovereignty or is actually trapped in an exclusive circle of power.²⁰

- High Perception of Corruption in the DPR, Studies show that the DPR is the top institution that is said to frequently engage in corrupt practices, a perception that underscores the urgency of term limits to limit the excessive holding of power and provide opportunities for other citizens. This implies that the public associates long terms with the potential for abuse of power. Some key points that highlight this include:
- DPR's Critical Performance in the Public Eye, Kompas Daily polls in 2001 and 2002 consistently showed that the majority of respondents rated the DPR's performance poorly, with the figure reaching 77% in May 2002. This poor assessment was associated with the DPR starting to lose its ability to respond to and express public interests, and tending to play around with personal and certain group interests. This condition, in the view of academics, can be exacerbated by the absence of term limits, which makes it "difficult for power to change, because the person occupying the position is still the same person."
- Imbalance in Aspiration Absorption, Although the DPR's positive image had improved in June 2024 (reaching 62.6% from a low of 38.8% in October 2019), critical notes from Litbang Kompas showed that only half of the people's aspirations were absorbed by the DPR, while almost all of the business people's aspirations were absorbed. This indicates that the DPR "is inconsistent in carrying out people's aspirations and is more accommodating to the interests of business groups and the government," a phenomenon that can be exacerbated by the dominance of old figures who have built strong networks with certain interests.
- Lack of Participation and Accountability, a survey by Open Parliament Indonesia (OPI) found that the majority of respondents (85.7%) had

²⁰ Tsabbitt Aqdamana, "Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat dalam Upaya Pencegahan Penyalahgunaan Kekuasaan," (Skripsi, Universitas Islam Indonesia, 2020), 8.

never been invited to an audience and Public Hearing (RDPU) of the DPR. The assessment of the DPR's performance in accommodating public participation and aspirations was also mostly considered Very Poor (34.8%) and Poor (46.34%). This unresponsiveness, coupled with the absence of term limits, can make council members feel less pressured to interact and listen to the public because their positions tend to be safe.²¹

- **Legal Vacuum and the Risk of "Capital Democracy"** The absence of term limits for legislative members in the 1945 Constitution and other laws creates a legal vacuum and is considered unfair compared to executive public offices which are limited in terms of terms. This condition is feared to give birth to a "capital democracy" where it is difficult to compete with people who have capital and have been in office for a long time, while also hampering the principles of the rule of law and people's sovereignty.

Overall, these survey data and public opinion indicate substantial public dissatisfaction with the performance and representation of the Indonesian House of Representatives. This dissatisfaction is reinforced by legal and socio-political arguments that term limits are a crucial step to prevent abuse of power, encourage political regeneration, and generate new ideas that are more responsive to public needs.²²

The extremely long tenure of Indonesian parliaments often raises public discussions about the potential for concentration of power, accountability, and political regeneration. Here are some examples of members of the Indonesian House of Representatives who are widely known to have had extremely long tenures, both current and former, along with significant controversies they have faced. The controversies listed are issues that have been in the spotlight of the mass media and have been widely discussed by the public, regardless of the final outcome of the legal or political process.

- **Said Aqil Siradj (PKB)** Has experience as the General Chairman of the Party and Chairman of the People's Representative Council at that time, and has been active since 1999. A very long term of office and leading a

²¹ "Hasil Baseline Survei Peta Jalan Open Parliament Indonesia (OPI)," *Open Parliament Indonesia*, Juli 2021, 17, <https://openparliament.id/wp-content/uploads/2021/07/2.1-Paparan-Hasil-Baseline-Survei-OPI.pdf>.

²² Ferdy Putra Ernawan dan Ahmad Sholikhin Ruslie, "Urgensi Pembatasan Masa Jabatan Anggota Legislatif dalam Upaya Pencegahan Penyalahgunaan Kekuasaan," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 6, no. 1 (Januari-April 2022): 63-65; "Ketidadaan Pembatasan Masa Jabatan Anggota Legislatif Dalam UU MD3 Dipersoalkan," *Mahkamah Konstitusi Republik Indonesia*, Desember 3, 2024, <https://testing.mkri.id/berita/ketidadaan-pembatasan-masa-jabatan-anggota-legislatif-dalam-uu-md3-dipersoalkan-21910>.

strong party and legislative institution, shows the potential for continuous concentration of power and influence.

- **Aburizal Bakrie (Golkar)** Served several terms from the New Order to post-Reformation. Controversy related to the Lapindo Brantas mudflow case, as well as the issue of alleged BLBI corruption have surfaced. A long term of office in parliament, combined with party leadership and business influence, highlights the intersection between political and economic power that can last a long time without periodic limitations.²³
- **Puan Maharani (PDI Perjuangan)** Has served several terms since 2009 and is currently the Speaker of the Indonesian House of Representatives. She is often a symbol of "dynastic politics" given her position as the daughter of the General Chair of the PDI Perjuangan. Controversy related to her leadership style and certain policies as Speaker of the Indonesian House of Representatives has also often been in the public spotlight. Her central position in a strong political dynasty and continued tenure in parliament directly illustrate how kinship can facilitate the continuation of political power without any term limits.²⁴
- **Setya Novanto (Golkar)** Served several terms since 1999. He was proven to be involved in the corruption case of the E-KTP procurement project (has been convicted and served time), and is known for other controversies such as the 'Papa Minta Saham' case and various other ethical scandals. His very long tenure, culminating in a series of significant corruption cases and ethical scandals, makes him the most extreme example of the potential for abuse of power that comes from a figure who has been in power in parliament for too long.²⁵
- **Tjahjo Kumolo (PDI Perjuangan)** Served several terms from 1987 to 2014 in the DPR, and was Minister of Home Affairs. During his tenure in the DPR and as Secretary General of PDI-P, he was often involved in debates and strategic political maneuvers of his party. His very long

²³ Polemik Ganti Rugi Lapindo Brantas dan Tanggung Jawab Keluarga Bakrie," *Kompas.com*, Mei 29, 2024, <https://money.kompas.com/read/2024/05/29/180000326/polemik-ganti-rugi-lapindo-brantas-dan-tanggung-jawab-keluarga-bakrie>; "Kilas Balik Kasus BLBI dan Sosok Para Obligornya," *CNN Indonesia*, Agustus 31, 2021, <https://www.cnnindonesia.com/ekonomi/20210831131102-532-687889/kilas-balik-kasus-blbi-dan-sosok-para-obligornya>.

²⁴ Mengapa Puan Maharani Sulit Dilepaskan dari Label Politik Dinasti?" *BBC News Indonesia*, Oktober 2, 2019, <https://www.bbc.com/indonesia/indonesia-49890250>.

²⁵ Kronologi Lengkap Kasus Korupsi E-KTP Setya Novanto," *CNN Indonesia*, April 24, 2018, <https://www.cnnindonesia.com/nasional/20180424164500-12-293121/kronologi-lengkap-kasus-korupsi-e-ktp-setya-novanto>; "Skandal 'Papa Minta Saham' Setya Novanto," *Tempo.co*, Desember 16, 2015, <https://nasional.tempo.co/read/729227/skandal-papa-minta-saham-setya-novanto>.

tenure, moving from the legislature to the executive and back again, shows a pattern of political figures who are continuously in the circle of central power without any periodic limitations.²⁶

- **Fadli Zon (Gerindra)** Served several terms since 2009. He was often involved in controversies over sharp political statements, harsh criticism of the government, and polarization of public opinion. His long tenure in parliament, with the role of a very vocal "voice" of the opposition, shows how a vocal figure can maintain his position without limits, which sometimes leads to polarization.²⁷

Overall, these case examples empirically support the narrative that the absence of term limits in the Indonesian House of Representatives has the potential to have a significant negative impact on the quality of democracy, parliamentary integrity, and constitutional principles.

B. Reconstruction of Controversial Articles and Legal Uncertainty of Legislative Term

A. Review of Legislative Term Regulations.

The absence of term limits is considered to hamper political circulation and leadership regeneration. Incumbents who already have strong networks and political capital tend to dominate, reducing opportunities for new figures. This causes stagnation in policy reform and contributes to declining public trust in legislative institutions. The resulting legislative products are often considered elitist, far from the aspirations of the people, and reflect the interests of certain groups rather than reflecting a just national legal policy.²⁸ This weakness can be reviewed using Lawrence M. Friedman's legal system, which includes three aspects, namely substance, structure, and legal culture. The absence of norms regarding term limits in the Election Law creates significant legal loopholes and hinders fair and structured legislative regeneration. The provisions in the Articles

²⁶ Rekam Jejak Tjahjo Kumolo, Politikus Senior yang Berpulang," *Liputan6.com*, Juli 1, 2022, <https://www.liputan6.com/news/read/4996924/rekam-jejak-tjahjo-kumolo-politikus-senior-yang-berpulang>.

²⁷ Kontroversi Pernyataan Fadli Zon, dari Kritik Jokowi hingga Terorisme," *Kompas.com*, November 15, 2021, <https://nasional.kompas.com/read/2021/11/15/12472911/kontroversi-pernyataan-fadli-zon-dari-kritik-jokowi-hingga-terorisme>.

²⁸ uniati, "Rekonstruksi Regulasi Masa Jabatan Anggota Legislatif Berdasarkan Nilai Keadilan" (Disertasi Doktor Ilmu Hukum, Universitas Sebelas Maret, 2023), 56.

of Association/Bylaws (AD/ART) of political parties that regulate term limits do not have nationally binding legal force, so they are unable to regulate the representation system as a whole. In terms of legal structure, the absence of real commitment from legislative institutions and the fact that this issue has not been included in the Prolegnas reflects resistance to change, even though term limits have long been consistently applied to executive institutions based on the mandate of the constitution. This inequality creates systemic injustice in the design of the Indonesian state. Meanwhile, from the aspect of legal culture, the weak public awareness and minimal public participation in encouraging the renewal of this rule further strengthen the unfair status quo, due to the absence of education and systematic campaigns that encourage the importance of term limits to maintain the health of democracy and the supremacy of law.²⁹

B. International Comparative Study

Legislative systems in different countries show different approaches to the term of office of legislators, but all emphasize the principle of rotation of power and accountability. In the United States, a bicameral system allows for periodic rotation of power without explicit term limits, with members of the House of Representatives elected every two years and Senators every six years, creating a balance between stability and public scrutiny. Australia has a six-year term for members of the Senate with a rotation system of half the seats each election, which, while without explicit limits, still encourages periodic political renewal. Meanwhile, Austria emphasizes the principle of popular sovereignty through a strong constitution and the institution of the Constitutional Court as an effective legislative check, demonstrating a commitment to the rule of law and political justice in the arrangement of legislative power.³⁰

C. Urgency of Norm Reconstruction

The core of this analysis emphasizes that limiting the term of office of legislative members is an urgent need to achieve political justice. The justice in question is substantive, namely providing fair, proportional, non-discriminatory treatment, and maintaining a balance between citizen rights and restrictions on power.³¹ The reconstruction of values is aimed at adjusting the policy of term of office with the spirit of healthy and dynamic democracy. Meanwhile, the reconstruction of norms is realized through revisions to the provisions in the Election Law, such as the implementation of a maximum limit of two terms of

²⁹ Yuniati, "Rekonstruksi Regulasi," 65.

³⁰ Yuniati, "Rekonstruksi Regulasi," 68-70.

³¹ Yuniati, "Rekonstruksi Regulasi," 80-82.

office and the verification mechanism for candidates by the KPU based on the principle of justice. This comprehensive approach is intended to prevent the accumulation of power, encourage regeneration in the legislative body, and strengthen the legitimacy and public trust in the people's representative institutions.³²

IV. Conclusion

Based on an in-depth analysis of the regulation of the term of office of members of the people's representative institutions in Indonesia, it can be concluded that the absence of restrictions on the term of office is a fundamental legal loophole that significantly hampers the harmonization of constitutional democracy. Crucial articles in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law), such as Article 76 paragraph (4) for the DPR, Article 252 paragraph (5) for the DPD, and Article 318 paragraph (4) and Article 367 paragraph (4) for the Provincial and Regency/City DPRD, only stipulate a five-year term of office without limiting the number of terms of office. This legal uncertainty is exacerbated by Law Number 8 of 2012 concerning General Elections which does not require a period limit for legislative candidates, as well as the autonomy of political parties in recruitment which often facilitates the practice of dynasty politics.

The weakness of this regulation has direct implications for the stagnation of democratic circulation and the emergence of the phenomenon of political oligarchy. The dominance of incumbents in parliamentary seats, as seen from the data that 56.4 percent of incumbent candidates were re-elected, hinders leadership regeneration and closes access for new competent figures. Another serious impact is the increased risk of abuse of power and corruption. Data shows that there were 49 members of the DPR caught in corruption cases in the 2004-2009 period, 23 members in 2014-2019, 184 DPRD members since 2020, and a total of 586 DPR/DPRD members have become suspects in the last 10 years. This phenomenon is reinforced by the fact that members who have served for a long time tend to be more adept at manipulating the budget for personal and party interests, even potentially leading to "capital democracy" where political capital is the main determinant.

Comparison with legislative systems in other countries highlights the importance of term limits. Venezuela, for example, strictly limits the term of

³² Yuniati, "Rekonstruksi Regulasi," 105.

National Assembly deputies to a maximum of two terms. The Philippines even implements a single term with a six-year term. While the United States does not have strict term limits for Congress, the rotation system through two-year terms for the House of Representatives and six-year terms for Senators inherently encourages periodic circulation and accountability. This contrasts sharply with Indonesia, where the term of the President and Vice President has been limited to a maximum of two terms under Article 7 of the 1945 Constitution of the Republic of Indonesia, but similar limits are not applied to the legislature, creating systemic inequities.

Therefore, to realize political justice, minimize abuse of power, and ensure a healthy circulation of democracy, it is necessary to reconstruct the regulation of the term of office of legislative members. Fundamentally, the ideal periodization limitation is regulated in the 1945 Constitution of the Republic of Indonesia through amendments, in order to provide a strong constitutional basis. In addition, the revision of the MD3 Law and the Election Law is crucial to implement this limitation specifically. Concrete recommendations include the addition of conditions to Article 240 Paragraph 1 letter q of the Election Law, as proposed by Yuniati (2023), which limits candidates to "never having served as a member of the council or having served as a member of the council for 1 term". The addition of a new paragraph to Article 248 of the Election Law is also recommended so that the General Election Commission (KPU) verifies candidates based on the value of justice. These steps will not only encourage leadership regeneration and equal political opportunities, but also increase accountability and public trust in legislative institutions, ensuring that people's representatives are truly dedicated to the country and not simply using power for personal or dynastic interests.

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