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RESEARCH ARTICLE

PROMOTING THE GOOD GOVERNANCE
BY ADVANCING THE ROLE OF
PARLIAMENTARIANS AND THE TERM
OFFICES LIMITATION (COMPARING
NIGERIA AND INDONESIA)

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ABSTRACT

In the 21st century new world order, there is growing interest more than ever before in issues related to democracy and good governance around the world. This is a reflection of the increasing acceptance of the fact that democracy and good governance are not a luxury, but a fundamental requirement to achieve sustainable development.

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Parliament as of the key state institutions in a democratic system of governance have a critical role to play in promoting democracy and good governance. As the democratically elected representatives of the people, parliaments have the honourable task to ensure good government by the people and for the people. In the performance of their key functions of legislation, representation and oversight, parliaments encounter challenges that negatively affect their efforts in promoting democracy and good governance. The paper attempts to discuss the concept of parliamentary governance and the contribution of the parliament in consolidating democracy in Indonesia and Africa. This includes examining how parliaments respond to the growing public pressure for greater involvement, information, accountability and better service delivery to the citizens and the limitation of term offices and one of the accountability processes. The paper argues that parliamentary governance is the basic parameter in assessing the progress of democracy in a country and concludes that lack of it is the source of poor governance with the attendant political, economic and social problems in a state.

Keywords: Good Governance, Democracy, Role of Government, Parliamentary Control

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INTRODUCTION

IN THE NEW era of democratization, the common wisdom is that parliamentary governance is the main thrust of promoting democracy and good governance. The understanding is that in the absence of the parliament, democracy and good governance cannot thrive. This view was championed by Lipset¹ but was challenged by Samuel Huntington in the late 1960s. According to Huntington, the promotion socioeconomic development through parliamentary governance required strong government, strong states, and strong political institution (what he called political development) rather than democracy.²

On the other hand, in many countries there are various practices of authoritarianism and absolute power, including how the power of parliament in government is. In addition, the debate between bicameral practice or not, irrelevant policies, and the crisis of parliamentary accountability in the modern era is now a problem and a challenge in almost all countries in the world.³

¹ Seymour Martin Lipset, *Democracy and working-class authoritarianism*, 53 AMERICAN SOCIOLOGICAL REVIEW 482-501 (1959). See also Seymour Martin Lipset, *Some social requisites of democracy: Economic development and political legitimacy*, 53 AMERICAN POLITICAL SCIENCE REVIEW 69-105 (1959).

² SAMUEL P. HUNTINGTON, "THE CLASH OF CIVILIZATIONS?." IN CULTURE AND POLITICS. (New York: Palgrave Macmillan, 2000), at. 99-118. See also Samuel P. Huntington, *Will more countries become democratic?* 99 POLITICAL SCIENCE QUARTERLY 193-218 (1984).

³ GIOVANNI SARTORI, "PROBLEMS WITH PARLIAMENTARY SYSTEMS". IN COMPARATIVE CONSTITUTIONAL ENGINEERING: INTERNATIONAL ECONOMIC ASSOCIATION SERIES. (London: Palgrave Macmillan, 1994); KAARE STRØM, WOLFGANG C. MÜLLER, AND TORBJÖRN BERGMAN, DELEGATION AND ACCOUNTABILITY IN PARLIAMENTARY DEMOCRACIES (Oxford: Oxford University Press, 2015); Karl Dietrich Bracher, *Problems of Parliamentary Democracy in Europe*, 93 DAEDALUS 179-198 (1964). In a similar context, even

Power tends to corrupt, absolute power corrupts absolutely, as emphasized by Lord Acton, where the practice of power absolutism encourages various corrupt practices in various parts of the world. Various abuses of power and corruption have also developed into political and policy corruption. Absolute power has a tendency to act dominantly, to influence, and at the same time to control so that power is solid. So, to ensure the implementation of policies in an accountable and transparent manner, the law is used as a tool to

members of parliament are always linked between political recruitment patterns and voter attractiveness. For example, in the United States political tradition, the basis for determining members of parliament lies in attractiveness to voters and adherence to political party programs. This means that popularity with the work program of political parties is a consideration for the voting community. Accordingly, the American political system distinguishes four types of members of parliament. First, agents of political parties, where members of parliament are elected for the purpose of influencing political policy making. Second, candidates for parliamentarians are candidates from outside the party, namely very influential or popular figures who are expected to raise the party's prestige. Third, members of parliament are people who have famous careers. Fourth is entrepreneurship, where this member of parliament is more interested in the instrumental values of political activities. Their main goal is to advance their personal career. This condition occurs in many countries, not only America, but also Indonesia and various other countries. See also Sebastian Salang, *Parlemen: Antara kepentingan politik vs aspirasi rakyat*, 3 JURNAL KONSTITUSI 90-120 (2006); Dahlan Thaib, *Menuju Parlemen Bikameral (Studi Konstitusional Perubahan Ketiga UUD 1945)*, 10 JURNAL HUKUM IUS QUIA IUSTUM 85-97 (2003); MUCHAMMAD ALI SAFA'AT, *PARLEMEN BIKAMERAL: STUDI PERBANDINGAN DI AMERIKA SERIKAT, PERANCIS, BELANDA, INGGRIS, AUSTRIA, DAN INDONESIA*. (Malang: Universitas Brawijaya Press, 2010); Nathalie Brack, and Olivier Costa, *Democracy in parliament vs. democracy through parliament? Defining the rules of the game in the European Parliament*, 24 THE JOURNAL OF LEGISLATIVE STUDIES 51-71 (2018); Virdatul Anif, *Arah Politik Hukum Kebijakan Perlindungan HAM di Indonesia*, 1 LEX SCIENTIA LAW REVIEW 5-18 (2017); Hagi Hutomo Mukti, and Rodiyah Rodiyah, *Dynasty Politics in Indonesia: Tradition or Democracy?*, 1 JOURNAL OF LAW AND LEGAL REFORM 531-538 (2020). Yunas Luluardi, and Ayon Diniyanto, *Political Dynasty in Law and Political Perspective: To What Extent Has the Election Law Been Reformed?*, 2 JOURNAL OF LAW AND LEGAL REFORM 109-124 (2021).

regulate so that the power held is not absolute. Interestingly, the relationship between law and power creates interests. If the power is more absolute than the law, then in Mahfud's view it will give birth to a political determinant of law where political power stands above the law.⁴ According to Mahfud, this is because law is the result or crystallization of political wills that interact and (even) compete with each other. On the other hand, if law is stronger than power, then law is the determinant of politics in the sense that political activities are regulated by and must be subject to legal rules. Power does have a tendency to act dominantly, dominate and influence so that power is solid. Power tends to strengthen and maintain power. Therefore, the law serves to limit the power that exists in the state.⁵

⁴ MOH. MAHFUD MD, *POLITIK HUKUM DI INDONESIA* (Jakarta: LP3ES, 2001), at. 8.

⁵ The issue of abuse of authority, whether corruption, trading influence or others, is often a problem. If examined more specifically the concept of abuse of authority must be seen from what was misused or misused when the person concerned was in office. In abusing authority, it must be used for the benefit of individuals, groups or to gain power for unilateral interests. In criminal law, the authority related to public officials, whether it is binding authority or free authority, is not the domain of criminal law. This is only included in the realm of criminal law, if the abuse of authority is not administrative in nature but causes harm to many people and the country. In this case, what often happens is collusion, corruption, nepotism, smuggling of goods or taxes and selling influence. For further discussion and comparison, *please see* KEMPE RONALD HOPE, *CORRUPTION AND DEVELOPMENT IN AFRICA*", IN *CORRUPTION AND DEVELOPMENT IN AFRICA*. (London: Palgrave Macmillan, 2000), at. 17-39; Giorgio, J. Paul Dunne d'Agostino, and Luca Pieroni, *Corruption and growth in Africa*, 43 *EUROPEAN JOURNAL OF POLITICAL ECONOMY* 71-88 (2016); Gbenga Lawal, *Corruption and development in Africa: challenges for political and economic change*, 2 *HUMANITY AND SOCIAL SCIENCES JOURNAL* 1-7 (2007); Geetha A. Rubasundram, and Rajah, *Corruption and good governance*, 36 *JOURNAL OF SOUTHEAST ASIAN ECONOMIES* 57-70 (2019); Azhar Kasim, *Bureaucratic reform and dynamic governance for combating corruption: The challenge for Indonesia*, 20 *INTERNATIONAL JOURNAL OF ADMINISTRATIVE SCIENCE & ORGANIZATION* 18-22 (2013); Kelly Bryan Ovie Ejumudo, and Tobi Becky Ejumudo, *Corruption and Development in Nigeria: A Study of Ondo State*, 7 *LAW RESEARCH REVIEW QUARTERLY* 153-166 (2021).

In the light of this reasoning, the right question is: if democracy with good governance promotes socio-economic development, how do we promote democracy and good governance? What kind of institutions are beneficial in promoting good governance? And what is the role of the parliament in promoting good governance? The purpose of this paper is to answer this question.

PARLIAMENT & GOOD GOVERNANCE: CONCEPTS & PRACTICES

ACCORDING TO HANAFI⁶, Parliament is the organ of the government saddled with the responsibility of making laws for the peace and orderliness of a country. Parliament in a presidential system of government is called the Legislative Assembly (The Legislature). The structure and functions of the legislature varies from country to country. However, the principal function all over the world is to make law. For instance, in Nigeria, Section 4(1) of the 1999 Constitution of the Federal Republic of Nigeria provides that "The legislative power of the Federal Republic of Nigeria shall be vested in the National Assembly for the federal which shall consist of a Senate and a House of Representatives." The above provision of the 1999 Constitution of the Federal Republic of Nigeria is similar to the provision of Article 1 section 1 of the American Constitution which states that: "The legislative power shall be vested in the Congress consisting of the Senate and House of Representatives." Similarly, United Kingdom operates a bicameral legislature which consists of House of Commons, the Lower House and House of Lords, the Upper

⁶ Hanafi A. Hammed and Adio S. Wahab, *Ensuring good governance through parliamentary control of administrative agencies: A critique*, 3 NNAMDI AZIKIWE UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND JURISPRUDENCE 69-82 (2012).

House. Though the two houses are responsible for law making for the country, yet also by design, the House of Lords is equally the highest court in Britain.⁷ However, the term parliament is generally identified with the British system of government and derived from the Anglo-Norman concept. It is originated from the verb parler which means 'talk'.⁸ From its origin, the meaning of parliament is a platform or house of talk or discussion for any issue related to the citizens to make decisions or policies based on consensus among citizens or their representatives.

Meanwhile, in Indonesia practice and discourse, the 1945 Constitution has been amended four times, including the establishment of a Constitutional Court with special authority to carry out checks and balances through what is called a judicial review of the law as a legal policy towards the Constitution which is an orderly constitution. the constitution which is the highest legal norm which is full of the value system adopted. Therefore, judicial review with the authority of the Constitutional Court to examine laws against the 1945 Constitution, has therefore become the main element of the implementation of the constitution, constitutionalism and the rule of law. As the highest institutional statement in a constitutional state, the Constitutional Court has a special task that is formulated in the constitution, especially when a branch of state power is suspected of violating the constitution, must be heard before the Constitutional Court. This instrument makes the 1945 Constitution enforceable, because conflicts that arise between the text of the constitution and

⁷ *Id.*

⁸ Navid Safiullah, *Effectiveness of Parliamentary Standing Committees in Bangladesh*, THESIS, (Dhaka: Centre for Governance Studies, BRAC University, 2006).

the policies outlined can be disputed and given unconstitutional sanctions by the Constitutional Court.⁹

Having laid down the above background, the next important issue to examine is the concept of parliamentary governance. Before proceeding to look at parliamentary governance, it is necessary to examine the concept of governance itself first before looking how the parliament is involved in promoting good governance. Governance here is “good governance.” Good governance some scholars argue is a system of government based on good leadership, respect for rule of law and due process, accountability of political leadership to the electorates as well as transparency in the operations of government.¹⁰ Good governance is also generally understood as a set of eight major characteristics, and they are: Participation, Rule of law, Transparency, Responsiveness, Consensus oriented, Equity and Inclusiveness; Effectiveness, efficiency and Accountability.¹¹ In all ramifications,

⁹ Please see also E. Zaenal Muttaqin, *Konsep Pemisahan Kekuasaan (Separation of Power) Pasca Amandemen UUD 1945 Antara Lembaga Eksekutif dan Legislatif*, 6 AL QISTHAS: JURNAL HUKUM DAN POLITIK KETATANEGARAAN 14-31 (2019); Zulfan Zulfan, *Analisis Pengaturan dan Praktik Pemisahan Kekuasaan Sistem Pemerintahan Presidensial Berdasarkan Konstitusi*, 25 JURNAL MEDIA HUKUM 60-67 (2018); Haposan Siallagan, *Penerapan prinsip negara hukum di Indonesia*, 18 SOSIOHUMANIORA 122-128 (2016); Suryajiyoso Suryajiyoso, *Power and Authority in the State Administration System: Comparing the Netherlands and Indonesia*, 2 JOURNAL OF LAW AND LEGAL REFORM 411-420 (2021); Nurfaika Ishak, Rahmad Ramadhan Hasibuan, Tri Suhendra Arbani, *Bureaucratic and Political Collaboration Towards a Good Governance System*, 8 BESTUUR 19-26 (2020); Standy Wico, Michael Michael, Patricia Louise Sunarto, and Anastasia Anastasia, *The Future of Constitutional Complaint in Indonesia: An Examination of Its Legal Certainty*, 2 INDONESIAN JOURNAL OF LAW AND SOCIETY 59-78 (2021); Iwan Satriawan, and Khairil Azmin Mokhtar, *The Role of Indonesian Constitutional Court in Resolving Disputes among the State Organs*, 5 HASANUDDIN LAW REVIEW 159-179 (2019).

¹⁰ Hammed and Wahab, *Supra* note 7.

¹¹ Nik Ahmad Kamal Nik Mahmud, "Good Governance and the Rule of Law", THE FIRST INTERNATIONAL CONFERENCE ON LAW, BUSINESS AND GOVERNMENT 2013, Universitas Bandar Lampung, Indonesia, 45-55. See also MICHAEL JOHNSTON,

good governance presupposes functioning state institutions, existence of decision-making process, policy formulation, information flows, effectiveness of leadership and transparent relationship between the rulers and the ruled, particularly on the allocation of scarce resources and power to allocate resources in the society. As Billy Dudley in his book *“Instability and Political Order: Politics and*

GOOD GOVERNANCE: RULE OF LAW, TRANSPARENCY, AND ACCOUNTABILITY (New York: United Nations Public Administration Network, 2006) at. 1-32; Yu Keping, *Governance and good governance: A new framework for political analysis*, 11 FUDAN JOURNAL OF THE HUMANITIES AND SOCIAL SCIENCES 1-8 (2018); Indah Sri Utari, and Ridwan Arifin, *Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?*, 1 JOURNAL OF LAW AND LEGAL REFORM 1-4 (2020); Wahyu Widodo, Sapto Budoyo, and Toebagus Galang Windi Pratama, *The role of law politics on creating good governance and clean governance for a free-corruption Indonesia in 2030*, 13 THE SOCIAL SCIENCES 1307-1311 (2018). In the further context, good governance is basically a concept that refers to the process of achieving decisions and their implementation that can be accounted for together. As a consensus reached by the government, citizens, and the private sector for the administration of government in a country. Good Governance in Indonesia itself began to be really pioneered and implemented since the outbreak of the Reformation era where in that era there was an overhaul of the government system that demanded a clean democratic process so that Good Governance is one of the reform tools that absolutely must be applied in the new government. However, when viewed from the development of the Reformation that has been running so far, the implementation of Good Governance in Indonesia cannot be said to be fully successful in accordance with the ideals of the previous Reformation. There are still many frauds and leaks in budget management and accounting which are the two main products of Good Governance. See also Eka Pala Suryana, and Miftahul Akla, *Regional Financial Transparency Towards Independence of Development and Good Governance*, 5 JILS (JOURNAL OF INDONESIAN LEGAL STUDIES) 75-94 (2020); Ellectrananda Anugerah Ash-shidiqqi, and Hindrawan Wibisono, *Corruption and Village: Accountability of Village Fund Management on Preventing Corruption (Problems and Challenges)*, 3 JILS (JOURNAL OF INDONESIAN LEGAL STUDIES) 195-212 (2018); Nadir Nadir, *The Paradigm of The General Principles of Good Governance as Examination Method of Indonesian Presidential Impeachment Based on The Perspective of Ethical Control*, 7 PADJAJARAN JURNAL ILMU HUKUM 141-157 (2020).

Crisis in Nigeria”, where there are failures in governance, violent conflicts are inevitable as peace and stability are absent.¹²

PARLIAMENTARY GOVERNANCE & THE ROLE OF PARLIAMENT

MUCH AS THE TYPES and nature of parliament vary in size and tenure, there are basic functions of parliament such as representation, lawmaking, and oversight. As representatives of the people, and as the supreme lawmaking institution in a nation, parliaments are designed to oversee executive spending and performance. Though, as Mollah argued, governance of a country depends on numerous factors, actors and institutions, but how, and how successfully, parliament carries out these functions is crucial.¹³ Against these problems, the paper examines these three functions of parliament in ensuring good governance based on core elements of governance like participation, rule of law, accountability and transparency.

1. Participation by Representation

All over the world, the parliament is responsible for representing the diversified will and demand of common people in the society. A democratically elected parliament is the only true voice of the people and accountable to the people by serving as the basic plank of a democratic system. Besides, the quality of elections is crucial as

¹² BILLY J. DUDLEY, *INSTABILITY AND POLITICAL ORDER: POLITICS AND CRISIS IN NIGERIA*. (Ibadan: Ibadan University Press, 1973).

¹³ Md Mollah, and Awal Hossain, *Administrative Reforms and Governance in Bangladesh: How Far the Dream of Success?* 2 GLOBAL JOURNAL OF ARTS HUMANITIES AND SOCIAL SCIENCES 26-52 (2014).

parliaments can hardly fulfil their roles, especially the role of representation, if elections are flawed.¹⁴

2. Lawmaking & Rule of Law

The second function of parliament in the search for good governance is making necessary laws and policies by reflecting people's willingness, needs and expectations to govern the state's affairs. Effective parliament or legislature ensures representations of diversified societies to reach agreements on policy, taxing and budget spending based on consensus. However, the function of legislation of parliament requires both capacity and cooperation. In other words. Effective legislation rests on two pillars: parliaments need to have the required expertise and support to make effective and fair laws; and there must be a sense of minimum cooperation within parliament and between the legislature and the executive, in particular as regards the sensitive issues of state.¹⁵ Laws must be efficient and effective, and laws must be enforceable In conformity with the Idea of democratic society.

3. Accountability & Transparency through Oversight

Oversight is one of the legislature's "check and balance" functions, through which it seeks to ensure that programmes are carried out legally, effectively, and for the purpose for which they were intended.¹⁶

¹⁴ UNECA, *STRIVING FOR GOOD GOVERNANCE IN AFRICA* (Addis Ababa, Ethiopia: UNECA, 2004).

¹⁵ *Id.*

¹⁶ *Id.*, See also IPU & UNDP, *PARLIAMENTARY OVERSIGHT: PARLIAMENT'S POWER TO HOLD THE GOVERNMENT TO ACCOUNT: GLOBAL PARLIAMENTARY REPORT 2017*

The parliament is the only State institution that can hold the government accountable by hearings, question period, and committee of inquiry.¹⁷ Effective oversight makes parliament more functional to ensure the overall well-being of the common people. By strengthening of the system of oversight, parliament becomes stronger as an institution and thus enjoys greater legitimacy.¹⁸ In the case of gross misconduct of the President or Governor, parliament can impeach the President (UNECA).

PROBLEMS & CHALLENGES OF PARLIAMENT

SEVERAL FACTORS facilitate to confirm a parliament's level of independence and power, and whether or not it is classified as rubber stamp or mere arena for talks. Some of the major problems are:

1. Political and Electoral System

The role of political parties and the election result greatly influence the effectiveness of parliament. Therefore, the election should be free, fair, credible and participatory so that every voter can apply his/her voting right to elect their chosen candidate. In a parliamentary democracy, the majority party or coalition selects the chief executive from amongst its members and even cabinet members are also

(Inter-Parliamentary Union and United Nations Development Programme, 2017). Online available at: https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Parliamentary%20development/global%20parliamentary%20report_EN.pdf.

¹⁷ Rounaq Jahan, *The Parliament of Bangladesh: Representation and Accountability*, 21 THE JOURNAL OF LEGISLATIVE STUDIES 250-269 (2015).

¹⁸ IPU & UNDP, *Supra* note 16.

selected from the majority party.¹⁹ A loss of support or vote of no confidence in the government results in both the government and parliament leaving office.²⁰ Besides, the high command of the party determines who will a nomination for election by the exchange of money.²¹ So, most of the candidates nominated as business group, not from a politician. Therefore, the parliamentarians are not expert enough in politics, policy and governance issues.

2. Lack of Political will and Institutional Consciousness

In many legislatures, member loyalties to political parties or leaders far outweigh concerns for the legislature as an institution. An institutional consciousness may be weak or non-existent and members lack a vision or concern for the power and development of their legislature. Unless at least some key members are concerned about legislative power and good governance and the legislature as an institution, it is unlikely to improve.

3. Poor Perceptions by and Relations with Civil Society

Individual and groups in civil society may not understand the workings of the legislature and are often unskilled in articulating their needs to the legislature. In many systems, legislators and constituents rarely interact, and institutional weaknesses make it difficult for

¹⁹ JOHN K. JOHNSON, *THE ROLE OF PARLIAMENT IN GOVERNMENT*. (Washington, D.C. USA: The International Bank for Reconstruction and Development/ The World Bank, 2005).

²⁰ Rounaq Jahan, *Supra* note 17.

²¹ HAROLD D. LASSWELL, AND ABRAHAM KAPLAN, *POWER AND SOCIETY: A FRAMEWORK FOR POLITICAL INQUIRY* (London: Routledge, 2017); David Easton, *Harold Lasswell: Policy scientist for a democratic society*, 12 *THE JOURNAL OF POLITICS* 450-477 (1950).

legislators to respond to citizen needs even when they understand them. A legislature unresponsive to the needs of the electorate will tend to lack public support. Finally, legislators often poorly represent women and other marginalized groups in the society.

4. Constitutional Barrier

The last military administration in Nigeria produced the 1999 Constitution of the Federal Republic of Nigeria which is inherently ambiguous in most of its provisions. This has engendered increasing rate of political party defection thereby endangering parliamentary governance and democratic consolidation in the country.²² Thus, the 1999 Constitution in sections 68 and 109 provide against party switching with a condition. For instance, section 68 (1) (g) states thus:

A member of the Senate or the House of Representatives shall vacate his seat in the House of which he is a member if being a person whose election to the house was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House was elected. Provided that his membership of the latter political party is not as a result of a division in the political party of which he was previously a member or of a merger of two or more political parties or factions by one of which he was previously sponsored.

Section 109 of the Constitution is also couched in the way as section 68. The implication of these provisions is that they grant open licence to parliamentarians to join another political party once there is conflict

²² Okey Ikechukwu, *Party Politics and Carpet Crossing*, ARISE NEWS, November 21, 2018.

or division in their own party.²³ Therefore, the deficiencies in this provision proved a leeway and an escape root for legislators to indulge in party switching, an action which endangers parliamentary governance. However, freedom of assembly and association granted by the Constitution is another issue of concern in discussing parliamentary governance. These rights are fundamental that it is not easy to take it away from the people by any design. In this respect. The views expressed by late Williams decades ago, remain valid:

The problem of carpet-crossing is not easy to deal with...In dealing with this problem, one comes up against the fundamental rights of freedom of assembly and freedom of association and it would surely not be right to curtail the rights of members of parliament in this respect.²⁴

Part of the reason for the Supreme Court decision in the case of *FEDECO v Alhaji Mohammed Goni* (1983) NCSC 481, and *Attorney-General of the Federation v Atiku Abubakar* (2007)²⁵ is the constitutional provision of the right to peacefully assembly and association. The 1999 Constitution in section 40 provides for the right of persons to form a political party or association. That is, every person shall be entitled freely to associate with other persons, and in particular he may form or belong to any political part. This provision is an escape route for parliamentarians who join another party from their original party with the negative impact on parliamentary governance and democracy.

²³ Lawrence I. Edet, *Politics of defection and its implications on Nigeria's democracy*, 17 GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE 1-6 (2017).

²⁴ F. R. A. Williams, *Fundamental rights and the prospect for democracy in Nigeria*, 115 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1073-1090 (1967).

²⁵ The cases are available online at < <https://africanlii.org/content/attorney-general-federation-2-ors-v-alhaji-atiku-abubakar-3-ors-sc-31/2007-2007-ngsc-118-20>>

5. Inadequate Access to Information

In every democratic political system, legislatures have some responsibility for government oversight, and for analyzing and amending, or at least commenting on legislation and budgets they pass. Much of the information required for this comes from the executive, and some come from sources outside the government or even outside the country. Many legislators lack access to the information required for them to adequately analyze government proposals.

6. Inadequately Prepared Legislators

One goes to law school to become a lawyer, and to medical school to become a doctor, but how does one learn to be an effective legislator? The job of a legislator is complex, yet few legislatures provide adequate training opportunities for either new or returning members. Legislators, therefore, are often unaware of their authority, how to best organize their time and conduct their business, or how to deal effectively with citizens and the press.

7. High Rate of Turnover of Legislators in the Parliament

In most cases some legislators will serve only one term of four years and may not return for second time by losing nomination or election. Unless a legislator serves for at least two or more terms in the parliament, the required experience may not be there for delivery of good governance through legislation.

8. Poor Legislative- Executive Relations

Good relations between the legislature and the executive demand instead humility and restraint, which African presidents do not have.

As Oko posits differences and disagreements that easily yield to resolution in mature democracies prove intractable because of the undemocratic mindset so prevalent among Africa's political elites. No amount of loyalty is ever enough for leaders who generally view surrender as cooperation.²⁶ According to the scholar, they expect, indeed demand, cooperation without any reciprocal commitment to treat the legislature as a coequal branch of government. Most of them frankly require what legislators cannot and should not give them: abdication or total capitulation. For instance, a situation where the executive refuses to take and implement legislative resolutions directed at it does not help to promote parliamentary governance. Treating parliamentary resolution as a mere advisory opinion which the executive is not bound or obligated to obey is a development which impedes parliamentary governance.

THE WAY FORWARD & PROSPECT OF PARLIAMENTARY GOVERNANCE

1. Institutionalizing Credible Parliamentary Elections

Holding regular, free, fair participatory and credible elections is a first and foremost step for institutionalizing democracy. Unfortunately, this has been a challenge for some countries in Africa where interference with democratic system affects the quality of legislators that deliver democratic dividend to the people.

²⁶ OKECHUKWU CHINWUBA OKO, *LEGISLATORS IN CHANGING AND CHALLENGING TIMES: AN ANALYSIS OF THE NIGERIAN NATIONAL ASSEMBLY*. (New Jersey: Goldline and Jacobs Publishing, 2014).

2. Effective Use of Committee Power

In a democratic assembly, parliamentary governance is assured through the power of a committee system. Public accounts pressure the government to cut back corruption upon their findings through investigations. Parliaments worldwide use public hearings by parliamentarians to address problems of corruption, mal-administration, abuse of office, and crime. Parliamentary committees might have the authority to conduct investigations and fix the law and ensure due process and good governance.

3. Equipping Members and Employees

New parliamentarians come into the parliament with little or no knowledge of parliamentary work for good governance. At the same time, old timers or returnees need refresher course to cope with new developments. Orientation programmes introduce new members to legislative facilities, procedures, and processes as well as their responsibilities. It also facilitates returning members to study changes to parliament.²⁷ Members of parliament in several nations build the foremost of portable computer work programmes to change them to use email, surf web and write correspondence. Similarly, orientation and technical work programmes facilitate new skilled employees to understand the workings of parliament, and once needed, their area of responsibility.

4. Reforming Legislative and Budgetary Processes

Changes in legislative and budgetary processes can enhance the parliament's performance. Several changes in the legislative and budgetary can be considered for promoting good governance by the parliamentarians. Transparency and public participation, as well as

²⁷ JOHN K. JOHNSON, *Supra* note 19.

debate on policymaking, should be enhanced by commissioning 'white papers or background reports on critical policy issues as a prelude to the introduction of legislation.²⁸ Proposed legislation and budgets should be automatically referred to committees for scrutiny before being placed in the parliament.

5. Engagement of the Opposition

The practice of boycott or workout of the parliament by the opposition, which is unique to African parliaments, has been a major cause for the weak performance of its accountability and good governance. In a Westminster style parliamentary system, it is the opposition's special responsibility to scrutinize the work of the government as the ruling party members are expected to extend support to the executive. But according to Jahan, the opposition has boycotted more than half of the parliamentary sittings since 1995, complaining lack of opportunities to voice their concerns inside the parliament.²⁹ Bringing the opposition back into the parliament as well as keeping them engaged in parliamentary work remains the principal and most challenging task. One of the most important measures to engage the opposition is to grant it a constitutionally recognized role and status backed by earmarked resources.

²⁸ Jahan Rounaq, *The Parliament of Bangladesh: Challenges and way forward*, THE DAILY STAR, June 03, 2012. Online at <<https://www.thedailystar.net/news-detail-236719>>

²⁹ Rounaq Jahan, *Supra* note 17.

LIMITATION OF THE TERM OF OFFICES PRACTICES IN INDONESIA IN THE CONTEXT OF GOOD GOVERNANCE SYSTEM

THE EFFORTS TO LIMIT power have been practiced since the constitutional amendments after the New Order. The limitation of the term of office is one form of effort to prevent the occurrence of persistent power positions which are believed to be the main source of deviations in power. Prior to the amendment, the President and Vice President could be re-elected without any limitation on term of office. Meanwhile, after the amendment, the term of office of the President and Vice President is constitutionally limited by Article 7 of the 1945 Constitution, namely for five years and after that they can be re-elected in the same office for one term only.

This spirit was then imitated to limit the term of office of other branches of power, which are generally regulated not in the 1945 Constitution but in various laws. For example, constitutional judges can only serve for 5 years and can be re-elected for one term as stipulated in Article 22 of the Constitutional Court Law. Likewise, the chairman/member of the Judicial Commission and the Supreme Audit Agency, whose data only serves for 5 years and can be re-elected for one term. Along the way, this limitation of term of office is not only intended for state officials in the core branch of power, but also for other state officials such as leaders of the Corruption Eradication Commission, governors, regents and mayors.

But unfortunately, the limitation of term of office does not apply to members of the Legislature, both central and regional. According to Article 74 paragraph (4) of Law Number 4 of 2014, it is not clear

whether members of the legislature can run for re-election in the next election if they have been elected previously. This means that as long as the member of the House of Representatives fulfills the requirements, he or she can still run for re-election in the following elections.³⁰ In addition, there is no regulation that states in the requirements that candidates for members of the Legislature who have served as members of the legislature for 2 (two) terms cannot run for re-election like the President and other state officials.

In fact, when considering the provisions of Article 15 paragraph (1) of Law Number 30 of 2014 concerning Government Administration, it has been emphasized that the authority of government agencies and/or officials is limited by the period or grace period, the area or area of application and the scope of the field or material. As a member of the people's representative institution, the region or region, the enactment of authority and the scope of the field or material of authority have been clearly described in the Law No. 17 of 2014 concerning MPR, DPR, DPD, and DPRD (hereinafter as MD3 Law)³¹. However, regarding the period or grace period of authority,

³⁰ Article 76 paragraph (4) of the Law of the Republic of Indonesia Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representatives Council and the Regional People's Representative Council, reads: "The term of office of members of the DPR is 5 (five) years and ends on when a new member of the DPR takes the oath/promise."

³¹ The MD3 Law is the law concerning the MPR, DPR, DPRD and DPD. This law contains rules regarding the authority, duties, and membership of the MPR, DPR, DPRD and DPD. Rights, obligations, code of ethics and details of the implementation of duties are also regulated. For further and comprehensive explanation, please *also see* Meidi Kosandi, *Kontestasi Politik dan Perimbangan Kekuasaan dalam Perumusan dan Implementasi UU MD3 2014*, 1 JURNAL POLITIK 125-154 (2015); Riris Katharina, *Polemik perubahan atas UU MD3 dalam perspektif kebijakan publik*, 10 JURNAL PUSAT PENELITIAN 25-30 (2018); Budi Suparman, and Efriza Efriza, *Proses Politik Pemilihan Pimpinan DPR RI dalam Dinamika Politik Revisi UU MD3 Di DPR RI Tahun 2014-2018*, 5 JURNAL RENAISSANCE 624-636 (2020); Indah Fajar Rosalina, and Emilia, *Media Relations*

the MD3 Law only states that the term of office for members of the people's representative institutions (DPR, DPD and DPRD) is 5 (five) years. There is no clause that states "*and after that member of the people's representative institutions can be re-elected in the same office, for one term.*" This means that there is no limitation on the periodization of members of the people's representative institutions.

In addition, the existence of a term of office must also include a periodization limit as with other positions. The period of work of the House of Representatives which is not limited can result in the absence of regeneration of legislative members so that the political climate cannot develop. The limitation of the term of office of the House of Representatives can also prevent the dysfunction of members of the House of Representatives because they have served for 2 (two) terms. If there is a limitation on the term of office of the House of Representatives, the constitutional rights of every citizen can be granted, especially citizens who want to nominate themselves as members of the legislature. The regeneration cycle will run faster, party cadres will always be filled with new, innovative and productive generations who are ready to replace their senior positions.

Ideally, in the concept of limiting power, the law is made to limit power in the state. Power is very synonymous with politics, or at least because politics or every political activity always aims to achieve power, so that power is not abused, the law must control that power. Moreover, power itself can be misused, so if left unchecked, it will have an impact on the emergence of arbitrary actions by those acting

in Implementing Law No. 2 of 2018 on MD3, 13 JURNAL BINA PRAJA: JOURNAL OF HOME AFFAIRS GOVERNANCE 171-182 (2021); Jonathan Chen, and Keoni Indrabayu Marzuki, *MD3 Laws in Indonesia: Sword of Damocles over the Jokowi Presidency?*, 208 RSIS COMMENTARIES 1-3 (2014).

on behalf of the state.³² To prevent this possibility, the essence of the constitution was to limit power. Such restrictions should not only be directed at the executive branch of power, namely the President and Vice President, but also other branches of power).

SOME PRACTICES & DISCOURSES OF TERM OFFICES LIMITATION IN VARIOUS COUNTRIES: DOES THIS PROMOTE GOOD GOVERNANCE?

ALTHOUGH ALMOST ALL countries in the world adhere to the principle of separation of powers, there are still very few countries that impose restrictions on the term of office of members of parliament. In fact, in the United States as the axis of democracy, there is no limit to the periodization of its members of parliament. Thus, the term of office of lawmakers in the United States can be up to life.

The debate whether parliamentarians should be limited or not limited has been a debate in European Union countries. The European Commission for Democracy Through Law or better known as the Venice Commission has mentioned the importance or not of these restrictions. According to the Venice Commission, there is a positive impact from the limitation on the term of office of parliament, namely the cessation of the view that being a member of parliament is a career

³² Wa Ode Fatihatul Khaerunnaila, Tunggul Ansari S. N., and Abdul Madjid, *Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat Dalam Upaya Pencegahan Penyalahgunaan Kekuasaan*, 4 JURNAL ILMIAH PENDIDIKAN PANCASILA DAN KEWARGANEGARAAN 182 (2019); Irma Khairunnisa Mansyur, *Pembatasan Masa Jabatan Anggota Dewan Perwakilan Rakyat Republik Indonesia Ditinjau dari Aspek Demokrasi*. DISSERTATION. (Malang: Universitas Muhammadiyah Malang, 2021).

and the growing thought that being a member of parliament becomes a temporary job to serve the community. Limitation of parliamentary positions is also the antithesis of parliamentary power which is difficult to replace. Parliamentary restrictions can also affect variations within parliament itself such as minorities, women, and millennials.

The Venice Commission also emphasizes that if there is a limitation on the term of office of the parliament, rationally no more than 2 (two) terms. This can be seen in Article 71, namely:

If term limits are introduced, at least two consecutive terms should be allowed. This appears to be reasonable mitigations of the adverse effects of term limits indicated above and would preserve in particular the need for accountability towards the electorate. It would also be more respectful of the principle of proportionality in the interference with the rights to vote and be elected. The introduction of term limits should be applied so as to allow for a gradual renewal of the MPs, thus quaranteeing continuity.³³

Although the Venice Commission has signaled those parliamentary terms may be limited, none of the European Union countries have adopted this restriction. Switzerland and France are countries that have submitted proposals regarding the limitation of parliamentary term of office to 3 (three) terms, but so far this has not been realized.

³³ EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION), "REPORT ON TERM-LIMITS" (Strasbourg, Venice Commission, 2019). Retrieved online from [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)007-e)

In Southeast Asia, the limitation of parliamentary positions can be found in the Philippines, namely 2 (two) terms. This provision can be found in Article VI section 3 of the Philippine Constitution as follows:

The term of office of the Senators shall be six years and shall commence, unless otherwise provided by law, at noon on the thirteenth day of June next following their election. No Senator shall serve for more than two consecutive 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.³⁴

Countries on the South American continent pretty much adhere to parliamentary term limits such as Costa Rica, Bolivia and Venezuela. In Costa Rica, members of parliament are limited to only serving one term, namely 4 years as stipulated in Article 107 of the Costa Rican Constitution (Amendment 2015): *“The Deputies will remain in their offices for four years and may not be reelected in [a] successive form”*.³⁵

In Venezuela, members of parliament are limited to 2 terms of 5 years each as stipulated in Article 192 of the Venezuelan Constitution (Amendment 2009) *“The deputies [masculine] and deputies [feminine] of*

³⁴ Republic of the Philippines, The 1987 Constitution of The Republic of The Philippines – Article VI, *Online*, retrieved from <<https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-vi/>>

³⁵ Constitute Project, “Costa Rica’s Constitution of 1949 with Amendments through 2015”, (William S. Hein & Co., Inc, 2016). Retrieved from <

the National Assembly remain for five years in the exercise of their functions and may be reelected.”³⁶

In Bolivia, members of parliament are limited to 2 terms of 5 years each as stipulated in Article 156 of the Bolivian Constitution, “*The term of the mandate of the members of the assembly is five years, and they may be reelected for a single additional continuous term*”.

CONCLUSION

THE CRUCIAL FINDING of this paper is that a democratically elected parliament is the true voice of the people and responsible to the people which serves as the main platform of democratic and parliamentary governance. Besides, the quality of elections is crucial for a truly democratic parliament because parliaments can hardly fulfill their roles, especially the role of representation, if elections are defective and controversial. Therefore, to ensure efficient and effective parliamentary governance, there is need to strengthen the functions of the parliament which include representation, lawmaking, and oversight, are carried out in a unique way with the engagement of all concerned in decision making process.

REFERENCES

Anif, Virdatul. “Arah Politik Hukum Kebijakan Perlindungan HAM Di Indonesia”. *Lex Scientia Law Review* 1, No. 1 (2017): -18. <https://doi.org/10.15294/lesrev.v1i01.19453>.

³⁶ Constitute Project, “Venezuela (Bolivarian Republic of)’s Constitution of 1999 with Amendments through 2009”, (William S. Hein & Co., Inc, 2012). Retrieved from < <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/cr/cr110en.pdf>>

- Ash-shidiqqi, Ellectrananda Anugerah, and Hindrawan Wibisono. "Corruption and Village: Accountability of Village Fund Management on Preventing Corruption (Problems and Challenges)." *JILS (Journal of Indonesian Legal Studies)* 3, No. 2 (2018): 195-212.
- Bracher, Karl Dietrich. "Problems of Parliamentary Democracy in Europe." *Daedalus* 93, No. 1 (1964): 179–198. <http://www.jstor.org/stable/20026827>.
- Brack, Nathalie, and Olivier Costa. "Democracy in parliament vs. democracy through parliament? Defining the rules of the game in the European Parliament." *The Journal of Legislative Studies* 24, No. 1 (2018): 51-71.
- Case, *Attorney-General of the Federation v Atiku Abubakar* (2007). Available online at < <https://africanlii.org/content/attorney-general-federation-2-ors-v-alhaji-atiku-abubakar-3-ors-sc-31/2007-2007-ngsc-118-20>>
- Chen, Jonathan, and Keoni Indrabayu Marzuki. "MD3 Laws in Indonesia: Sword of Damocles over the Jokowi Presidency?." *RSIS Commentaries* No. 208 (2014): 1-3. Retrieved from < <https://www.rsis.edu.sg/wp-content/uploads/2014/10/CO14208.pdf>>
- Constitute Project, "Costa Rica's Constitution of 1949 with Amendments through 2015". (William S. Hein & Co., Inc, 2016).
- Constitute Project, "Venezuela (Bolivarian Republic of)'s Constitution of 1999 with Amendments through 2009". (William S. Hein & Co., Inc, 2012). Retrieved from < <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/cr/cr110en.pdf>>
- d'Agostino, Giorgio, J. Paul Dunne, and Luca Pieroni. "Corruption and growth in Africa." *European Journal of Political Economy* 43, No. 1 (2016): 71-88.
- Dudley, Billy J. *Instability and political order: Politics and crisis in Nigeria*. (Ibadan: Ibadan University Press, 1973).
- Easton, David. "Harold Lasswell; Policy scientist for a democratic society." *The Journal of Politics* 12, No. 3 (1950): 450-477.

- Edet, Lawrence I. "Politics of defection and its implications on Nigeria's democracy." *Global Journal of Human-Social Science* 17, No. 1 (2017): 1-6.
- Ejumudo, Kelly Bryan Ovie, and Tobi Becky Ejumudo. "Corruption and Development in Nigeria: A Study of Ondo State." *Law Research Review Quarterly* 7, No. 2 (2021): 153-166.
- European Commission for Democracy through Law (Venice Commission), "Rerpot on Term-Limits" (Strasbourg, Venice Commission, 2019). Retrieved online from <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)007-e)>
- Hanafi A. Hammed and Adio S. Wahab. "Ensuring good governance through parliamentary control of administrative agencies: A critique." *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 3, No. 1 (2012): 69-82.
- Hope, Kempe Ronald. *Corruption and development in Africa*. (London: Palgrave Macmillan, 2000).
- Huntington, Samuel P. "The clash of civilizations?." *Culture and politics*. (New York: Palgrave Macmillan, 2000).
- Huntington, Samuel P. "Will more countries become democratic?." *Political Science Quarterly* 99, No. 2 (1984): 193-218.
- Ikechukwu, Okey. "Party Politics and Carpet Crossing". *Arise News*, November 21, 2018.
- IPU & UNDP. *Parliamentary oversight: Parliament's power to hold the government to account, Global Parliamentary Report 2017* (Inter-Parliamentary Union and United Nations Development Programme, 2017). Online available at: https://www.undp.org/content/dam/undp/library/Democratic%20Governance/Parliamentary%20development/global%20parliamentary%20report_EN.pdf.
- Jahan, Rounaq. "The Parliament of Bangladesh: Challenges and way forward". *The Daily Star*, June 03, 2012. Online at <<https://www.Thedailystar.net/news-detail-236719>>.

- Jahan, Rounaq. "The Parliament of Bangladesh: Representation and Accountability" *The Journal of Legislative Studies* 21, No. 2 (2015): 250-269.
- Johnson, John K. *The Role of Parliament in Government*. (Washington, D.C. USA: The International Bank for Reconstruction and Development/ The World Bank, 2005).
- Johnston, Michael. "Good governance: Rule of law, transparency, and accountability." *New York: United Nations Public Administration Network* (2006): 1-32.
- Kaare Strøm, Wolfgang C. Müller, and Torbjörn Bergman. *Delegation and Accountability in Parliamentary Democracies* (Oxford: Oxford University Press, 2015).
- Kasim, Azhar. "Bureaucratic reform and dynamic governance for combating corruption: The challenge for Indonesia." *International Journal of Administrative Science & Organization* 20, No. 1 (2013): 18-22.
- Katharina, Riris. "Polemik perubahan atas UU MD3 dalam perspektif kebijakan publik." *Jurnal Pusat Penelitian* 10, No. 5 (2018): 25-30.
- Keping, Yu. "Governance and good governance: A new framework for political analysis." *Fudan Journal of the Humanities and Social Sciences* 11, No. 1 (2018): 1-8.
- Kosandi, Meidi. "Kontestasi Politik dan Perimbangan Kekuasaan dalam Perumusan dan Implementasi UU MD3 2014." *Jurnal Politik* 1, No. 1 (2015): 125-154.
- Lasswell, Harold D., and Abraham Kaplan. *Power And Society: A Framework for Political inquiry*. (London: Routledge, 2017).
- Lawal, Gbenga. "Corruption and development in Africa: challenges for political and economic change." *Humanity and Social Sciences Journal* 2, No. 1 (2007): 1-7.
- Lipset, Seymour Martin. "Democracy and working-class authoritarianism." *American Sociological Review* (1959): 482-501.
- Lipset, Seymour Martin. "Some social requisites of democracy: Economic development and political legitimacy." *American Political Science Review* 53, No. 1 (1959): 69-105.

- Luluardi, Yunas, and Ayon Diniyanto. "Political Dynasty in Law and Political Perspective: To What Extent Has the Election Law Been Reformed?". *Journal of Law and Legal Reform* 2, No. 1 (2021): 109-24. <https://doi.org/10.15294/jllr.v2i1.44321>.
- Mahmod, Nik Ahmad Kamal Nik. "Good Governance and the Rule of Law", *The First International Conference on Law, Business and Government*, Universitas Bandar Lampung, Indonesia (2013): 45-55.
- Mansyur, Irma Khairunnisa. "Pembatasan Masa Jabatan Anggota Dewan Perwakilan Rakyat Republik Indonesia Ditinjau dari Aspek Demokrasi". *Dissertation*. (Malang: Universitas Muhammadiyah Malang, 2021).
- Moh. Mahfud MD. *Politik Hukum di Indonesia*. (Jakarta: LP3ES, 2001).
- Mollah, Md, and Awal Hossain. "Administrative Reforms and Governance in Bangladesh: How Far the Dream of Success? *Global Journal of Arts Humanities and Social Sciences* 2, No. 4 (2014): 26-52.
- Mukti, Hagi Hutomo, and Rodiyah Rodiyah. "Dynasty Politics in Indonesia: Tradition or Democracy?". *Journal of Law and Legal Reform* 1, No. 3 (2020): 531-38. <https://doi.org/10.15294/jllr.v1i3.38090>.
- Muttaqin, E. Zaenal. "Konsep Pemisahan Kekuasaan (Separation of Power) Pasca Amandemen UUD 1945 Antara Lembaga Eksekutif dan Legislatif." *Al Qisthas: Jurnal Hukum dan Politik Ketatanegaraan* 6, No. 1 (2019): 14-31.
- Nadir, Nadir. "The Paradigm of The General Principles of Good Governance as Examination Method of Indonesian Presidential Impeachment Based on The Perspective of Ethical Control". *Padjajaran Jurnal Ilmu Hukum* 7, No. 2 (2020): 141-157. <https://doi.org/10.22304/pjih.v7n2.a1>.
- Navid Safiullah, "Effectiveness of Parliamentary Standing Committees in Bangladesh". *Thesis*. (Dhaka: Centre for Governance Studies, BRAC University, 2006).
- Nurfaika Ishak, Rahmad Ramadhan Hasibuan, Tri Suhendra Arbani. "Bureaucratic and Political Collaboration Towards a Good

- Governance System". *Bestuur* 8, No. 1 (2020): 19-26. <https://doi.org/10.20961/bestuur.v8i1.42922>.
- Oko, Okechukwu Chinwuba. *Legislators in changing and challenging times: An analysis of the Nigerian National Assembly*. (New Jersey: Goldline and Jacobs Publishing, 2014).
- Republic of the Philippines, The 1987 Constitution of The Republic of The Philippines – Article VI, *Online*, retrieved from <<https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-vi/>>
- Rosalina, Indah Fajar, and Emilia Bassar. "Media Relations in Implementing Law No. 2 of 2018 on MD3." *Jurnal Bina Praja: Journal of Home Affairs Governance* 13, No. 1 (2021): 171-182.
- Rubasundram, Geetha A., and Rajah Rasiah. "Corruption and good governance." *Journal of Southeast Asian Economies* 36, No. 1 (2019): 57-70.
- Safa'at, Muchammad Ali. *Parlemen Bikameral: Studi Perbandingan di Amerika Serikat, Perancis, Belanda, Inggris, Austria, dan Indonesia*. (Malang: Universitas Brawijaya Press, 2010).
- Salang, Sebastian. "Parlemen: Antara kepentingan politik vs aspirasi rakyat." *Jurnal Konstitusi* 3, No. 4 (2006): 90-120.
- Sartori, Giovanni. "Problems with Parliamentary Systems". In *Comparative Constitutional Engineering. International Economic Association Series*. (London: Palgrave Macmillan, 1994). https://doi.org/10.1007/978-1-349-22861-4_12.
- Satriawan, Iwan, and Khairil Azmin Mokhtar. "The Role of Indonesian Constitutional Court in Resolving Disputes among the State Organs". *Hasanuddin Law Review* 5, No. 2 (2019): 159-179. <http://dx.doi.org/10.20956/halrev.v5i2.1669>.
- Siallagan, Haposan. "Penerapan prinsip negara hukum di Indonesia." *Sosiohumaniora* 18, No. 2 (2016): 122-128.
- Suparman, Budi, and Efriza Efriza. "Proses Politik Pemilihan Pimpinan DPR RI dalam Dinamika Politik Revisi UU MD3 Di DPR RI Tahun 2014-2018." *Jurnal Renaissance* 5, No. 1 (2020): 624-636.

- Suryajiyoso, Suryajiyoso. "Power and Authority in the State Administration System: Comparing the Netherlands and Indonesia". *Journal of Law and Legal Reform* 2, No. 3 (2021): 411-20. <https://doi.org/10.15294/jllr.v2i2.46615>.
- Suryana, Eka Pala, and Miftahul Akla. "Regional Financial Transparency Towards Independence of Development and Good Governance." *JILS (Journal of Indonesian Legal Studies)* 5, No. 1 (2020): 75-94.
- Thaib, Dahlan. "Menuju Parlemen Bikameral (Studi Konstitusional Perubahan Ketiga UUD 1945)." *Jurnal Hukum Ius Quia Iustum* 10, No. 23 (2003): 85-97.
- UNECA. *Striving for Good Governance in Africa*. (Addis Ababa, Ethiopia: UNECA, 2004).
- Utari, Indah Sri, and Ridwan Arifin. "Law Enforcement and Legal Reform in Indonesia and Global Context: How the Law Responds to Community Development?." *Journal of Law and Legal Reform* 1, No. 1 (2020): 1-4.
- Wa Ode Fatihatul Khaerunnailla, Tunggul Ansari SN, Abdul Madjid. "Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat dalam Upaya Pencegahan Penyalahgunaan Kekuasaan". *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 4, No. 1 (2019).
- Wico, Standy, Michael Michael, Patricia Louise Sunarto, and Anastasia Anastasia. "The Future of Constitutional Complaint in Indonesia: An Examination of Its Legal Certainty". *Indonesian Journal of Law and Society* 2, No. 1 (2021); 59-78. <https://doi.org/10.19184/ijls.v2i1.21449>.
- Widodo, Wahyu, Sapto Budoyo, and Toebagus Galang Windi Pratama. "The role of law politics on creating good governance and clean governance for a free-corruption Indonesia in 2030." *The Social Sciences* 13, No. 8 (2018): 1307-1311.
- Williams, F. R. A. "Fundamental rights and the prospect for democracy in Nigeria." *University of Pennsylvania Law Review* 115, No. 7 (1967): 1073-1090.

Zulfan, Zulfan. "Analisis Pengaturan dan Praktik Pemisahan Kekuasaan Sistem Pemerintahan Presidensial Berdasarkan Konstitusi." *Jurnal Media Hukum* 25, No. 1 (2018): 60-67.

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