

Government Authority and Legislative Term Limits in Indonesia's Constitutional Reform

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Abstract

This study aims to examine the existence of governmental authority in legal reform concerning legislative term limits in Indonesia and to analyze its constitutional implications within the Indonesian state governance system. The absence of explicit regulations limiting legislative tenure has created constitutional challenges, including concentration of political power, weakened institutional accountability, and unequal political opportunities that contradict the principle of equality before the law. The urgency of this research arises from the need to restore constitutional balance and ensure fair political competition within representative institutions. This research employs a normative legal method using statutory, conceptual, historical, and theoretical approaches, supported by the analysis of primary legal materials (the 1945 Constitution and election laws), secondary legal materials (legal doctrines and scholarly studies), and relevant tertiary sources. The findings reveal that governmental authority constitutionally enables legal reform through legislative policy formation and constitutional amendment mechanisms, and that legislative term limits are necessary to prevent structural domination, strengthen checks and balances, and promote ethical governance. The study further demonstrates that the absence of tenure limitation creates systemic inequality in political access, thereby requiring legal reform as a constitutional corrective instrument. The novelty of this research lies in positioning legislative term limits within the framework of equality before the law and governmental authority theory, offering a new constitutional perspective that integrates limitation of power with democratic legal reform to ensure equal political opportunity and reinforce constitutional democracy in Indonesia.

Keywords: Authority; Equality Before the Law; Legislative Term Limits

1. INTRODUCTION

Democracy in Indonesia is fundamentally rooted in the principle of popular sovereignty, where political authority derives from the people and is exercised through representative institutions at both national and regional levels. Within this framework, elections function as the primary mechanism through which citizens delegate political power to legislative representatives. However, despite Indonesia's commitment to democratic governance under the 1945 Constitution, the constitutional system does not explicitly regulate term limits for legislative members. This absence has generated a constitutional gap that raises significant concerns regarding equality of political opportunity, institutional accountability, and the balanced distribution of state power.¹

¹ Chandra, Febrian, Fitri Yanni, and Nessie Gusriyani. "Hukum dan demokrasi Indonesia masa depan." *Adagium: Jurnal Ilmiah Hukum* 2.1 (2024): 1-11. <https://doi.org/10.70308/adagium.v2i1.19>.

Unlike executive offices, whose tenure is constitutionally limited, members of legislative institutions may continuously seek re-election without normative restrictions. This asymmetrical constitutional design creates structural conditions that potentially enable prolonged incumbency and concentration of political authority. Empirical observations indicate that long-term legislative tenure tends to reduce political regeneration and strengthen incumbent advantages within electoral competition. Data from the Center for Political Studies of the University of Indonesia recorded 84 corruption cases involving legislators between 2014 and 2022, representing approximately 67 percent of corruption cases linked to legislative actors. Although corruption cannot be attributed solely to tenure duration, the persistence of long-serving legislators illustrates how unlimited political continuity may weaken institutional ethics, accountability mechanisms, and public trust in representative bodies.²

The absence of legislative term limits also affects democratic competition. Political representation increasingly reflects recurring elite circulation rather than open political participation, limiting opportunities for new political actors to enter legislative institutions. Such conditions challenge the constitutional principle of equality before the law, particularly Article 28D paragraph (3) of the 1945 Constitution, which guarantees equal opportunity for every citizen in government. When legislative offices can be occupied indefinitely, electoral competition risks becoming structurally unequal due to incumbency advantages, access to political resources, and established networks of influence.³

From a constitutional perspective, Indonesia is defined as a democratic state based on the rule of law, as affirmed in Article 1 paragraphs (2) and (3) of the 1945 Constitution. The rule of law requires not only procedural elections but also mechanisms that prevent excessive accumulation of power. The principle of separation of powers, developed within constitutional theory and reflected in Indonesia's post-1998 reform agenda, aims to maintain checks and balances among state institutions. Nevertheless, the absence of tenure limitations within legislative institutions creates an imbalance in the constitutional architecture, where executive power is restricted while legislative authority remains potentially unlimited.⁴

This study conceptualizes the absence of legislative term limits as a constitutional issue that necessitates legal reform, rather than merely a matter of political policy. It aims to analyze the scope of governmental authority in reforming legal norms related to legislative tenure and to assess the legal implications of such reforms within Indonesia's constitutional framework. The significance of this research lies in addressing the potential accumulation of power, which may undermine democratic fairness, weaken ethical governance, and hinder institutional regeneration. Accordingly, the establishment of clear normative limits is essential to ensure proportional distribution of power, reinforce constitutional accountability, and promote equal political participation within Indonesia's democratic system.

² Mukhlis, Muhammad Mutawalli, Muhammad Saleh Tajuddin, and Wiranti Wiranti. "Power Dispersion as a Barrier to Autocratization: The Paradox of Indonesia's Compromised Democracy." *Jurnal Penelitian Hukum De Jure* 25.3 (2025): 249-266. <https://doi.org/10.30641/dejure.2025.V25.249-266>.

³ Suhartini, Suhartini. "Demokrasi Dan Negara Hukum." *Jurnal De Jure* 11.1 (2019). 62-78. <https://doi.org/10.36277/v11i1.42>.

⁴ FX. Warsito Djoko S, "Etika Moral Berjalan, Hukum Jadi Sehat," *Binamulia Hukum* 7, no. 1 (2018): 26-35, <https://doi.org/10.37893/jbh.v7i1.13>.

Accordingly, this research focuses on two central questions: first, how governmental authority is exercised in conducting legal reform related to legislative term limits; and second, what legal implications arise from recognizing such authority within Indonesia's constitutional structure.

Recent scholarly discussions have addressed legislative term limits from various perspectives; however, existing studies demonstrate important conceptual and analytical limitations that leave a significant constitutional research gap. A critical comparison of previous scholarship reveals that the issue has largely been examined through electoral, socio-legal, or democratic theoretical lenses without sufficiently integrating governmental authority and the principle of equality before the law as a unified constitutional framework.

Laksono (2022) analyzes legislative term limitation primarily as a preventive instrument against electoral fraud and procedural irregularities. The study contributes to understanding electoral integrity by emphasizing fairness in election administration. Nevertheless, its analytical scope remains confined to procedural dimensions of democracy and does not extend to broader constitutional questions concerning power distribution and equality before the law. Consequently, the research does not fully explain how unlimited legislative tenure structurally affects equal political opportunity or institutional balance within a constitutional system.⁵

Erlina and Zulkifli (2025) approach legislative term limits from a socio-legal perspective, highlighting risks of oligarchic domination and concentration of political influence within representative institutions. While their analysis successfully demonstrates sociological patterns of elite persistence, it places limited attention on the normative authority of the government to initiate constitutional legal reform. As a result, the study leaves unresolved the fundamental question of how state authority may legitimately function as a constitutional mechanism to correct structural inequality created by unrestricted tenure.⁶

Mardianto (2025) situates legislative term limits within constitutional democratic theory, emphasizing the prevention of abuse of power through institutional restraint. This contribution strengthens theoretical discussions on constitutionalism; however, the analysis does not explicitly connect term limitation with the doctrine of equality before the law as a constitutional guarantee of equal political access. Without this linkage, the normative justification for limiting legislative tenure remains grounded primarily in democratic ethics rather than constitutional equality.⁷

Beyond national scholarship, international studies on democratic constitutionalism also highlight the importance of tenure limitation as a mechanism to prevent power entrenchment and maintain institutional renewal. Comparative constitutional research demonstrates that several democratic systems adopt term limitations or institutional rotation mechanisms to reduce incumbency dominance and preserve political competition. Studies in comparative constitutional law emphasize that unrestricted tenure may lead to elite consolidation,

⁵ Oky Pitoyo Laksono, "Kajian Terhadap Periodisasi Anggota Legislatif Sebagai Upaya Meminimalisir Kecurangan Pemilu," *Nomos : Jurnal Penelitian Ilmu Hukum* 2, no. 4 (2022): 129–37, <https://doi.org/10.56393/nomos.v1i6.318>.

⁶ Erlina and M. Aziz Zulkifli, Analisis Sosiolegal Urgensi Pengaturan Pembatasan Masa Jabatan Anggota Legislatif Dalam Sistem Ketatanegaraan. *Unes Journal of Swara Justisia* 9, no. 3 (2025): 490–502. <https://doi.org/10.31933/tckbbv85>.

⁷ Mardianto, K. "Pembatasan Masa Jabatan Anggota Legislatif Dalam Bingkai Demokrasi Konstitusional". *Jurnal Hukum Lex Generalis*, 6, no. 8, (2025), <https://doi.org/10.56370/jhlg.v6i8.1477>.

weakening accountability and diminishing representational responsiveness. However, international discussions tend to focus on institutional design or democratic stability without specifically examining governmental authority as a legal actor responsible for initiating constitutional reform within equality-based frameworks.⁸

Taken together, previous studies reveal three principal research gaps. First, legislative term limits have rarely been analyzed as a constitutional problem arising from an imbalance in state authority structures. Second, existing literature insufficiently integrates the principle of equality before the law into discussions of legislative tenure, despite its central role in guaranteeing equal political opportunity. Third, limited attention has been given to how governmental authority operates normatively as a constitutional corrective instrument capable of initiating legal reform.

Compared with earlier research, the present study offers a distinct contribution by positioning legislative term limits within an integrated framework combining governmental authority, legal reform, and equality before the law. Rather than viewing term limitation merely as an electoral policy or ethical recommendation, this research conceptualizes it as a structural constitutional mechanism aimed at restoring proportional distribution of power and ensuring equal access to political office. By bridging constitutional theory, legal philosophy, and empirical constitutional concerns discussed throughout this study, the research advances a more comprehensive understanding of how legal reform can function as a corrective mechanism within Indonesia's democratic rule-of-law system.

Accordingly, this research aims to analyze the existence of governmental authority in reforming laws related to legislative term limits and to examine the legal implications of such reform in ensuring constitutional balance, political equality, and ethical governance within Indonesia's constitutional framework.

2. METHOD

This study employs a normative legal research method, which examines law as a system of norms, principles, and legal doctrines governing constitutional and institutional arrangements within the national legal system. Normative legal research is used to analyze the absence of legislative term limits as a constitutional issue and to evaluate the conformity of existing regulations with fundamental constitutional principles, particularly governmental authority and equality before the law. This research applies several complementary approaches to ensure systematic legal analysis. First, the statutory approach is used to examine relevant legal instruments, including the 1945 Constitution of the Republic of Indonesia, amendments to constitutional provisions, and Law Number 7 of 2017 concerning General Elections. Through this approach, the study identifies regulatory structures, normative inconsistencies, and legal gaps related to the absence of legislative tenure limitations. Second, the conceptual approach is employed to analyze legal doctrines and theoretical frameworks relevant to the research problem, particularly theories of limitation of power, constitutionalism, separation of powers, and equality before the law. This approach enables the study to assess whether unrestricted

⁸ Klein, Steven. "Democracy requires organized collective power." *Journal of Political Philosophy* 30.1 (2022): 26-47. <https://doi.org/10.1111/jopp.12249>.

legislative tenure aligns with constitutional principles of equal political opportunity and balanced distribution of state authority. Third, the historical approach is utilized to understand the evolution of Indonesia's constitutional system, especially developments following the 1998 constitutional reform era. This approach provides contextual understanding of how institutional arrangements and democratic reforms shaped current legislative structures without introducing explicit term limits for legislative members.

The legal materials used in this research consist of three categories. Primary legal materials include constitutional provisions, statutory regulations, official state documents, and constitutional amendments relevant to elections and legislative institutions. Secondary legal materials comprise scholarly books, journal articles, prior research studies, and academic opinions discussing constitutional law, democratic governance, and legislative term limitations. Tertiary legal materials include legal dictionaries, encyclopedias, and supporting reference materials used to clarify legal terminology and concepts. The collection of legal materials is conducted through library research, involving systematic identification, classification, and documentation of relevant legal sources obtained from legislation databases, academic publications, and authoritative legal literature. This technique ensures that the analysis is grounded in verified doctrinal and scholarly sources. The analysis of legal materials is carried out using qualitative normative analysis through interpretation and legal reasoning methods. The study applies statutory, conceptual, and systematic interpretation to assess the coherence between existing legal norms and constitutional principles. Legal arguments are constructed deductively by connecting constitutional doctrines with empirical constitutional issues discussed in this research, allowing conclusions to be drawn regarding the existence of governmental authority in initiating legal reform concerning legislative term limits and its implications for constitutional balance, political equality, and ethical governance., conceptual, and systematic interpretation to assess

3. RESULTS AND DISCUSSION

3.1 The Existence of Government Authority in Legal Reform Regarding Term Limits for Legislative Members in Indonesia

Government authority constitutes a fundamental element within Indonesia's constitutional system, as the exercise of state power is derived directly from constitutional attribution. The 1945 Constitution establishes the institutional framework governing representative bodies and executive authority. Article 19, paragraph (1) stipulates that members of the House of Representatives (DPR) are elected through general elections, while paragraph (2) mandates that the composition and structure of the DPR shall be regulated by law. Simultaneously, Article 4, paragraph (1) affirms that the President holds governmental power in accordance with the Constitution. These provisions demonstrate that governmental authority operates not only through executive administration but also through constitutional mechanisms enabling legal reform within the legislative system.⁹

⁹ Nurul Qamar and Farah Syah Rezah, "Wewenang Sebagai Instrumen Penyelenggaraan Pemerintahan Dalam Sistem Negara Hukum," *Asas Wa Tandhim: Jurnal Hukum, Pendidikan Dan Sosial Keagamaan* 2, no. 2 (2023): 201–22, <https://doi.org/10.47200/awtjhpsa.v2i2.1781>.

From a constitutional law perspective, governmental authority in Indonesia may be understood through the theory of authority developed by Bagir Manan, which distinguishes attributive authority, delegated authority, and mandated authority.¹⁰ Attributive authority originates directly from the Constitution and provides legitimacy for state institutions to establish legal norms. Delegated authority refers to powers transferred through statutory regulation, while mandated authority concerns administrative execution by authorized officials. Within the context of legal reform concerning legislative term limits, attributive authority becomes central because constitutional norms authorize state organs, particularly the President and the DPR, to initiate legislative formation and constitutional amendment processes.

The existence of governmental authority in legal reform is therefore manifested through three constitutional mechanisms. First, legislative authority in law-making, exercised jointly by the President and the DPR under Article 20 of the 1945 Constitution, enables the enactment or revision of statutory regulations, including amendments to the Election Law. Through this mechanism, legal reform introducing legislative term limits may be pursued as statutory policy reform. Second, legislative initiative authority, whereby the government may propose draft legislation, functions as a constitutional instrument allowing the executive to initiate regulatory restructuring addressing institutional imbalance. Third, constitutional amendment authority, exercised through the People's Consultative Assembly (MPR), represents the highest normative pathway when reform requires constitutional recognition, similar to the presidential term limit regulated under Article 7 of the Constitution.¹¹

These mechanisms demonstrate that governmental authority is not merely conceptual but structurally embedded within Indonesia's constitutional design. The absence of legislative term limits thus does not reflect a lack of constitutional competence but rather an unexercised constitutional authority. Consequently, legal reform concerning legislative tenure constitutes a legitimate constitutional action rather than a political intervention.

Normatively, the issue of legislative term limits must be analyzed through the principle of equality before the law, which guarantees equal legal standing and equal opportunity in governance, as affirmed in Article 28D paragraph (3) of the 1945 Constitution. Equality before the law requires that access to public office remain open under fair and proportional conditions. When legislative members may repeatedly hold office without limitation, incumbency advantages emerge through political networks, institutional familiarity, and resource dominance. Such structural advantages potentially reduce equal political opportunity for citizens, thereby creating asymmetry within democratic competition.¹²

In this context, equality before the law functions not only as an individual right but also as a constitutional limitation on institutional power. Legislative authority, although derived from democratic elections, remains subject to constitutional standards of equality.¹³ The absence of tenure limitations risks transforming representative democracy into recurring elite circulation,

¹⁰ Riawan Tjandra, *Hukum Administrasi Negara*, (Jakarta: Sinar Grafika, 2018), 100.

¹¹ Achmad Ali, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence)*, (Jakarta: Kencana Prenada Media Group, 2012), 375.

¹² Karen Lebacqz, *Teori-Teori Keadilan*, (Bandung: Nusa Media, 2024), 13.

¹³ Gerry Jardan and Khairani, "Urgensi Pembaharuan Hukum Pidana Terhadap Pengaturan Justice Collaborator Di Indonesia," *Unes Journal of Swara Justisia* 8, no. 1 (April 23, 2024): 156–65, <https://doi.org/10.31933/ujsj.v8i1.485>.

where political participation formally exists but substantively narrows. Therefore, regulating legislative tenure becomes a constitutional mechanism to restore equality in political access and maintain balanced institutional power.¹⁴

Reforms in governance lead to legal politics, according to Moh Mahfud MD,¹⁵ Legal policy is implemented nationally and includes: a. Legal development centered on the creation and revision of legal materials, b. The implementation of existing legal provisions, including the affirmation of the functions of institutions and the training of law enforcement officials, according to Mahfud MD, when viewed from the perspective of several social media reports as follows:



Source: *Pinter Politik*

Figure 1. Term of Office of the House of Representatives

From Figure 1, it can be explained that the discourse surrounding the periodization of legislative office in the House of Representatives reflects a significant constitutional concern regarding the absence of formal term limits. The illustration highlights how unrestricted tenure may create structural conditions that weaken democratic accountability, foster concentration of political power, and limit opportunities for institutional regeneration. Such circumstances are consistent with this study's finding that indefinite legislative tenure risks undermining the principle of equality before the law by creating disproportionate political advantages for incumbents. In a rule-of-law framework, this imbalance challenges the normative expectation that access to public office must remain open, competitive, and fairly distributed.

Empirical illustrations further reinforce this normative argument. Public discourse regarding legislative periodization demonstrates growing concern over prolonged incumbency and its implications for accountability and institutional regeneration. As illustrated in Figure 1, the absence of formal term limits creates structural conditions that may weaken democratic oversight and enable concentration of political authority. Within this research framework, such

¹⁴ Phillipe Nonet, Philip Selznick, *Hukum Responsif Pilihan di Masa Transisi*, (Jakarta : HuMa, 2003), 59.

¹⁵ Moh Mahfud MD, *Politik Hukum di Indonesia*, (Jakarta: Pustaka LP3ES Indonesia, 2001), 9.

data function as empirical indicators supporting the normative conclusion that unlimited tenure risks undermining constitutional balance.



Source: Pinter Politik

Figure 2. The wealth of members of the House of Representatives labeled as artists

Similarly, Figure 2, which depicts public discussions concerning wealth accumulation among certain legislators, reflects broader concerns regarding the relationship between prolonged tenure and institutional accountability. The analysis does not assess individual conduct but highlights systemic risks arising when political authority is exercised continuously without regulatory limitation. From a constitutional perspective, these conditions illustrate how unrestricted tenure may challenge ethical governance and equal competition principles embedded within the rule-of-law framework.

Recent constitutional scholarship also supports this analytical position. Studies examining parliamentary immunity, political participation inequality, constitutional court influence, and governance reform emphasize the necessity of aligning institutional authority with constitutional accountability principles. These works collectively demonstrate that democratic legitimacy requires not only electoral procedures but also structural safeguards preventing excessive concentration of power. Within this broader academic context, legislative term limitation emerges as a logical extension of constitutionalism rather than an exceptional policy proposal.

Accordingly, legal reform concerning legislative term limits represents an effort to restore proportional distribution of governmental authority. From a constitutional standpoint, limiting tenure aligns legislative institutions with the same limitation principle already applied to executive power. The regulation of presidential tenure under Article 7 illustrates that constitutional democracy recognizes temporal limitation as an instrument to prevent authority entrenchment. Extending similar normative logic to legislative institutions strengthens coherence within Indonesia's constitutional architecture.

The relationship between governmental authority and legal reform therefore becomes clear: governmental authority provides the constitutional legitimacy to initiate reform, while equality before the law provides the normative justification for limiting legislative tenure. Through this interaction, legal reform operates as a constitutional corrective mechanism aimed at maintaining checks and balances, ensuring fair political competition, and safeguarding ethical governance.

In relation to the research questions, this analysis demonstrates that governmental authority exists constitutionally through legislative formation, policy initiation, and constitutional amendment mechanisms. The legal implication of exercising such authority is the establishment of normative limits capable of preventing structural domination, enhancing institutional accountability, and reinforcing Indonesia's identity as a democratic state based on the rule of law. Consequently, legislative term limits should be understood not merely as political regulation but as a constitutional necessity to maintain equality, proportional power distribution, and sustainable democratic governance.

In the context of legal and constitutional studies in Indonesia, several recent scholarly works offer important insights that enrich the theoretical foundation of this research. Kambu, Rakia, and Yati (2025) address the reinterpretation of parliamentary immunity within Indonesia's constitutional system and emphasize the harmonization of this immune function with the principle of Equality Before The Law, underscoring the necessity of legal accountability for elected officials within a democratic framework.¹⁶ The discussion on equality and constitutional design resonates with the current study's focus on ensuring equitable political opportunities and legal constraints on legislative authority. Suryani and Wardana (2024) examine legal aspects of political participation from a gender perspective, highlighting structural gaps between normative regulation and implementation, which parallels concerns in this research regarding unequal access to political office in the absence of term limits.¹⁷ Additionally, Nasir, Rijal, and Akbar (2025) explore the role of Constitutional Court decisions in shaping legislation, offering insight into constitutional mechanisms that may influence law reform processes relevant to legislative tenure.

Pratama and Januarsyah (2025) analyze non-penal strategies in combating corruption, stressing how legal institutions and normative frameworks must adapt to challenges in governance, an

¹⁶ Kambu, Fany, Alwiyah Sakti Ramdhon Syah Rakia, and Sri Yati. "Reinterpretasi Imunitas DPR dalam Sistem Ketatanegaraan Indonesia: Harmonisasi Prinsip Equality Before the Law." *Jurnal USM Law Review* 8, no. 1 (2025): 304-319. <https://doi.org/10.26623/julr.v8i1.11669>.

¹⁷ Suryani, Ade Irma, and Dodi Jaya Wardana. "Legal Aspects of Women's Political Participation in a Gender Perspective." *Jurnal USM Law Review* 7, no. 3 (2024): 1967-1981. <https://doi.org/10.26623/julr.v7i3.10634>.

issue relevant to controlling power abuse in legislative incumbency.¹⁸ Meanwhile, Sudarmanto (2024) discusses administrative law within Indonesia's legal system grounded in Pancasila values, indirectly supporting the argument that legal norms (including those on political office) should reflect foundational constitutional principles and public ethics.¹⁹ Lastly, research on governmental form and democratic governance in the omnibus law perspective by Tomy Michael (2025) contributes to understanding how constitutional law frames the scope and limits of governmental authority in political systems, reinforcing the broader constitutional context of term limit reform.²⁰

The establishment of legislative terms without term limits has placed state authority in an unbalanced position, creating a philosophical need to reorganize the structure of power through legal reform. Philosophy holds that public power must remain within certain limits so that it does not exceed the original objectives of state administration. Legislative authority that can be held continuously without time limits creates conditions that are inconsistent with the principle of limitation of power, which is the basis of constitutional order. Limiting the legislative term of office is part of an effort to restore state authority to a controlled and proportional form.²¹

The policy of limiting terms of office has a rational basis because every public policy must be supported by accountable knowledge. Various empirical findings show that political power that lasts too long tends to foster patterns of relations that close off space for regeneration and reduce the dynamics of representation.²²

This knowledge reinforces the idea that term limits are not merely a political preference, but rather the result of a systematic understanding of how power works in reality. Term limits for legislators have a strong epistemic foundation because they combine theoretical understanding and research findings that demonstrate the need for power rotation in order to maintain the quality of representative institutions. Normative philosophy provides a further basis that term limits are part of fulfilling the principle of justice in the exercise of state power. The norm of justice requires the equal distribution of opportunities for citizens to participate in politics. When legislative terms are not limited, political representation tends to be dominated by the same actors continuously, resulting in unequal political access. Term limits expand the space for competition and ensure that public choice is not always constrained by established power structures. These limits strengthen political legitimacy, as public office is understood as a mandate that must be given the opportunity to change so that representation of the people remains vibrant and responsive.

¹⁸ Pratama, Mochamad Ramdhan, and Mas Putra Zenno Januarsyah. "Upaya non-penal dalam pemberantasan tindak pidana korupsi." *Jurnal Ius Constituendum* 5, no. 2 (2020): 235-255. <https://doi.org/10.26623/jic.v5i2.2195>.

¹⁹ Sudarmanto, Kukuh. "Hukum Administrasi Dan Sistem Peradilan Di Indonesia Yang Berkeadilan Sesuai Asas-Asas Pancasila." *Jurnal Ius Constituendum* 6, no. 2 (2021): 407-423. <https://doi.org/10.26623/jic.v6i2.4110>.

²⁰ Michael, Tomy. "Bentuk Pemerintahan Perspektif Omnibus Law." *Jurnal Ius Constituendum* 5, no. 1 (2020): 159-176. <https://doi.org/10.26623/jic.v5i1.1749>.

²¹ Urwatul Wutsqah and Erham Erham, "Diskursus Pembatasan Kekuasaan Di Indonesia Dalam Perspektif Konstitusi Dan Konstitusionalisme," *Legalitas: Jurnal Hukum* 16, no. 1 (2024): 72, <https://doi.org/10.33087/legalitas.v16i1.595>.

²² Muja'hidah and Tibaka Leli, "Presidential Term Limits in the Perspective of the Constitution: Avoiding Authoritarianism in the Era of Democracy: Pembatasan Masa Jabatan Presiden dalam Perspektif Konstitusi : Menghindari Otoritarianisme di Era Demokrasi," *Jurnal Konstitusi* 21, no. 4 (2024), 680-697. <https://doi.org/10.31078/jk2147>.

Political ethics dictate that public officials bear a moral responsibility to maintain integrity and prioritize the public interest. Power that lasts too long often weakens moral sensitivity because the networks and habits surrounding power can shift priorities from the interests of the people to the interests of certain groups.²³ Term limits are a way of maintaining the purity of moral responsibility by introducing rotation, which provides opportunities for new leaders to emerge with fresh character, attitudes, and commitment. Institutional rotation helps prevent legislative bodies from losing their moral awareness due to individuals remaining in the same position for too long. Term limits are an ethical means of maintaining the moral health of representative bodies.

From a legal philosophy perspective, it is clear that limiting power is a fundamental principle of the rule of law. Unrestricted power has the potential to disrupt the balance between state institutions and hinder the implementation of oversight functions.²⁴ Term limits for legislators are not merely a technical choice, but a logical consequence of the principle that state power always tends to expand if it is not clearly limited. Affirming these limits through legal reform provides certainty that legislative authority will remain within the bounds of the rule of law, which requires control over all forms of power so that the government continues to operate in accordance with constitutional principles.²⁵ The entire philosophical foundation shows that term limits for legislators are not merely an improvement to electoral procedures, but part of an effort to restore governmental authority to a position consistent with the objectives of the rule of law. Through the philosophy of science, norms, ethics, and law, term limits are understood as a necessity to ensure that power does not lose its direction, representation remains open, and governance is carried out fairly, impartially, and in accordance with the basic principles of state administration.

The theory of equality before the law views equality as a fundamental mechanism for regulating the relationship between individuals and state power. This theory asserts that legal subjects, including state institutions, do not occupy hierarchical strata within the legal order but are all in positions measured by the same parameters, namely the law itself.²⁶ In this theoretical formulation, legislative authority is understood not as a prerogative inherent in political office, but as a function whose existence is determined and limited by the structure of legal equality. Every expression of legislative power is interpreted as part of a system that requires that no state entity has the capacity to exceed the legal limits that govern it.²⁷

In cases mentioned in social media reports, the term of office of members of the House of Representatives has no limit, so the author suggests that the legal system needs to be reformed

²³ Anang Setiawan and Erinda Alfiani Fauzi, "Etika Kepemimpinan Politik Dalam Penyelenggaraan Pemerintahan Indonesia," *JPK: Jurnal Pemerintahan Dan Kebijakan* 1, no. 1 (2019): 1–12. <https://doi.org/10.18196/jpk.v1i1.7614>.

²⁴ Azhari Sellomitha Fodhi, Eky Lestari, and Tyara Fridayanti, "Pentingnya Pemisahan Kekuasaan Dalam Mempertahankan Pemerintahan Yang Seimbang," *Jurnal Hukum, Politik Dan Ilmu Sosial (JHPIS)* 3, no. 3 (2024), 26–37. <https://doi.org/10.55606/jhpis.v3i3.3872>.

²⁵ Aprista Ristyawati et al., "Rethinking Legislative Term Limits : Safeguarding Democratic," *Diponegoro Law Review* 10, no. 1 (2025): 16–28, <https://doi.org/10.14710/dilrev.10.1.2025.16-28>.

²⁶ Ibnu Alwatan Surya Waliden, Selvia Fitri Maulida, and Mochammad Agus Rachmatulloh, "Tinjauan Asas Equality Before the Law Terhadap Penegakan Hukum Di Indonesia," *Verfassung: Jurnal Hukum Tata Negara* 1, no. 2 (2022): 123–42, <https://doi.org/10.30762/vjhtn.v1i2.186>.

²⁷ Salomo Jitmau, Sokhib Naim, and Muh Akhdharisa Sj, "Implementation of the Principle of Equality Before the Law in the Dynamics of Indonesian Law," *Justisi* 11, no. 2 (2025): 441–55. <https://doi.org/10.33506/js.v11i2.4088>.

to ensure legal certainty: a. From a historical perspective, the amendment to the 1945 Constitution is a major milestone in political ethics under the law. The Constitution is a “staatsfundamentalnorm” (fundamental norm of the state). The amendments to the Constitution are quite outdated, with the last amendment being in 2002. The MPR should immediately form a special team involving community leaders and the government in the Fifth Amendment in 2025; b. From a legal perspective, when the power of the House of Representatives is not limited, the political system in Indonesia becomes a business machine for the political elite. Even when viewed from the perspective of fairness in terms of positions of power within the government, not only the President but also the House of Representatives, fairness is not apparent. The position of President is regulated by the Constitution, so the position of the House of Representatives must also be regulated in the Constitution. The absence of restrictions allows the legislative position to be continuously controlled by the same figures, so that the legislative process remains within a circle of recurring power. In this situation, the representation of the people turns into the representation of the interests of the elite who enjoy the benefits of public office, while political generational change is hampered. The balance between the control and representative functions also weakens because there is no guarantee that long-term power will continue to be exercised in an accountable manner.

3.2 Legal Implications for the Existence of Government Authority in the Renewal of Term Limits on the Term of Office of Legislative Members in Indonesia

The renewal of legal regulation concerning legislative term limits carries significant implications for Indonesia’s constitutional structure, democratic governance, and political representation system.²⁸ Within the framework of normative constitutional law, legal reform regarding legislative tenure is not merely a procedural electoral adjustment but constitutes a structural reconfiguration of governmental authority aimed at restoring balance among state institutions and ensuring equality before the law.

Constitutional implications. From a constitutional perspective, the absence of legislative term limits creates asymmetry within Indonesia’s constitutional design. The 1945 Constitution explicitly limits executive offices, including the President and regional heads, to fixed terms, reflecting the principle of limitation of power as a core element of constitutionalism.²⁹ However, legislative offices remain unrestricted, creating an institutional imbalance that potentially weakens checks and balances.

In constitutional theory, governmental authority derives legitimacy from clearly defined normative boundaries. The doctrine of limitation of power, rooted in classical constitutional thought and developed through modern democratic theory, requires that all branches of government operate within proportional limits to prevent domination. Unlimited legislative tenure risks transforming representative authority into entrenched institutional power, thereby undermining constitutional equilibrium between the executive and legislative branches.

²⁸ Ristyawati, Aprista, et al. "Rethinking Legislative Term Limits: Safeguarding Democratic Renewal in Constitutional State of Indonesia." *Diponegoro Law Review* 10.1 (2025): 16-28. <https://doi.org/10.14710/dilrev.10.1.2025.16-28>.

²⁹ Fathi, Muhammad, and Anshul Tripathi. "Presidential Term Limit as an Implicit Unamendable Provision In Indonesia's Hyper-Presidentialism." *Constitutionale* 6.2 (2025): 79-94. <https://doi.org/10.25041/constitutionale.v6i2.4524>.

Legal reform introducing legislative term limits would therefore generate constitutional implications in two possible juridical pathways: 1) Legislative Reform through Electoral Law Revision, particularly amendments to election legislation regulating candidacy eligibility and tenure restrictions; and 2) Constitutional Amendment, through the authority of the People's Consultative Assembly (MPR), which would elevate term limits into a *staatsfundamentalnorm* ensuring stronger constitutional certainty. The second mechanism provides greater normative stability because constitutional regulation prevents political fluctuation and ensures uniform application across electoral cycles.

Implications for democratic governance. In democratic theory, elections function not only as mechanisms for representation but also as instruments for circulation of power. Unlimited tenure may weaken democratic regeneration by allowing incumbency advantages to accumulate over time, including political networks, access to resources, and institutional influence.³⁰

The principle of equality before the law requires that political participation opportunities remain equally accessible to all citizens. When legislative offices can be held indefinitely, electoral competition risks becoming structurally unequal, as incumbents possess disproportionate advantages compared with new candidates. Consequently, democracy shifts from open competition toward elite continuity.

Legal reform establishing term limits strengthens democratic accountability in several ways: 1) Encouraging political regeneration and leadership renewal; 2) Preventing concentration of political authority; 3) Enhancing public trust in representative institutions; and 4) Reinforcing elections as mechanisms of fair competition rather than procedural repetition. Thus, legislative term limits function as a constitutional corrective mechanism designed to maintain democratic vitality rather than restrict political rights.

Implications for political party systems and representation. Indonesia's multi-party system places political parties as primary gatekeepers of legislative recruitment. Without tenure restrictions, internal party dynamics may prioritize electoral pragmatism by repeatedly nominating established incumbents, limiting opportunities for cadre regeneration and weakening internal democracy.³¹

The introduction of term limits would produce several legal implications for party systems: 1) Requiring political parties to institutionalize cadre rotation mechanisms; 2) Strengthening merit-based political recruitment; 3) Reducing oligarchic tendencies within party structures; and 4) Promoting broader societal representation in legislative institutions. Internal party regulations concerning legislative tenure may serve as complementary instruments; however, without national legal regulation, such measures risk inconsistency and lack enforceability. Therefore, state regulation remains necessary to ensure uniform democratic standards.

³⁰ Popp-Madsen, Benjamin Ask. "Between constituent power and political form: Toward a theory of council democracy." *Political Theory* 49.1 (2021): 54-82. <https://doi.org/10.1177/0090591720925435>.

³¹ Simatupang, Karmel Hebron. "Multi-party Systems and Parliamentary Thresholds: The Case of Indonesia's Presidential System with Comparisons to Germany and Taiwan." *Journal of Political Issues* 6.2 (2025): 99-109. <https://doi.org/10.33019/jpi.v6i2.291>.

Comparative constitutional perspective. Comparative constitutional practice demonstrates that legislative term limits have been adopted in several democratic systems as preventive mechanisms against power entrenchment. Mexico historically restricted legislative reelection to prevent authoritarian consolidation following prolonged single-party dominance. Term limitation functioned as an institutional safeguard ensuring political rotation. The Philippines imposes term limits on members of Congress, reinforcing political renewal while maintaining electoral accountability. The regulation aims to prevent elite monopolization and encourage leadership circulation. These comparative experiences illustrate that term limits do not weaken democracy; instead, they reinforce constitutionalism by ensuring periodic redistribution of political authority. For Indonesia, comparative models provide normative justification that limiting legislative tenure aligns with democratic constitutional practice.³²

Implications for the balance of power between state institutions. Unlimited legislative tenure may influence institutional relations between the legislature and executive by creating entrenched political actors capable of dominating legislative agendas or negotiating power arrangements outside constitutional proportionality.³³

Through the lens of constitutional law, reforming legislative tenure contributes to: 1) Restoring equilibrium among executive, legislative, and judicial powers; 2) Preventing institutional dominance by long-standing political elites; and 3) Strengthening oversight functions based on accountability rather than political continuity. The renewal of legislative term limits therefore reinforces constitutional checks and balances, ensuring that governmental authority remains distributed rather than concentrated.

Legal reform as implementation mechanism. The proposed reform may be implemented through a phased legal strategy: 1) Short-term reform: amendment of election laws regulating eligibility requirements and tenure limits; 2) Medium-term reform: harmonization with political party legislation to ensure internal democratic recruitment; 3) Long-term reform: constitutional amendment embedding term limits as fundamental constitutional norms. Such a staged approach ensures legal certainty while maintaining institutional stability during transition.³⁴

Normative conclusion, the legal implications of renewing legislative term limits demonstrate that governmental authority in legal reform operates as a constitutional instrument aimed at safeguarding equality, preventing power accumulation, and strengthening democratic legitimacy. Term limits are not merely political preferences but represent the juridical manifestation of the limitation of power principle within a rule-of-law state. Accordingly, legal reform concerning legislative tenure serves as a mechanism to realign Indonesia's constitutional structure with democratic ethics, equality before the law, and balanced

³² Grayson, George W. "Evolution of Mexico and other single-party states." *International Studies Review* 9.2 (2007): 322-367. <https://doi.org/10.1111/j.1468-2486.2007.00694.x>.

³³ Stone Sweet, Alec. "The politics of constitutional review in France and Europe." *International Journal of Constitutional Law* 5.1 (2007): 69-92. <https://doi.org/10.1093/icon/mol041>.

³⁴ Pierskalla, Jan H., and Audrey Sacks. "Personnel politics: Elections, clientelistic competition and teacher hiring in Indonesia." *British Journal of Political Science* 50.4 (2020): 1283-1305. <https://doi.org/10.1017/S0007123418000601>.

governmental authority, ensuring that representative institutions remain accountable, regenerative, and constitutionally proportional.

Indonesia's multi-party political system often presents its own problems in enforcing legal discipline, especially when it comes to the implementation of political party autonomy. Internal party regulations do not always comply with the principle of legal certainty, and in some situations, these problems can even spill over into the involvement of cadres in legislative bodies such as the DPR and DPRD. This situation makes legal implications an issue that cannot be ignored because it is directly related to law enforcement, legal certainty, and efforts to reduce corruption. Amidst such political dynamics, the existence of a responsive legal framework is a fundamental necessity, especially when representative institutions exercise their sovereign functions in parliament.³⁵ Placing the law above all political interests is a key requirement for ensuring that the representation of the people remains within the boundaries of the Constitution and the ethics of state administration.

On that basis, the author proposes ideas regarding legal implications that need attention, namely: first, the need for internal regulations within political parties regarding the term of office for cadres placed in legislative bodies. These regulations are aimed not only at political regeneration, but also at preventing the accumulation of power over too long a period of time. Second, the need to reorganize the Staatsfundamentalnorm through the authority of the People's Consultative Assembly in the context of amending the 1945 Constitution, so that the legal system and the implementation of elections can run in an orderly and measurable manner and guarantee legal certainty.

In modern democratic discourse, the separation of powers is a fundamental principle that prevents any single institution or individual from dominating the government. This idea stems from the tradition of democratic states, where the people hold supreme sovereignty and have the right to participate in decision-making, either directly or through their representatives in representative institutions³⁶ Democracy is not only an electoral mechanism, but also a balanced distribution of power.³⁷ In the history of political theory, John Locke's thinking provided the initial direction, but Montesquieu's ideas later refined it by dividing power into three functions: legislative, executive, and judicial. According to Montesquieu, these three powers must be separated both in terms of function and institution, so that they do not influence each other. He emphasized that when the functions of making laws, administering government, and adjudicating are combined in the same hands, freedom will be lost and abuse of power will inevitably occur.³⁸

In Indonesia, this view is relevant. Legislative authority that is not limited by term limits has created a power vacuum. The absence of regulations on term limits means that legislative

³⁵ Muhammad Yogi Septian Priyono, Ariawan Gunadi, "Implikasi Hukum Dan Politik Dalam Pembentukan Danantara Sebagai Badan Pengelola Investasi Nasional ", *Rewang Rencang: Jurnal Hukum Lex Generalis* 5 No.10 (2024) : 1-11. <https://doi.org/10.56370/jhlg.v5i10.1016>.

³⁶ Sunny Ummul Firdaus et al., *Kajian Akademik Penguatan Sistem Demokrasi Indonesia*, (Universitas Sebelas Maret-Majelis Permusyawaratan Rakyat, 2023). https://mpr.go.id/img/jurnal/file/100624_Final%20Kajian%20MPR%20Demokrasi.pdf.

³⁷ Maulia, Lina. Demokrasi dalam pemikiran John Locke dan Al-Farabi. *Undergraduate thesis*, UIN Mataram.,(2023).

³⁸ Suparto, "Teori Pemisahan Kekuasaan Dan Konstitusi Menurut Negara Barat Dan Islam," *Jurnal Hukum Islam*, 19, no. 1 (2019): 134-49. <http://dx.doi.org/10.24014/hi.v19i1.7044>.

positions can be filled indefinitely as long as the candidate meets the administrative requirements in the next election.³⁹ The practice of misusing budgets for personal or party interests is nothing new.⁴⁰ The presence of the same legislators for many years has not had a significant impact on the welfare of the people, because the relationship of representation tends to turn into a relationship of exchange of interests.

The urgency of reform also concerns the quality of human resources. Although Law No. 7 of 2017 only requires a minimum education of high school graduation for legislative candidates,⁴¹ this capacity is considered insufficient to handle legislative authority. Ideally, legislative candidates should have at least a bachelor's degree so that their analytical skills, understanding of the law, and legislative responsibilities can be better fulfilled. Adequate education is also believed to be able to reduce the potential for corruption, collusion, and nepotism because legislators have a sufficient knowledge base to carry out their functions.⁴²

The regulation of the term of office for legislative cadres ultimately becomes important not only for the sake of regeneration, but also to close the opportunity for the accumulation of power that lasts too long in the parliament. The absence of term limits actually raises more fundamental legal issues than mere electoral competition dynamics, because a public authority is considered legitimate only when if it is placed within clear normative boundaries. Without such limits, legislative authority can be repeatedly used by the same political figures or groups, thereby transforming the representation process into a mechanism for reproducing electoral power that is difficult to penetrate.⁴³ When a parliamentary structure is dominated by the same elite over several terms, the political relationships that develop are no longer based on mandates, but rather on patronage with mutually binding interests. Authority has the potential to develop into an inherent right that is repeated without normative correction, and the function of the law loses its restrictive role because it only regulates the re-election procedure, not the distribution of power.⁴⁴

This situation opens up opportunities for abuse of power, whereby legislative authority is not exercised for the public interest, but rather to secure internal political positions. This phenomenon is an early sign of the formation of an electoral oligarchy, namely the long-term domination of the legislative process by elite groups. The idea of restoring the Staatsfundamentalnorm through the authority of the MPR cannot be separated from the need to make constitutional corrections to the design of authority, because strengthening basic norms is not merely a matter of editorial changes, but rather the establishment of clear boundaries so

³⁹ Yudi Junadi et al., "Urgensi Pembatasan Periodisasi Masa Jabatan Anggota Legislatif Dalam Perspektif Konfigurasi Politik Hukum Indonesia," *Jurnal Hukum Mimbar Justitia* 7, no. 2 (2021), 140-159. <https://doi.org/10.35194/jhmj.v7i2.2043>.

⁴⁰ Muhammad Al Kautsar and Kurniawan, "Pembatasan Periode Masa Jabatan Anggota Legislatif (Limitation Periods on The People' S Representative Council)," *Jurnal Ilmiah Mahasiswa Bidang Hukum Kenegaraan* 3, no. 8 (2019): 361-71. <https://jim.usk.ac.id/kenegaraan/article/view/16154>.

⁴¹ Humas, "Inilah-Undang-Undang-Nomor- 7 -Tahun- 2017 -Tentang-Pemilihan-Umum- 2 - Setkab-Go," Sekretariat Kabinet RI, August 22, 2017, <https://setkab.go.id/inilah-undang-undang-nomor-7-tahun-2017-tentang-pemilihan-umum-2/>.

⁴² Muhammad Rafi Akbar, "Politik Hukum Penentuan Tingkat Pendidikan Sebagai Syarat Menjadi Anggota Dewan Perwakilan Rakyat di Indonesia Dalam Perspektif Rancangan Undang-Undang Tentang Pemilihan Umum," *JOM Fakultas Hukum Universitas Riau* 2, no. 4 (2023): 31-41. <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/34660>.

⁴³ Rummens, Stefan, and Raf Geenens. "Lottocracy versus democracy." *Res Publica* 31.2 (2025): 339-357. <https://doi.org/10.1007/s11158-023-09648-6>.

⁴⁴ Hamrin and Cucuk Endratno, "Masa Jabatan Lembaga Legislatif Di Indonesia Guna Menegakan Prinsip Konstitualisme," *National Journal of Law* 6, no. 5 (2022): 704-19. <https://doi.org/10.47313/njl.v6i1.1677>.

that the principle of limiting power is consistently applied to all branches of state power. When the president, governors, and regents are limited to two terms, but legislative members can be elected without limits, there is a structural imbalance in the constitutional design. This imbalance has the potential to create a differentiation of interests between the executive and the legislature and encourage the emergence of political negotiation spaces that are not always within the framework of the people's interests. The renewal of basic constitutional norms aims to realign the principle of limiting power as a mechanism to prevent the abuse of authority in the administration of government.⁴⁵

If term limits for legislators and basic norms are not established, the electoral system will only facilitate repeated electoral contests by the same actors without offering any substantial shift in political representation. Electoral law will no longer be an instrument of democracy, but merely a legal procedure that justifies the status quo of power. Comparative studies show that countries such as Mexico and the Philippines have successfully implemented term limits, and Indonesia can learn from these models.⁴⁶ Term limits will strengthen the principle of constitutionalism, prevent absolutism, and ensure that legislative power remains under the control of the Constitution, rather than popularity or political logistics.⁴⁷ Institutional redesign through amendments to the 1945 Constitution is necessary to create legal certainty that guarantees the regularity of elections and rebuilds public trust in representative institutions. Mechanisms to limit power through constitutional law are a way to ensure that the representation of the people in parliament is not trapped in the dominance of certain groups, but remains open to fair, accountable competition oriented toward the public interest.

4. CONCLUSION

This research concludes that the existence of government authority in legal reform concerning legislative term limits in Indonesia represents a constitutionally legitimate mechanism to restore balance within the state governance system and to strengthen the principle of limitation of power. Normatively, governmental authority is grounded in constitutional provisions granting the executive role in legislative formation, legal policy direction, and constitutional development, which enables the government to initiate reforms addressing the absence of legislative tenure regulation. The study finds that unlimited legislative terms create structural imbalances between state institutions, weaken checks and balances, and generate unequal political advantages that contradict the principle of equality before the law by restricting fair political access for citizens. Consequently, legislative term limits function as a constitutional corrective instrument to ensure proportional distribution of authority, democratic regeneration, and ethical governance within representative institutions. The legal implications of such reform extend to strengthening constitutional democracy, improving political representation, and preventing long-term concentration of power within legislative bodies. Operationally, legal

⁴⁵ Haryo Wijoyo and Sunny Ummul Firdaus, "Urgensi Pembatasan Masa Jabatan Anggota Legislatif Dalam Upaya Pencegahan Penyalahgunaan Kekuasaan," *Res Publica: Jurnal Hukum Kebijakan Publik* 6, no. 1 (2022): 57–79. <https://doi.org/10.20961/respublica.v6i1.48223>.

⁴⁶ Kevin Mardianto, "Pembatasan Masa Jabatan Anggota Legislatif dalam Bingkai Demokrasi Konstitusional," *Rewang Rencang: Jurnal Hukum Lex Generalis* 6, no. 8 (2025): 1–19. <https://doi.org/10.56370/jhlg.v6i8.1477>.

⁴⁷ Ihtisab Afandi Sahidin, Hotma Sibuea, and Hedwig Adiarto Mau, "Pengaturan Periodisasi Masa Jabatan Anggota DPR RI dalam Sistem Ketatanegaraan Indonesia Sebagai Negara Hukum Demokratis," *Blantika: Multidisciplinary Journal* 3, no. 2 (2024): 168–85. <https://doi.org/10.57096/blantika.v3i2.272>.

reform may be pursued through amendments to electoral legislation and political party regulations as short-term measures, followed by constitutional amendment through the People's Consultative Assembly to institutionalize term limits as a fundamental constitutional norm. This study contributes to constitutional law scholarship by integrating governmental authority, equality before the law, and limitation of power theory into a unified analytical framework, positioning legislative term limits not merely as an electoral policy but as an essential constitutional mechanism for safeguarding democratic integrity and reinforcing the rule of law in Indonesia.

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