

Juridical Review of The Term Limitation of Political Party Chairman to Realize Constitutional Democracy in Indonesia

Lingga Zalfa Adhiba¹⁾ & Bayangsari Wedhatami²⁾

¹⁾Faculty of Law, Universitas Negeri Semarang, Indonesia, E-mail: linggazalfa@students.unnes.ac.id

²⁾ Faculty of Law, Universitas Negeri Semarang, Indonesia

Abstract. *Political parties are crucial institutions in Indonesian democracy, but the absence of term limits for party chairpersons has the potential to create power domination, oligarchy, and weakening of internal party mechanisms. This study analyzes the urgency of limiting the term of office of political party chairmen and formulates ideal norms in the positive legal system in Indonesia. The results show that the absence of this regulation has triggered individual domination, such as prolonged leadership in PDIP and NasDem, barriers to regeneration, and misappropriation. Article 1 Paragraph (2) and Article 28E Paragraph (3) of the 1945 Constitution juridically become the constitutional basis, even though Law No. 2 Of 2011 on the Amendment to Law No. 2 Of 2008 on Political Parties does not explicitly regulate it. The author recommends: (1) revising the Article 23 Paragraph (1) of the Political Party Law to limit the term of office of the party chairman to a maximum of two terms and 5 years in office; (2) an independent supervision mechanism; (3) transparency of the succession process; and (4) the application of sanctions for violating parties. The implementation of this policy is expected to strengthen constitutional democracy, prevent oligarchy, and encourage the political participation of the younger generation. Cooperation between the government and civil society is needed to realize constitutional democracy in Indonesia.*

Keywords: *Constitutional; Democracy; Limitation; Party; Political.*

1. Introduction

Indonesia is a democratic country, where one of the main elements is a political party that has a special task and role in political dynamics (Ferdianto & Fitri, 2024). Indonesia has a clear legal basis, namely Article 1 Paragraph (2) of the 1945 Constitution, which emphasizes that sovereignty is fully in the hands of the people and its implementation is governed by the constitution. Therefore, every policy made by the government must reflect the interests of the people as the owners of supreme sovereignty (Anggono, 2019). Political parties are an element that plays a determining factor in the level of an effective democratic state. Political parties hold

a very important role and position in every democratic system. Constitutional democracy in which state power must be limited and regulated by law, especially through the constitution, which serves as the supreme law of the land. This ensures that no individual or institution is above the law, and all government actions must be in line with the principles of the approved constitution (Mardhatillah et al., 2024).

Constitutional democracies require every political party to abide by the rule of law, designed to support the implementation of a democratic system. This system requires each political party to adopt democratic principles in its internal management. The constitution itself comes from the collective will and purpose of the people, formulated in the form of mutual consent, to build a modern state that makes the constitution the basic law and the main source of law. The constitution, which is rooted in the thoughts and will of the people, gave birth to the concept of "constitutional democracy," which intends to limit the power of state institutions to prevent abuse of the people (Hulain et al., 2023). In a constitutional democracy, political parties are required to abide by the rule of law designed to support the implementation of a democratic system. Political parties also act as a strategic link between the government process and the people. Democracy in Indonesia often faces various obstacles that hinder the achievement of *das sollen* democracy, which is an ideal state in which democracy functions effectively and efficiently with constitutional principles. One of the main challenges is the existence of one-centered power leadership. In the absence of term limitation, political party leaders tend to produce authoritarian power, which can trigger oligarchic practices and reduce the quality of internal party democracy. One of the democratic principles that must be applied in political parties is the limitation of the term of office of the chairman. This is important because if there is no term limit, democratic stability in the party can be disrupted.

The 1945 Constitution guarantees citizens the right to freedom of assembly, association, and expression, both individually and collectively, as outlined in Article 28E Paragraph (3). This provision enables public participation in shaping policies that reflect the collective will of the people. Political parties serve as a key mechanism for overseeing power by uniting individuals who share common ideals and objectives. Within this structure, the role of a party chairman is crucial, as they determine the party's direction and operational framework. Given their authority, the chairman holds a pivotal position, influencing decision-making and often representing the party in elections. Nevertheless, imposing term limits on party chairman is essential to mitigate risks of power misuse and maintain accountability.

Limiting the term of office of political party chairman is very important to prevent parties from becoming oligarchic tools. To uphold constitutional democracy, Law No. 2 Of 2008 on Political Parties, which was later revised by Law No. 2 Of 2011, stipulates regulations on term limits for party chairman. The need for such limits becomes clear when looking at cases where prolonged leadership leads to excessive control. When an individual dominates decision-making, this fosters an oligarchic system, which prioritizes personal or factional interests over common goals. This weakens internal democracy, fuels conflict, and undermines the party's role in political

education and leadership renewal. Without term limits, parties risk over-reliance on one person, which inhibits regeneration and ultimately erodes democratic governance (Elviandri et al., 2024).

Political parties are now considered stagnant and tend to be reluctant to make changes. Party leadership does not seem to experience significant changes, making it difficult to find a suitable figure to serve as chairman. This reflects the dependence of political parties on certain individuals. In addition, long-standing internal conflicts have further worsened the situation within the party. As a result, the party becomes less effective and potentially inactive in elections (Suyanto, 2024). A large concentration of power in the hands of the chairman of a political party has the potential to create authoritarianism and a dynastic system within the party. Therefore, limiting the term of office of the party chairman is an important issue in efforts to strengthen constitutional democracy. This step aims to encourage leadership turnover, thus providing an opportunity for party cadres who are competent or have the support of the majority of members to lead. Although no article in the Political Party Law regulates the duration of the chairman's term of office, some political parties include such rules in their bylaws, while other parties do not set limits on the term of office of the chairman in their bylaws (Riqiey et al., 2022). PDIP and the Democratic Party have their bylaws that do not stipulate term limits for chairman. As a result, some chairman lead for very long periods. In contrast, PKS and PPP have rules in their bylaws that limit the term of office of the chairman to a maximum of 2 (two) periods or 10 (ten) years. With this restriction, the personalization of political parties can be avoided, so that no individual dominates excessively or has too strong an influence in the party.

Indonesia already has several regulations that manage political parties, such as Law No. 2 Of 2011 on Political Parties. However, the regulation has not explicitly regulated the limitation of the term of office of political party chairman. The current regulations tend to focus more on aspects of the roles, rights, and responsibilities of political parties without regulating in detail the regeneration of leadership within the party. The absence of regulations that explicitly regulate the limitation of the term of office of political party chairman results in freedom for political parties to decide on the election procedures and the term of office of political party chairman privately. As a result, some political parties impose their own rules that allow the party chairman to serve repeatedly without any clear term limits. This promotes the status quo and leads to the concentration of power in one individual for a long period. Law No. 2 Of 2011 only states that the management of political parties is fully regulated through each party's bylaws. In addition, there is no role for external parties or institutions outside the internal party that are authorized to supervise party administrators. However, if some regulations or laws expressly stipulate mandatory provisions to be followed by the bylaws, then the highest power holders in political parties will not be able to act arbitrarily.

In reality, it proves that the implementation of democracy through political parties in Indonesia has not fully illustrated the essence of a perfect *das sollen* democracy. This situation proves that the current legal instruments are not sufficient to create healthy leadership regeneration and

accountable internal democracy in political parties. The status *quo* condition confirms that there is a legal vacuum that must be improved. Thus, this regulation can prevent the concentration of power, encourage regeneration, and increase internal democracy, to produce political parties that are healthier, more democratic, and responsive to the needs of society.

By reviewing various related previous studies, this research aims to revisit the term limitation of political party chairman to realize democratic stability in Indonesia. Through this study, it is hoped that innovative ideas will emerge to answer the existing problems. The two main issues highlighted in this research are: a) How is the urgency of limiting the term of office of political party chairman to strengthen constitutional democracy in Indonesia? and b) How is the formulation of ideal norms related to the limitation of the term of office of political party chairman within the framework of positive law in Indonesia to realize constitutional democracy?

The purpose of this research is to identify the urgency of limiting the term of office of political party chairman in order to strengthen constitutional democracy in Indonesia and to find out formulation of ideal norms related to the limitation of the term of office of the chairman of a political party in the positive legal framework in Indonesia in order to realize constitutional democracy.

2. Research Methods

This research is a normative legal study that uses a normative juridical approach. Implicitly, this approach indicates that the research will adopt a statutory approach as a source of applicable law (Rohman, 2021). This research falls into the category of normative research that aims to assess the quality of legal norms. In general, normative legal research is used for various approaches, including: approaches by analyzing legal principles, approaches to legal structures, legal synchronization approaches, legal historical approaches, and comparative legal approaches. Normative legal research is a research method that views the law as a system consisting of various norms. This research includes principles, rules, rules in laws and regulations, agreements, and legal doctrines. This research focuses on the interpretation of legal norms and the theories that underlie them (Marune, 2023). This research analysis technique is based on descriptive analytics, which is called descriptive because the research objective is to present a comprehensive picture of the legal system being studied. Meanwhile, it is called analytical because an in-depth study is carried out on various legal elements in the legal system being studied. The entire legal system is built on fundamental concepts, namely basic ideas that become the foundation for the development of derivative concepts without requiring additional elaboration (Nurhaini Butarbutar, S.H., M.Hum, 2018). The data sources used come from library references, which include primary legal materials referring to applicable regulations or laws, as well as secondary legal materials referring to journal articles and books. All library data is obtained through a literature search process. Then, the data will be reviewed to obtain a specific understanding of the research focus and in line with the applicable regulatory provisions (Suyatno, 2022).

3. Results and Discussion

3.1. The Urgency of Limiting The Term of Office of Political Party Chairman to Strengthen Constitutional Democracy in Indonesia

Political parties are a crucial role in a democratic system because they allows citizens to engage in national development and upholds freedom with accountability. For democracy to thrive, political parties must function effectively as key contributors. According to Miriam Budiarjo, a political party is a formally organized forum whose members share the same goals, principles, and vision, which primarily aims to gain political power and obtain positions in government by legal means (Jurdi, 2020). Political parties fulfill several vital functions, such as facilitating political engagement by collecting and articulating public opinions and demands. They also educate citizens about the political system and its developments, serve as platforms for political recruitment, including training future leaders and appointing officials, and act as mediators in resolving conflicts between society and the government. Given their central role in democratic processes, political parties are often regarded as fundamental pillars of democracy (Ivanny, 2023). Within a political party's hierarchy, the chairman holds the highest authority. To ensure democratic leadership within the party, clear regulations defining this role are necessary. The chairman's position greatly impacts the party's overall operations and decision making decisions.

Laws are not designed for negative purposes, unless there is a deviation of power by leaders who combine the law with personal political interests or certain groups. In line with the function of law that should be regulated by the government, there is the Utilitarianism Theory, which is based on the principle of "the greatest happiness for the greatest number of people" which means that an action is considered good if it can maximize benefits for the wider community. The theory was proposed by Jeremy Bentham, who prioritized law to produce order, justice, and public welfare. A policy is considered right if it brings goodness to many people, and vice versa, it is considered wrong if it causes harm or unhappiness (Airlangga, 2019). Term limits for political party chairman also centralize the existence of oligarchs and strengthen party institutions as the foundation of democracy, not as a means of individual authority. Term limits for political party chairman produce a balance of power and encourage structured leadership regeneration. From the perspective of this theory, term limits also produce opportunities for the people to obtain the benefits resulting from a fair political system. This limitation is not only crucial, but based on the Theory of Legal Benefit explained by Bentham, namely, law as a forum to produce social welfare and justice more broadly in the life of the state. With the importance of limiting the term of office of political party chairman in Indonesia, the policy can be seen as a strategic step to strengthen a fairer and more participatory constitutional democracy.

John Locke's theory also underlines that the limitation of power, including the term of office, is a fundamental principle to prevent the domination of power by one individual. If executive or legislative power is not limited in time, for example, through term limitation, the risk of abuse

and domination of power will increase. John Locke emphasized that the people must have a control mechanism, either through the constitution, the separation of powers, or the right to dismiss the ruler, to ensure that power remains accountable. Thus, term limitation is a concrete implementation of the principle of checks and balances proposed by John Locke, as well as a protection for democracy from potential authoritarianism (Kishardian et al., 2022).

The absence of a checks and balances system in the Political Party Law has the potential to trigger arbitrary actions in the political party management structure. Therefore, it is necessary to limit the term of office of the chairman of a political party within a certain period, including the determination of the maximum term of office, as an effort to implement checks and balances and prevent abuse of power. Internal domination of power driven by the ambitions of certain individuals or groups is not only detrimental to party cadres, but can also trigger internal conflicts and reduce opportunities for cadres who are competent, have integrity, and are professional to contribute to party development. The absence of term limits for political party chairman allows for continued dominance by certain individuals, groups, or even families within the party structure. This condition contradicts the constitutional concept that emphasizes the importance of limiting power to prevent abuse. Without term limitation, there is a risk of abuse of power, which ultimately contradicts the principles of the rule of law, constitutionalism, and democratic values in political parties.

The urgency of limiting the term of office of political party chairman in Indonesia is not only philosophically and politically justified, but also has a strong legal foundation. Although there is currently no law that explicitly regulates term limits for political party chairpersons, Indonesia's principles of constitutional democracy provide a strong normative framework to support this idea. According to Article 1 paragraph (2) of the 1945 Constitution, sovereignty resides in the hands of the people and is exercised through constitutional mechanisms, which implies that the entire power structure, including within political parties should adhere to democratic values. Article 28E paragraph (3) of the 1945 Constitution also guarantees citizens freedom of association, assembly, and expression. Although political parties are not formal state institutions, their role in a democracy is crucial, especially in electing leaders and shaping policies through representation. Therefore, prolonged centralization of power and weak leadership regeneration must be prevented.

The close relationship between political parties and government power can be seen from the fact that the filling of political positions in both the executive (president) and legislative (DPR) requires the central role of political parties. Almost all democracies in the world apply a similar mechanism. As argued by Mac Iver, direct democracy in which people participate without intermediaries can only be applied in countries with narrow territories and small populations. Thus, a system of government that involves direct participation from the people is impossible to realize. Instead, representative democracy is an option, where the people choose their representatives through elections. In this context, political parties perform a crucial function by providing candidates for electoral contests. The exercise of popular sovereignty through political

parties is clearly outlined in Article 22E paragraph (3) of the 1945 Constitution, which states that only political parties can participate in legislative elections for members of the DPR and DPRD. In addition, Article 6A paragraph (2) mandates that presidential and vice-presidential candidates must be nominated by a political party or coalition of parties competing in the elections. Thus, the Constitution establishes political parties as the primary mechanism for exercising popular sovereignty through elections.

Since the beginning of the reform period, political parties have undergone significant transformations and adaptations. Numerous parties have implemented reforms, covering institutional structures, organizational culture, and other aspects. For instance, the role of a party's general chairman has frequently changed with variations in leadership figures, management approaches, and selection processes. However, Indonesian law, particularly Law No. 2 of 2011 on Political Parties does not explicitly regulate term limits for party leaders. Instead, such provisions are left to each party's internal bylaws, leading to inconsistent enforcement. To curb the concentration of power and enhance the effectiveness of political parties, amendments to the Political Party Law are necessary (Azrianti et al., 2020). Since the passage of Law No. 2 Of 2011, regulations concerning political parties have remained stagnant despite evolving political dynamics that demand updated legal frameworks to foster a more democratic and contemporary party system. The Political Party Law should address democratic governance principles, including term restrictions for party leaders. Given that political parties function as public institutions funded by state and regional budgets (APBN and APBD), such reforms are crucial for ensuring accountability and preventing authoritarian tendencies within party structures.

The absence of term limits for political party chairman has the potential to create absolute power controlled by certain individuals or groups. This can trigger fraud and close the space for party members to convey criticism, suggestions, or aspirations to develop the party. Even worse, this condition can lead to intimidation of members who are vocal in fighting for transparent party governance, considering that the leader has the authority to dismiss them unilaterally. If this practice is maintained, it is tantamount to denying the principles of democracy and the constitutional rights of party members. The absence of term limitation also makes the participation of members a mere formality, without any real influence on decision-making due to the chairman's continuous domination. As stated by Jimly Asshiddiqie, "Limiting to two or three terms is just a discourse. If the party continues to be led by the same figure for a long time, internal innovation will stop, and the democratic system within it will also not grow". This situation leads to stagnation and authoritarianism, where members who are vocal in fighting for party governance are considered a threat to party stability. The root of this is the absence of a clear regulation in Law No. 2 Of 2011 regarding the limitation of the term of office of the general chairman of a political party. The impact is not only detrimental to the party, but also inhibits the regeneration of cadres within it.

The practice of democracy in political parties is not limited only to the mechanism of electing chairman and deliberations, but there are several other fundamental aspects, namely the limitation of the term of office of political party chairman. Without regulations governing this matter, a party can create a political dynasty and develop into an arbitrary party within it. Article 13 letter d of Law No. 2 Of 2008 explicitly states that political parties must uphold the rule of law, democratic principles, and human rights. The majority of political parties do not carry out this mandate according to the provisions. It is not uncommon for the chairman of a political party to position himself as if he is the embodiment of the party itself and ultimately ignore the role of other members. As a result, every party's policy or decision often reflects the will of the political party chairman.

Political dynasties have no place in a democratic system. However, history shows that this phenomenon still emerges and develops in countries that have a modern democratic system. Democracy prioritizes the principle of equal rights for every citizen to run for office and vote. Therefore, it cannot be justified if, in the name of the constitution, political power is controlled by certain groups or groups, because the state is the common property of all people. Every individual has the right to occupy a political position if they receive a mandate from the community. However, supervision and restrictions on this have so far only relied on ethical values regarding suitability and appropriateness. The reality on the ground shows that the practice of political dynasties has become increasingly prevalent and entrenched in the country's democratic system. Seeing the number of reports, especially from the younger generation, it is appropriate to formulate regulations related to the limitation of the term of office of the chairman of a political party. The unclear rules on this matter are the cause of the lack of leadership regeneration process, which regeneration is needed so that new leaders emerge who are potential and anticipated to be able to bring change (Riqiey et al., 2022). Strong indications of dynastic practices in political parties can be seen from the leadership structures of two major parties in Indonesia, namely:

1. PDIP, the party's chairman has been at the helm for about 25 years, starting from 1999 until now. Currently, the position of Chairman of the PDIP DPP is held by Puan Maharani, who is the daughter of the Chairman of PDIP.
2. Democratic Party, before Agus Harimurti Yudhoyono (AHY) took over the leadership, the position of Chairman was previously held by his father, Susilo Bambang Yudhoyono (SBY). Now, SBY holds the position of Chairman of the Democratic Party's High Council, while Edhie Baskoro Yudhoyono (Ibas), who is SBY's second son, serves as Deputy Chairman.

The absence of term limits for political party chairmen is one of the triggers for the emergence of authoritarian attitudes and dynastic practices within the party. Marcuz Mietzner, a political observer from Australia, argues that the reality of political dynasties is getting out of control in Indonesia's current democratic system. He argues that political dynasties are a serious problem

that undermines democratic principles because they reduce the controlling function of the government, which is a crucial element in a democratic state. Mietzner explains that political dynasties and oligarchies are stronger because these systems allow political elites to build power based on blood or marriage relations. In Indonesia, this elite group has great influence in determining political policy. They tend to gain power more easily (Mietzner, 2009). The absence of regulations governing this matter allows party leaders to maintain power continuously, which results in them freely eliminating those who disagree with or criticize the policies of the party chairman.

The view of limiting the term of office of the chairman of a political party is in line with the principle of power regeneration as one of the markers of a successful democratic system. With the limitation of the term of office of the chairman of a political party, an organized party leadership regeneration mechanism will be created. This supports the creation of a healthy circulation of power, and prevents power from being concentrated in one individual for too long or even indefinitely. Prof. Jimly Asshiddiqie argues that one of the main characteristics of the rule of law, which in English terminology is called the rule of law, and in Dutch or German is known as *rechtsstaat*, is the limitation of state power. This limitation is realized through the rule of law, which is the premise of modern constitutionalism. The concept of the rule of law can be known as a constitutional state, which is a state that is regulated and limited by the constitution. In the same sense, the concept of democracy or popular authority is said to be a constitutional democracy, which is a democratic system based on law. An example can be seen in Article 8 of ART PDIP, which states that "Party members who will be assigned as President and/or Vice President, Minister and/or Deputy Minister are the prerogative of the General Chairman of the Party". The article indicates that there is power from the chairman at the political selection stage (Alwie et al., 2020).

The failure of political parties to build an optimal regeneration process will lead to ideological stagnation, a lack of renewal, and reduced appeal to young voters. This condition also hampers the emergence of new perspectives in solving various community problems. Low participation among young people also prevents leadership renewal, which is needed to bring fresh ideas to politics. Regeneration and the involvement of the younger generation are key to keeping political parties adaptive, open, and significant. This effort not only contributes to improving the quality of leadership within the party, but also strengthens the foundation of Indonesian democracy as a whole. Thus, leadership change in the internal party structure is an urgent need that is of concern to all parties to ensure the sustainability of a healthy democratic system (Amal, 2024).

The term of office of a political party chairman for a long period has several advantages and disadvantages. The advantages include a stable leadership period and being consistent when implementing the party's vision and mission. Having experience can also make political party leaders quite effective in making decisions, one of which is when facing challenges in political dynamics. Generally, party leaders who have served for a long period have political alliances

within the party and externally, for example, with the government and businessmen. However, even long tenures have many drawbacks, such as a tendency to stagnate and a lack of renewal of ideas. Parties can become entangled in old frames of mind and tend not to be responsive enough to modern democracy. The authority of one individual for too long tends to result in a cult of the individual, where party members rely on the party chairman rather than proper regulation. Such problems can create discord within the party, especially among younger members who think they have no chance to grow. Too long a tenure can also lead to corruption or abuse of power if there are no regulations in place. Although the long tenure of political party chairpersons has resulted in stability, the implementation of term limits for political parties is considered crucial to remain in line with the principles of constitutional democracy.

The presence of main figures in political parties can be considered a form of personalization of party life. This phenomenon occurs when the role of the individual is more prominent than the form of the party itself. Although there is an opinion that personalization can generate political passion because of the presence of a revered figure, this is considered deviant because it contradicts the government's efforts to strengthen political party institutions. As a result, parties that should be managed in a modern way will return to traditional models characterized by charismatic and patrimonial leadership (Nurhasim, 2013). Personalization is often seen when an organization faces difficulties in the leadership succession process. Another impact of personalization is the obstruction of party regeneration. Patron-client culture is still very influential, especially in competition for top positions. Patron-client culture is a form of mutually beneficial interaction between two parties, namely patrons and clients. In this relationship, the patron controls various resources such as position, authority, security guarantees, financial assistance, and other facilities. Meanwhile, the client contributes hard work, loyalty, and political or social support to the patron (Mahendra, n.d.). At the national level, the regeneration of the chairman is still controlled by the old elite, and some parties have even failed to implement leadership regeneration. As CSIS researcher Arya Fernandes said, "within political parties, there is no structured career system, making it difficult for the younger generation to develop in politics". Personalization can trigger the practice of political dynasties, as is the case in some parties that appoint their own families to strategic positions both within the party and public office.

Repressive measures are often applied to influence members' votes in selecting candidates for leaders or chairman and are accompanied by pressure on those who do not comply. Ironically, these actions have become an open secret, as a result, the party leadership selection and regeneration system is dominated by internal power negotiations rather than transparent democratic mechanisms. This phenomenon proves how strong the dominance of party leaders has the potential to create authoritarian regimes and political dynasties, not only in the internal scope of the party, but also in controlling members of the legislature to the executive. Thus, limiting the term of office of party leaders is an urgency that needs to be realized as soon as possible.

Referring to the idea above, the limitation of the term of office of the chairman of a political party is a crucial element in the management of state jurisdiction based on the principle of law as a limitation. Political parties themselves play a crucial role in the governance process. With the limitation of the term of office for party chairman, there will be room for the creation of a more ideal democratic system within the party. This allows for a periodic leadership regeneration process. This regeneration provides an opportunity for young cadres who have the competence to take up leadership positions in the future. Therefore, limiting the term of office for political party chairman is a step that needs to be implemented to prevent the potential for misappropriation and corrupt practices of power, while avoiding the concentration of absolute power in the hands of certain individuals or groups within the party.

3.2. Formulation of Ideal Norms Related to The Limitation of The Term of Office of Political Party Chairman in The Framework of Positive Law in Indonesia to Realize Constitutional Democracy

The internal disputes that most often arise within political parties are disputes related to the struggle for leadership positions. If traced further, Law No. 2 Of 2011 does not provide a limitation for the term of office for the political party chairman. The election of party leaders is a manifestation of the internal democratic system in the party. In Indonesia, this mechanism is usually carried out through official forums such as congresses, national deliberations, or muktamar, which are held periodically according to the needs and internal dynamics of each party. Because political parties have many members, differences in views within them are a natural thing to happen. Therefore, choosing a figure that can be accepted by all parties to lead the party is not an easy matter. The bylaws act as the main guideline or basic rules in the mechanism for determining the party chairman, the substance of which refers to the legal provisions in the Political Party Law (Guna, n.d.).

Looking through the lens of Gustav Radbruch's Basic Value Theory of Law, three components form the basis, and these three components must complement each other in their application, namely, Justice, Legal Certainty, and Benefit. Based on the justice side, limiting the term of office of political party chairman can control power over individual authority and provide a wider place for members to be wider. The legal certainty side makes the limitation of the term of office of the political party chairman firmly formulated, written, and can be carried out by legal and binding legal instruments, such as laws. The concept of *rechtsstaat* from Continental Europe and the rule of law from the Anglo-Saxon system play a role in the formulation of this article. The substance of the article shows that Indonesia not only prioritizes aspects of legal certainty, but also seeks to produce a form of legal certainty that can also guarantee the realization of justice for all citizens (Muslih, 2017). In terms of expediency, it maintains leadership regeneration, increases responsibility, and democracy runs properly, and provides benefits to many people. In the context of the formulation of the ideal norm of limiting the term of office of political party chairmen, the theory is considered to be able to produce an understanding of the urgency of such arrangements based on positive law in Indonesia.

Several countries have adopted a policy of term limitation for political party leaders as a measure to strengthen internal democracy and prevent it from being dominated by certain individuals. One of them is Chile, which adheres to the civil law system. This country regulates how long political party chairman can serve in its constitution, namely in *Cuarta Reforma Texto Refundido, Coordinado y Sistematizado De La Ley Nº 18,603, Orgánica Constitucional De Los Partidos Políticos*. In Chapter IV, Article 25, it is explained that all members of the party's internal organs can only serve for four years and are not allowed to serve more than two consecutive terms in the same position. Similarly, Ecuador has a two-year term limit for party chairman with the possibility of extending it for one further term under Chapter III, Article 23 of the *Codificación De La Ley De Partidos Políticos*. The purpose of this policy is to regenerate leadership and maintain effectiveness and democratization in party management. Both countries show that term limits for party chairman positively contribute to the process of leadership regeneration, prevent the formation of oligarchic power within the party, and strengthen a more open and democratic party system (Elviandri et al., 2024).

Almost all political parties seem to face institutional and organizational problems. Internal disputes that occur usually stem from violations of the “rules of the game” which are often carried out by the chairman of each party. A wise, collective, democratic, and accountable organizational culture does not seem to have become a strong habit within political parties, as many important decisions are taken arbitrarily and oligarchically by party chairman (*NASKAH AKADEMIK RUU Partai Politik (2010)*). Interestingly, the term of office of the president in Indonesia, which has a term of office for 5 years and two periods, is the result of the amendment to Article 7 of the 1945 Constitution, which was deliberately arranged to avoid the abuse of power that had occurred during the New Order era. This limitation is useful so that there is no excessive authoritarian concentration. As the era of President Soeharto's reign, which lasted for seven years, showed, excessive power can lead to arbitrary actions and potentially authoritarianism. This limitation has proven effective in maintaining the concept of democracy as a form of checks and balances in the constitutional system, unlike political party chairpersons, who are not limited to a period in office because they are only regulated by the bylaws of each party. The constitutional mechanism with term limitation shows the awareness of the Indonesian people that power in one individual for too long can be abused, so it must be strictly limited.

Broadly speaking, there are two kinds of tenure mechanisms for political party chairman. First, the term of office is set for five years for one period, with the possibility of re-election without limitation on the number of terms, for example, PDIP, PKB, Gerindra Party, Democrat Party, NasDem Party, and others. Second, the term of office is set for five years and can only be extended for a maximum of two periods, for example, PPP and PKS. In practice, the arrangements in the bylaws embody two kinds of stipulations for the term of office of party chairman, namely five years without a limit on the number of terms and five years with a maximum limit of two terms. When there is no period limit, this can strengthen the dominance of the chairman in the party structure, which in turn triggers negative implementations in the

democratic system, such as the centralization of the party chairman figure, the emergence of dynastic politics, and hampers the process of regeneration and recruitment of new members in the party (Kaparang, 2024).

Table 1. Political Party Chairman Who Have Served for a Long Period

No.	Political Party	Form of Meeting	Chairman	Term of Period
1	PDIP	Kongres	Megawati Soekarno Putri	1999 – present
2	PKB	Muktamar	Abdul Muhaimin Iskandar	2005 – present
3	NasDem	Rapat Terbatas	Surya Paloh	2013 – present
4	Gerindra	Kongres	Prabowo Subianto	2014 – present
5	Demokrat	Kongres	Susilo Bambang Yudhoyono	2013 – 2020
6	PBB	Muktamar	Yusril Ihza Mahendra	1998 – 2005 and 2015 – 2024
7	PAN	Kongres	Zulkifli Hasan	2015 – 2029

Source: Application for Material Testing of Article 23 paragraph (1) of Law No. 2 Of 2011 on Amendment to Law No. 2 Of 2008 on Political Parties, Article 239 paragraph (2) letter d and Explanation of Article 239 paragraph (2) letter d of Law No. 17 Of 2014 on MPR, DPR, DPD, and DPRD against the 1945 Constitution.

Efforts to implement a term limitation mechanism for political party chairman face various serious obstacles, especially in the judicial review process at the Constitutional Court and the Supreme Court, each of which has its obstacles. At the Constitutional Court, applications often do not proceed because the applicant is deemed not to have sufficient legal standing and the content of the lawsuit is considered unclear or vague (*obscuur libel*). Meanwhile, a similar process at the Supreme Court is blocked because the institution considers that the bylaws do not meet the requirements as statutory regulations and are not a direct implementation of the law. Therefore, a revision of the Political Party Law is needed to harmonize the regulations of all parties regarding the term of office of political party chairman. The process of revising the Political Party Law must involve public participation because the DPR and the government themselves are part of political parties and represent the interests of the parties.

Political parties play a crucial role in determining the fillers of government positions, so it is necessary to apply term limits for their leaders to create legal certainty in the process of regeneration and political recruitment at all levels. The current system, which relies on bylaws, risks triggering a monopoly of power by certain individuals, causing differences in the ideal function of political parties. The Political Party Law usually positions parties as superior institutions without adequate supervision from the government or internal parties, because the internal supervision mechanism is only regulated through the bylaws, with different forms of organs for each party that remain subject to the chairman. The majority of parties in Indonesia adhere to a guided democracy system where absolute rules are determined by the chairman while members only carry them out. Although the delegation of management arrangements to the bylaws through Article 23, Paragraph (1) of the Political Party Law is not entirely wrong,

conflicts arise when the term of office of the chairman is left entirely to the bylaws without clear limits, potentially strengthening the concentration of power to one individual.

Referring to the consideration of the Constitutional Court in Decision No. 91/PUU-XX/2022, which essentially emphasizes the importance of limiting the term of office of the leadership of advocate organizations through law. In rational logic, this kind of regulation can limit equal opportunities for members to manage the organization and hinder the process of regeneration and leadership change. Ideally, the law should establish clear rules regarding term limitation and a leadership periodization system in advocate organizations. Although the decision specifically regulates advocate organizations, it can be considered to be implemented in other contexts, including the case *a quo*, for several reasons:

- a. Having similarities as organizations, although they have different characters, advocate organizations are professional, while political parties are constitutional organizations regulated in the 1945 Constitution and play a role as the foundation, driver, and support of democracy, both of which are institutional. Unlike ordinary organizations, political parties should be subject to stricter rules. Therefore, it is reasonable if the prohibition in Article 2 paragraph (1b) of the Political Party Law is expanded by adding a limitation of the term of office of the party chairman to a maximum of 2 (two) periods.
- b. Higher relevance to political parties as the main actors in the democratic system, political parties should be more consistent in applying the principle of power limitation, given that one of the basic values of democracy is term limitation.
- c. Referring to the considerations of the Constitutional Court, ideally, the term of office of the organization's leadership is limited to 5 (five) years, following the general standard of limiting leadership periods. The limitation of 2 (two) periods can be applied consecutively or non-consecutively. This 5 (five) year limitation is also in line with the leadership regeneration cycle of the President and DPRD to realize a uniform leadership regeneration mechanism in all political structures.

Based on the explanation above, the term of office provisions stipulated in the party's bylaws provide a loophole for certain individuals to maintain power continuously. The supervision mechanism for political parties is currently only carried out internally through a supervisory commission formed through a party decision, even though the existence of this supervisory institution is not explicitly mandated in the Political Party Law. The Political Party Law does not provide strict limitations on term limits or supervisory mechanisms. This law only states that the party management structure is fully regulated through the bylaws of each party, as stated in Article 2, paragraph (4) of the Political Party Law. The lacuna and too much flexibility in this regulation give excessive authority to the political party chairman to determine the bylaws without external interference, considering that there are no institutions outside the internal

party structure that have supervisory authority. Although Article 13, letter d of the Political Party Law states the party's obligation to uphold the principles of law, democracy, and human rights, in practice, most parties in Indonesia do not include a limitation on the term of office of the chairman in their bylaws. Regarding the leadership succession process, many parties only rely on acclamation with a single candidate, thus closing the opportunity for other cadres to compete fairly. A similar phenomenon occurs in the filling of strategic party positions, where these positions are often dominated by the inner circle of party leaders without a transparent and democratic selection process.

In ideal norms, the term of office of a political party chairman should be limited to a maximum of two terms, each for 5 (five) years, so that the maximum total is 10 (ten) years. This is in line with the principle of leadership regeneration and the prevention of prolonged concentration of power in one individual. It is necessary to revise Article 2, paragraph (1b) of the Political Party Law by adding a limitation on the term of office of the chairman of a political party to be in line with the principles of constitutional democracy. One concrete form of revising the Political Party Law is by confirming that Article 23 Paragraph (1) of Law No. 2 Of 2011 concerning Amendments to Law No. 2 Of 2008 concerning Political Parties is not in line with the 1945 Constitution and has no binding legal force unless it is interpreted that "the change of management of political parties at all levels must be by the bylaws with the provision that the chairman of a political party can only serve for 5 (five) years and can be re-elected a maximum of 1 (one) time in the same period, either consecutively or non-consecutively." Political party chairman are prohibited from running for re-election after serving two terms. It is also necessary to add a strict monitoring mechanism and strict sanctions in the form of a ban on participating in elections for parties that violate these regulations. Then, it requires parties to hold congresses in an open and supervised manner to ensure that the leadership change system is carried out democratically. Therefore, the revision of the Political Party Law must include strict regulations on term limits, supervision mechanisms, and sanctions for violations to strengthen internal party democracy and prevent extreme authoritarianism. The implementation of these regulations needs political support from factions in the DPR as well as public participation.

Article 2 paragraph (1b) of the Political Party Law prohibits party administrators from holding dual membership, while Article 23 paragraph (1) stipulates that changes in leadership are governed solely by internal party regulations. However, these provisions do not impose any limits on the tenure of a party's general chairman. In reality, term limits depend entirely on each party's bylaws, which can be amended through internal processes, especially given the significant influence party leaders wield over their members. This lack of clear regulation creates legal ambiguity regarding the duration of a party leader's term. Contrastingly, Article 7 of the 1945 Constitution explicitly limits the president's term to prevent power misuse. Thus, introducing term limits for political party chairman in the Political Party Law would ensure legal certainty and fairness for all parties in Indonesia.

Increasing financial assistance to political parties can help reduce their reliance on the personal funds of their leaders. This approach can reduce negative outcomes such as position trading, corrupt practices, or concentration of power in one individual. Assistance does not have to be monetary, but can also include infrastructure support, such as providing regional secretariat offices. Such measures can substantially lower the operational costs of political parties (Azrianti et al., 2020). In addition, imposing term limits for political party chairman can encourage healthier leadership turnover, prevent oligarchic domination by one person, and encourage adaptive and innovative reforms to meet the demands of contemporary democracy.

The disadvantage of not limiting the term of office is that the enormous power in the hands of the chairman of a political party can slow down the development of a stable and responsible party mechanism. This condition is formed because parties are often only treated as a means of obtaining the political ambitions of several individuals. The vacuum related to the limitation of the term of office of the party chairman creates a fundamental problem that contradicts the principle of the rule of law, where party management is no longer guided by formal rules but is more determined by subjective decisions that prioritize the personal interests of party officials. This issue also affects the disruption of democratic principles, especially in the leadership regeneration mechanism. Political parties are often trapped in a condition where the leadership is dominated by the same figure continuously. These events ultimately reduce the party's ability to function optimally as one of the pillars in the democratic system (Ghafur, 2024).

The leadership dynamics of the Golkar Party have seen frequent changes in its chairman since 1998. Akbar Tanjung, who was elected through the 1998 Munaslub, did not manage to maintain his position when he was defeated by Jusuf Kalla in the 2004 National Conference. Six years later, Jusuf Kalla chose not to run for re-election, and Aburizal Bakrie was elected as the new chairman. Bakrie's leadership period was extended through the 2014 National Conference, but dualism in the management made his tenure short-lived, and he was eventually replaced by Setya Novanto in the 2016 National Conference. Novanto's fate as chairman had to end sooner due to a corruption case, so his position was transferred to Airlangga Hartarto through the 2017 Munaslub. In the next National Conference in 2019, Hartarto succeeded in continuing his leadership after being confirmed by acclamation (Busairi, 2016). Leadership dualism not only disrupts the stability of the party chairman's tenure, but also has a systemic impact on the party's credibility, performance, and competitiveness at the national level. The dualism is also a shortcoming of the absence of term limits for the political party chairman.

Political parties have the authority to control their cadres occupying legislative seats through the mechanism of Interim Change (PAW), also known as recall. PAW refers to the process of removing or replacing members of the House of Representatives by political parties as the parent organization, however, this mechanism has drawn criticism. Moh. Hatta once stated that the right of PAW is not in line with the principles of democracy, including Pancasila democracy. According to him, party leaders should not have the authority to revoke the mandate of members who have been elected by the people through elections. If parties feel more powerful

than voters, then elections lose their meaning. Moh. Hatta even mentioned that this kind of practice is only prevalent in authoritarian communist and fascist countries (Noer, 1989). A similar view was expressed by Constitutional Judge Abdul Mukthie Fadjar in the Dissenting Opinion of Constitutional Court Decision No. 008/PUU-IV/2006. He emphasized that elected members of the DPR are representatives of the people, not party representatives. As an analogy, although the President and Vice President are nominated by political parties, they are still the leaders of all Indonesian people, not just representatives of the supporting parties. Therefore, the party has no right to withdraw its mandate once elected. In other words, the DPR should remain a representative body of the people, not a representative of a political party.

4. Conclusion

The implementation of term limits for political party chairman in Indonesia is a fundamental need to ensure the sustainability of a healthy democratic system. The absence of this regulation has triggered various structural problems, including the dominance of power in individuals, the development of nepotism practices in politics, the stagnation of leadership regeneration, and the declining involvement of the younger generation in the political process. The internal system in political parties also needs to be strengthened by improving the career ladder structure and preventing the emergence of authoritarian regimes. This needs to be explicitly regulated in the bylaws of each party, such as establishing a competency-based career path. Starting from party cadres to legislative candidates, along with objective requirements, such as training, experience, and performance assessment. Parties also need to apply a transparent system to avoid nepotism and division between political and organizational career paths, so that cadres can develop professionally. The participation of the community, including civic groups, academics, youth organizations, and other democratic elements, is also very important to ensure that the regulations made truly represent the aspirations of the people and are in line with the spirit of reform. If these policies are implemented consistently, Indonesia will not only have a more inclusive party system, but also produce new leaders who are more representative, qualified and accountable. The effectiveness of term limits will be a testament to Indonesia's democracy and the people's political participation in protecting a transparent system of government.

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