

Term Limitation of Members of the People's Representative Council of the Republic of Indonesia (Dpr Ri) (Legal Study of Amendments to the 1945 Constitution of the Republic of Indonesia)

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Abstract

In the Indonesian constitutional system, the House of Representatives of the Republic of Indonesia (DPR RI) plays a strategic role as a legislative body that carries out legislative, budgetary, and oversight functions. However, unlike the positions of President and Vice President, which are expressly limited in the 1945 Constitution of the Republic of Indonesia (UUD 1945), the term of office of DPR members is not limited. This study aims to analyze the provisions on the term of office of DPR members in the current Indonesian constitutional legal system. This study uses normative legal research (juridical normative). The collected data is then systematically compiled, and then a normative-descriptive analysis is conducted. The results show that the DPR RI has a strategic role in the constitutional system, but the absence of term limits for its members creates a legal vacuum that has the potential to open up opportunities for abuse of power and weaken political accountability. This condition has an impact on increasing the risk of corruption, political oligarchy, and declining public trust in the legislative institution. Therefore, term limits are an important step in constitutional reform to strengthen democracy, maintain the balance of power, and encourage a more transparent and accountable government.

Keywords: *Limitations, Term of Office of Members, House of Representatives*

INTRODUCTION

The end of the New Order government (the fall of Suharto) marked the beginning of reforms in all aspects of national life, from economics to politics, law, socio-cultural affairs, and the military. These reforms began with amendments to the 1945 Constitution, as it de facto failed to establish a democratic government. The original draft of the 1945 Constitution was insufficient to regulate presidential power limitations, checks and balances, and human rights guarantees. This resulted in widespread abuse of power, weak law enforcement, and a diminished role for political parties, political institutions (parliament), and civil society.

The amendment to the 1945 Constitution took place within the political setting of a democratic transition. Several interesting aspects are worth noting. First, the political interaction and power interplay between the actors involved in the change process. Second, the debates between factions and their outcomes, as well as the influence of political parties' ideological backgrounds and political interests on the change process. Third, the substance of the debates involved crucial issues that generated intense debate and were politically significant, namely the foundations of the state and religion, the House of Representatives (DPR), the Regional Representative Council (DPD), and the People's Consultative Assembly (MPR), and the direct presidential election system (Subekti, 2008). These issues are related to efforts to build a democratic political system.

The amendment to the 1945 Constitution was an attempt to reconstruct the distribution of powers between branches of government as an effort to create a more democratic Indonesian political format. In the process of amending the 1945 Constitution, two groups emerged: first, factions that wanted broad changes that wanted to review the Indonesian constitutional system, particularly regarding the limitations on the President's power and the Presidential election system, strengthening the DPR and bicameral, and even the structure and authority of the MPR. Second, factions that wanted limited changes, namely clarifying and emphasizing unclear parts such as the issue of increasing the authority of the MPR/DPR and limiting the President's power. The group that wanted broad changes was called the progressive reformist group. Meanwhile, the group that wanted limited changes was called the moderate reformist group. In addition to

the political process within the MPR, outside the MPR there are also political dynamics taking place that involve not only the DPP of Political Parties that place their representatives in the PAH BP MPR, but also civil society at large, including the Expert Team and Constitutional Commission formed by the BP MPR, political parties, universities, academics, mass organizations, and NGOs.

In fact, the amended 1945 Constitution is much better and valid with all its legal consequences, but the results of the amendments still leave several problems, such as the unlimited term of office of the People's Representative Council both at the central and regional levels (provincial and district/city). As a result of the unlimited term of office, what happened was that there were several DPR and DPRD members who served more than 2 (two) terms in their term of office, some even served as DPR RI and DPRD members for up to 5 (5) terms in their term of office. This reality opens the opportunity for a political crisis that leads to the practice of collusion, corruption and nepotism (KKN) in the recruitment of national cadres.

The amended 1945 Constitution explicitly limits the term of office of the President and Vice President as stated in Article 7 of the 1945 Constitution, which states that "The President and Vice President shall hold office for five years, and thereafter may be re-elected to the same office, for only one term." This limitation should also apply to the DPR, DPD, and DPRD. According to Valina Singka Subekti, this occurs because the amended 1945 Constitution does not distribute power equally between the executive, legislative, and judiciary. Whereas democracy is a continuous process of change that takes place without end from an undemocratic political system to a democratic political system (Subekti, 2008).

Efforts to limit state power can be achieved by implementing the principle of vertical division of power or horizontal separation of powers. Power is limited by separating these powers into branches of state institutions that act as checks and balances, balancing and controlling each other. Thus, power is not concentrated in a single state institution, which would lead to the possibility of arbitrariness and abuse of power. This limitation of power aims to prevent abuse of power (Asshiddiqie, 2015). Power concentrated in a single institution opens the opportunity for arbitrariness. Power tends to act dominantly, controlling, and influencing so that power is solidified. Power tends to strengthen and maintain power. Therefore, the law functions to limit the power that exists within the state (Budiarjo & Ambong, 1993).

The regulation on term limits for the Executive Institution as above does not apply to members of the Legislative Body. Based on Article 51 paragraph 1 of Law No. 8 of 2012 concerning the Election of the DPR, DPD, and DPRD, which stipulates: "Prospective candidates for members of the DPR, DPD, and DPRD are Indonesian citizens and must meet the requirements. However, the existing requirements do not include prospective candidates being able to run again in the next general election if they have been elected two or more times. Thus, if the prospective DPR candidate meets the requirements as mentioned above, they can run again in the next election. There is no regulation stating in the requirements that prospective legislative members (especially the House of Representatives) who have served as legislative members for 2 (two) terms cannot run again as is the case with the limitation on the President's term of office. There is also no obligation for legislative members to be dismissed for violations as is the case with regulations binding a President and Regional Head (Executive), because the right to replace DPR members is the political party. The regulation on limiting the term of office of the DPR can be useful in producing legislative members who are serious about serving the State and as representatives of the people, not just using power for their own personal and family welfare. Because by limiting the term of office of the House of Representatives, at least it will limit the thinking Prospective members of the House of Representatives (DPR) believe that being a member of the DPR is a five-year service that ends at the end of the term, not absolute power that can be enjoyed until old age without any regulations limiting the term of office. Certain DPR members are far from fulfilling their duties as honorable members of the council. In recent years, an increasing number of legislative members have been caught up in corruption crimes.

The reason for limiting the term of office of DPR members is that the constitutional rights of every citizen are very likely to be harmed due to the absence of a term limit for members of the House of Representatives. It has been previously discussed that in Article 51 paragraph 1 of Law No. 8 of 2012 concerning the Election of DPR, DPD, and DPRD, regarding the requirements for prospective council members, there is no regulation that the term of office of legislative members is limited like the executive. Limiting the term of

office of DPR members (Legislative) is as important as limiting the term of office of the president/vice president (Executive), in order to prevent absolutism and abuse of power.

The current situation, due to the absence of restrictions on DPR membership, based on data obtained from 1950 to 2024, found that 158 DPR members served more than two terms. However, when viewed from the 2024-2029 period, which is dominated by incumbents, businesspeople, and family ties, it raises doubts that their performance will be better than the previous DPR period. Doubts must be addressed by DPR members by optimally carrying out their functions, not simply following the executive. The dominance of incumbents, political dynasties, and businesspeople in the 2024-2029 DPR has the potential to threaten the channeling of public aspirations. There are concerns that the resulting legislation will not be in the public interest. The DPR's strong support for the government, the growing strength of dynastic politics, and businesspeople with a business mindset are feared to have plans to draft and discuss existing regulations or carry out their oversight functions. This business logic applies. According to Kompas records, more than half of the DPR members for the 2024-2029 period are incumbents. Not only that, as many as 220 of the 580 members of the 2024-2029 DPR are also indicated to have family ties with public officials or other national political figures.

Meanwhile, monitoring by Indonesia Corruption Watch (ICW) found that 354 of the 580 members of the 2024-2029 House of Representatives (DPR), or approximately 60 percent, are affiliated with business. Given this outlook for the DPR over the next five years, there are concerns that their performance will be better than that of the previous DPR. Reflecting on the DPR's legislative performance for the 2019-2024 period, only around 9.3 percent of the 264 bills included in the National Legislation Program were completed. This legislative achievement is lower than the DPR's in the 2014-2019 period (17 percent) or 2009-2014 period (26.7 percent). In fact, with the increasingly dominant coalition supporting the government in parliament, their hearing performance should have been smoother and better. But apparently not. In the previous period, eight of the nine political parties in the DPR were part of the coalition of political parties supporting the government. Not only in carrying out its legislative function, but its oversight function also showed things that did not meet public expectations. The government only followed up on 37 of the 100 recommendations issued by the House of Representatives (DPR), while the rest were ignored. The DPR is in a weak position because it carries out oversight but is then ignored by the government. This is questionable, as its oversight function is questionable. The DPR's budget increases annually, but it apparently doesn't improve the performance of DPR members. In 2021, the DPR managed a budget of IDR 5.41 trillion, which then increased to IDR 5.60 trillion in 2022. In fact, the DPR's budget allocation for 2025 reached IDR 9.25 trillion. The DPR's budget increases annually and each term, but their performance remains stagnant. This is due to their limited political capacity, limited political relations with citizens, and limited perspective on siding with marginalized groups. Given this, plus the general image of the DPR from 2024-2029, it's understandable that the public doubts the future performance of DPR members. This doubt is so that DPR members can prove and address these doubts. The role of the DPR when Indonesia experienced democratic decline can be seen from the low level of criticism of draft laws, low levels of public consultation, low levels of deliberation and low levels of oversight of government policies, including budget use.

According to the EIU report, the decline in the democracy index has occurred at least since Indonesia achieved a democracy index score in 2023, Indonesia's score was 6.53 or ranked 56th, then dropped three places in 2024 to a score of 6.44. The decline in the democracy index reflects the inequality of political competition in Indonesia. According to Firman, the decline in the democracy index is also part of the poor political culture practiced in this country, as well as the political elite's lack of political education to be a pillar of democracy (Kartika, 2025). In cases of corruption, according to data from the Corruption Eradication Commission, there were 364 members of the House of Representatives (DPR) involved in corruption cases that have been prosecuted from 2024 to the second quarter of 2025 (Janati & Carina, 2025). This has resulted in a survey of public trust in political parties and the DPR being low. The level of public trust in the DPR is relatively low compared to other institutions. This is inseparable from the various polemics that have occurred since the beginning of the DPR period 2024-2029. The House of Representatives (DPR) is urged to reform immediately if it wants to restore public trust, instead of becoming a rubber stamp for government policies that tend to be less than beneficial to the people. Based on the findings of the Indonesian Political Indicators survey released on January 27, 2025, the level of trust in the DPR is only 69 percent. The DPR ranks 10th

out of 11 institutions. Last in line are political parties, which only receive 62 percent trust (Harbowo, 2025). The DPR's weaknesses over the past five years, which are considered inconsistent in absorbing public aspirations, are expected to be a note for the 580 DPR members who will be inaugurated for the 2024-2029 period. The DPR's roles in carrying out its legislative, budgetary, and oversight functions going forward are requested to be in accordance with the voices of its constituents so as not to spark resistance.

Legal reforms that have occurred since 1998 (Tutik, 2016), which were constructed through amendments to the 1945 Constitution. The spirit of the amendments to the 1945 Constitution was to encourage the development of a more democratic state structure. The results of the amendments to the 1945 Constitution gave birth to a state institutional structure that is equal and exercises checks and balances, realizing the supremacy of law and justice, and guaranteeing and protecting human rights (HAM). This equality and availability of mutual control are the principles of a democratic and legal state. The amendments to the 1945 Constitution carried out by the People's Consultative Assembly (MPR) from 1999 to 2002 covered almost all the material contained in the 1945 Constitution, except for the Preamble and certain agreed-upon state principles that were not changed. Therefore, the results of these changes have fundamentally changed the order of national and state life. It's just that the amendments to the 1945 Constitution do not completely change the periodization of the terms of office of state institutions, except for the term of office of the President and Vice President as stated in Article 7 of the 1945 Constitution. Meanwhile, parliamentary institutions have no term limits.

The House of Representatives (DPR) held a strong position after the amendment to the 1945 Constitution, but the drafters of the amendments did not limit the term of office (power) of DPR members, thus demonstrating the DPR's ambitious behavior in determining the number of draft laws (RUU) that would be prioritized for legislative formation. The majority of DPR members still viewed quantity as a measure of their performance. The more draft laws completed, the better the performance (Anggono & Indrati, 2014). However, the resulting laws did not necessarily meet public expectations. Conversely, good laws must bring about social change in society (Utsman, 2009).

The unlimited term of office of the House of Representatives (DPR) prevents the regeneration of legislative members, thus hindering their development. Limiting the term of office of the DPR can also prevent dysfunction of DPR members who have already served for two terms. By limiting the term of office of the House of Representatives (DPR), the constitutional rights of every citizen can be granted, we will gain new energy and thoughts full of idealism to lead this country in a better direction. From there, we will also find new seeds of future leaders of this country who are also young generations full of idealism. The adoption and practice of the principle of democracy or popular sovereignty guarantee the role of the community in decision-making, so that every applicable regulation can reflect the people's sense of justice. The law is intended to guarantee justice for all. Thus, Indonesia as a state of law that is developed is not an absolute rechtsstaat but a democratic rechtsstaat (Asshiddique, 2015). In connection with the description above, the author wishes to examine the dissertation topic entitled "Limitation of the Term of Office of Members of the People's Representative Council of the Republic of Indonesia (DPR RI), Legal Study of Amendments to the 1945 Constitution of the Republic of Indonesia".

RESEARCH METHODS

This research uses normative legal research (normative juridical). Normative legal research places the norm system as its object of study, namely legal principles, statutory regulations, doctrines, literature books, and court decisions (Widiarty, 2004). The type of data used is secondary data, namely by collecting, documenting books, journals, scientific papers, related to research problems sourced from library materials or legal materials. The research technique for collecting secondary data is through library research, by paying attention to data sources, namely, in the form of literature books, scientific journals, research results of scientific works, and laws and regulations. Data are collected from various secondary data or documents, both primary legal materials, secondary legal materials, and tertiary legal materials. This research was conducted in the DKI Jakarta Province area, namely at the DPR RI Senayan Building, Central Jakarta, as reference material. Conducting comparative legal research in several countries, namely, the Philippines, in Europe, Italy, and Bolivia, through library studies. The analysis was conducted by first selecting primary, secondary, and tertiary

legal materials related to the research topic using descriptive, analytical, qualitative, and evaluative methods. The collected data was then systematically compiled and analyzed, followed by a normative descriptive analysis, which outlined the conditions and facts surrounding the research object. The legal facts found were analyzed using laws, legal theory, and the opinions of legal experts, with the aim of finding answers to legal norms that effectively address the research problem.

DISCUSSION

Analysis of the Absence of Limitations on the Term of Office of Members of the Indonesian House of Representatives

1. Member of the Indonesian House of Representatives

The House of Representatives is one of the highest state institutions in the Indonesian constitutional system which is a representative institution of the people. The House of Representatives consists of members of political parties participating in the general election who are elected through general elections (Simabura, 2011). The power to form laws as regulated in the 1945 Constitution of the Republic of Indonesia, specifically Article 20 paragraph (1), sociologically this power is a mandate from all Indonesian people. In essence, the people have a role in governing. This is an essential characteristic of a government based on democracy, in short, government of the people, by the people and for the people (Asshiddiqie, 2010).

The People's Representative Council (DPR) is a state institution within the constitutional system of the Republic of Indonesia, representing the people and holding the power to create laws. The DPR has legislative, budgetary, and oversight functions. The DPR consists of members of political parties participating in the general election, who are elected based on the results of the general election. The DPR has 550 members. The term of office of DPR members is five years and ends when the new DPR members take their oath of office.

Basically, state institutions can be divided into 3 (three) levels of state institutions, namely the first level institutions called "high state institutions" namely the main (primary) state institutions whose formation is authorized by the Constitution; the second level institutions called "state institutions" some of which are authorized explicitly by the Constitution but some are authorized by the Law; and the third level institutions called "regional institutions" (Asshiddiqie, 2004).

The Legislative Institution is the people's representative who is given the power to create and enact laws (Sihombing, 2018). Furthermore, Miriam Budiarjo also stated something similar, stating that the legislative institution or legislature reflects one of the body's duties, namely, to legislate or create laws (Budiarjo, 2010). Legislative institutions represent the people and have the primary authority to create laws as a manifestation of popular sovereignty. Therefore, in carrying out their duties, they must prioritize the public interest without suppressing or ignoring it. Legislative power in Indonesia is exercised by the House of Representatives (DPR), the Regional Representatives Council (DPD), and the People's Consultative Assembly (MPR), as mandated by the 1945 Constitution, based on the principle of distribution of power and a mechanism of checks and balances between state institutions. This principle emphasizes that power should not be centralized but must be shared and mutually monitored to ensure it continues to operate in accordance with the goals of democracy.

2. Term of Office of Members of the Indonesian House of Representatives

Elections for members of the House of Representatives (DPR) in Indonesia are held every five years through simultaneous elections using an Open Proportional system, where voters can directly choose their preferred party or legislative candidate from a list provided by political parties in their respective electoral districts (Dapil). The term of office for members of the House of Representatives (DPR) of the Republic of Indonesia is five years, starting from the inauguration and ending when the new DPR members take their oath/pledge, as seen in the 2024-2029 period which began October 1 2024, and ended around September 30, 2029.

Based on the mandate of Law Number 27 of 2009, it is stated that the House of Representatives (DPR) was established as a legislative body with equal standing and a partner to the government. The DPR is a representative body of the people and holds the position of one of the highest state institutions. Article 25 of Law Number 27 of 2009 stipulates that the DPR has legislative, budgetary, and oversight functions. The DPR has the following duties and authorities:

- a. Drafting laws that are discussed with the President to obtain joint approval.
- b. Discusses and provide approval for government regulations in lieu of laws.
- c. Receives and discuss proposed draft laws submitted by the DPD relating to certain fields and include them in the discussion.
- d. Paying attention to the DPD's considerations regarding the draft APBN law and draft laws relating to taxes, education and religion.
- e. Determines the APBN together with the President by taking into account the considerations of the DPD.
- f. Carry out supervision of the implementation of laws, state revenue and expenditure budgets, and government policies.
- g. Discuss and follow up on the results of supervision submitted by the DPD regarding the implementation of laws regarding regional autonomy, the formation, expansion and merger of regions, central and regional relations, natural resources and other economic resources, implementation of the APBN, taxes, education and religion;
- h. Elect members of the Audit Board by taking into account the considerations of the DPD;
- i. Discuss and follow up on the results of the audit of state financial accountability submitted by the Audit Board.
- j. Provide approval to the President for the appointment and dismissal of members of the Judicial Commission.
- k. Granting approval to candidates for supreme court justices proposed by the Judicial Commission to be appointed as supreme court justices by the President;
- l. Select three candidates for constitutional judge and submit them to the President for appointment.
- m. Provides considerations to the President in appointing ambassadors, accepting the placement of ambassadors from other countries, and providing considerations in granting amnesty and abolition.
- n. To give approval to the President to declare war, make peace and treaties with other countries, and to make other international agreements which have broad and fundamental consequences for the lives of the people related to the financial burden on the state and/or the formation of laws.
- o. Absorbs, collect, accommodate and follow up on community aspirations; and
- p. Carries out other duties and authorities as determined by law.

Members of the DPR have the following rights: a. submit draft laws; b. ask questions; c. convey proposals and opinions; d. elect and be elected; e. defend themselves; f. immunity; g. protocol; and h. financial and administrative. Meanwhile, the obligations of DPR members are: a. practice Pancasila; b. implement the 1945 Constitution of the Republic of Indonesia and obey all laws and regulations; c. implement a democratic life in the administration of government; d. maintain and preserve national harmony and the integrity of the unitary state of the Republic of Indonesia; e. pay attention to efforts to improve the welfare of the people; f. absorb, collect, accommodate, and follow up on the aspirations of the people; g. prioritize the interests of the state above personal, group, and class interests; h. provide moral and political accountability to voters and their electoral districts; i. obey the code of ethics and rules of procedure of the DPR; and j. maintain ethics and norms in working relationships with related institutions.

3. Absence of Limitations on the Term of Office of Members of the Indonesian House of Representatives

Limitation of power is a mechanism and principle to prevent abuse of government authority by limiting the scope and duration of its power through the constitution, the separation of powers (executive, legislative, and judicial), and a system of checks and balances. The goal is to ensure that the government is not absolute and is subject to the law and the sovereignty of the people.

Abuse of power is a theoretically important principle in analyzing term limits for legislative members (Wijoyo & Firdaus, 2021). When legislators serve without clear term limits, the opportunities for corruption, collusion, and nepotism increase, as political accountability mechanisms become blunted. This is reinforced by the dismal record of corruption involving legislators. Data from the Corruption Eradication Commission (KPK) and Indonesian Corruption Watch (ICW) noted that from 2004 to 2024, there were at least 360 corruption cases involving members of the House of Representatives (DPR) and Regional People's

Representative Councils (DPRD), making legislators the third most frequently implicated in corruption (Anandya & Ramdhana, 2024).

Limiting the President's term of office is one effort to prevent the occurrence of continuous holding of positions of power, which is believed to be a source of absolutism and abuse of power. With this change, the term of office of the President and Vice President is made more strict, namely only being allowed to hold the same office for 2 (two) terms. Thus, someone serving as president for six terms, like President Soeharto, will not be repeated. However, this provision does not apply to members of the Legislature.

In addition, to carry out its role and duties, the amendment to the 1945 Constitution of the Republic of Indonesia also gives the DPR various functions, namely the legislative function, budget function, and supervisory function as stated in Article 20A paragraph (1). Meanwhile, to carry out its functions in Article 20A paragraph (2), the DPR has the right of interpellation, the right of inquiry, and the right to express opinions. In addition, paragraph (3) in the same article causes every member of the DPR to have the right to ask questions, convey proposals and opinions as well as the right of immunity.

From the various functions, rights, and authorities held by the DPR, it is clear that legally and formally the Amendment to the 1945 Constitution of the Republic of Indonesia has given the House of Representatives strong power and position, thus the regulation of the term of office between the DPR and the president is different. This means that in this case, the term of office of DPR members is exempt from that of the President and other regional heads. However, in this case, the exception to the term of office of DPR members does not have clear legal certainty, thus tending towards the absence of law.

4. Consequences of the Absence of Limitations on the Term of Office of Members of the Indonesian House of Representatives

The concept of the rule of law and the rule of law, which form the foundation of constitutional democracy, requires a system of division of powers and checks and balances. Montesquieu, in his trias politica theory, emphasized that without limitations, legislative power can transform into a tyranny that is more dangerous than executive power. Ideally, a constitution serves not only as a means of distributing power but also of limiting it so that it does not operate solely according to the logic of elite interests (Djamadi, 2025).

The current lack of clarity in legal regulations regarding legislative terms of office creates a legal vacuum that is vulnerable to abuse. Law Number 7 of 2017 concerning General Elections and Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council do not explicitly limit the terms of office of DPR or DPD members. This has given rise to legal controversy, particularly in the context of interim replacements (PAW) or recalls of DPR members, where it is unclear whether they count as one term (Aqdamana, 2022).

The absence of term limits for DPR members creates a legal vacuum, resulting in numerous corruption cases involving DPR members, both the Indonesian House of Representatives (DPR RI) and the Regional People's Representative Councils (DPRD). Between 2015 and 2019 alone, 58 cases implicated DPR and DPRD members as legislative members.

The limitation of presidential and vice presidential terms of office, as stipulated in Law No. 7 of 2017 concerning general elections, and the limitation of the terms of office of governors and deputy governors, and regents/mayors, to five years each for two terms. The absence of term limits for members of the House of Representatives (DPR) has the potential to undermine the performance and image of the legislative body by opening up opportunities for abuse of power, personal interests, and weakening representation of the public interest.

The Constitutional Court argued that term limits on legislative members are unnecessary due to their collective nature and the perceived lower risk of abuse of power. However, this view is considered inadequately reflective of political reality, where power within legislative institutions can remain concentrated in the hands of individuals or elite groups who hold office continuously. Consequently, the potential for abuse of power such as corruption, collusion, and nepotism remains open, especially when there are no clear term limits. From the perspective of power theory and constitutionalism, term limits are an important mechanism to prevent the accumulation of power, reduce political dominance, and maintain the integrity of legislative institutions. Without them, there is a risk of oligarchy, conflicts of interest, and a decline in public

trust in parliament. Therefore, term limits on legislative offices are not an obstacle to democracy, but rather an effort to strengthen it through political regeneration, equitable distribution of power, and increased accountability. Therefore, they need to be expressly regulated in law or the constitution..

The urgency of changing the 1945 Constitution of the Republic of Indonesia involves the President and the Indonesian House of Representatives

a. Limitations on the Powers of the President and the Indonesian House of Representatives

Based on the theory and practice that has developed, it shows that the 1945 Constitution is the highest written basic law in the country (the higher law of the land). As the basic law in the administration of government, both central and regional, it contains or outlines the division of power both vertically and horizontally. In the 1945 Constitution, the division of functions between state organs is relatively extensively regulated therein, including functional relationships or power relations between one organ and another and illustrates the existence of a division of powers. The organizational structure at the central level is the state organization regulated in the 1945 Constitution, which after the amendment of the 1945 Constitution consists of the MPR, DPR, DPD, President, BPK, Constitutional Court (MK) and Supreme Court (MA), as well as the judicial commission (not a judicial institution). Each organ has its own duties and functions. However, in carrying out its functions, one state organ is not separated or absolutely separated from the others. The 1945 Constitution lays down provisions that regulate the relationship between state organs, both two-way relationships and sometimes one-way relationships.

b. The Principle of Popular Sovereignty

Indonesia is a country that applies the principle of democracy or people's sovereignty, as written in Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states: "Sovereignty is in the hands of the people and is implemented according to the Constitution." People's sovereignty is not only an expression in the world of politics, but also an expression in legal science, the implementation of people's sovereignty will also be reflected in legal science in a country, marked by the democracy that exists and applies in a country which will certainly be included in the constitution of that country (Azhari, 2005).

Regarding the principles embodied in the teachings of popular sovereignty or democracy, David Held is considered the most fitting person to lay down a comprehensive understanding and principles of democracy. This concept dominates the world's political systems. Despite all its weaknesses, it appears that in its development, popular sovereignty and democracy are teachings that are slightly superior to others. The democratic principles that underlie a state based on the rule of law include five principles: the principle of political rights, the principle of majority rule, the principle of representation, the principle of accountability, and the principle of public participation. In this context, all principles of popular sovereignty are a unity. They complement each other and cannot be separated. Hendra Nurtjahjo classifies these principles of freedom and equality as existential principles. He calls the principle of majority rule a procedural principle (Huda, 2005). Based on the above description, it can be understood that there are at least four principles of popular sovereignty:

1) The Principle of Freedom

That people have the freedom to do something when they are free from certain limitations whether to do or not do something, whether what is done or not done is protected from interference by other people.

2) Principle of Equality or Equality:

In this concept, there is no difference in the quality of one vote of a businessman or a professor compared to the quality of one vote of a street vendor or a less intelligent student. All individuals have the same political values and everyone has the same demands for freedom.

3) Majority Vote Principle

A consequence of the principles of freedom and equality, the principle of majority vote will actualize the principles of freedom and equality. Wherever democracy exists, freedom and equal political rights are ultimately manifested in political choices through the people's vote. Simply put, it can be understood as popular sovereignty, determined by the influence and legitimacy of political decision-making by the majority vote through free and fair elections.

4) Principle of Accountability:

The people grant power to those entrusted with governing the state, both the legislative and executive branches. Since power is vested in the people, the government must be accountable to them. Elected public officials are required to be accountable for all policies they implement to the people who elected them.

Freedom as one of the human rights that must be properly protected by the state, but freedom must have indicators so that it does not turn into excess, because the freedom that is as free as possible will have an impact on anarchism, thuggery, and actually violate the rights of others. The problem of freedom in a democratic country has a direct relationship with the welfare of society, freedom can improve the standard of living of humans, freedom can increase human income, and freedom can also increase human happiness, and this, when viewed macro, can be concluded that freedom in democracy can increase the prosperity of the country.

c. Prevention of Abuse of Power

The basic concept of the Trias Politica theory stems from the idea of separation of powers and distribution of power. Although these two principals have fundamental differences, both are directed towards the same goal, namely creating a government system that guarantees good governance (Syasya et al., 2025). Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state of law and not a mere state of power (*machtsstaat*). One important mechanism in ensuring that state power is not exercised arbitrarily is through a system of checks and balances, namely a mechanism for monitoring and balancing power between state institutions that have equal standing (Sabri et al., 2025). This system was born from the principle of horizontal separation of powers which divides state power into three branches: executive, legislative, and judiciary. Polamolo stated that the separation of powers applied horizontally in the Indonesian constitutional system must be realized in the form of reciprocal supervision among state institutions so that power is not concentrated and not misused (Andrian & Tiesta, 2022).

The principle of checks and balances is an essential foundation of a democratic constitutional system. This concept refers to efforts to create a balance of power between the three main state institutions: the legislative, executive, and judiciary (Sumarto, 2016). Following the amendment to the 1945 Constitution, the Indonesian constitutional system began to move toward a clearer separation of powers, with a checks and balances mechanism that separates the functions of power between institutions. Although post-amendment popular sovereignty is no longer exercised directly by the People's Consultative Assembly (MPR), the highest state institution, the MPR still plays a strategic role in Indonesia's democratic system.

Strategies to prevent and combat all forms of abuse of power carried out by this ruling elite group include:

1) building and rolling out a counter-discourse that favors democracy and justice that favors the people. However, it is necessary to emulate the ways in which elite groups launch their political agendas, namely by strengthening coordination and structures to disseminate this counter-discourse so that it is solid and not sporadic. This can be done through collaboration between elements of society (academics, activists, mass organizations, and other communities) at the individual and group levels to echo public 'anxiety' and 'anger' against all forms of abuse of power. Furthermore, financial support also has a significant influence in strengthening the counter-discourse that opposes all forms of organized falsehood and shatters the political 'myths' constructed by the ruling elite.

2) Utilizing the internet and social media to build alternative spaces for circulating counter-discourse to counter this falsehood. Education and information literacy also play a central role in combating ruling groups that abuse their power. Through collaboration between schools, universities, and alternative media, the public must be educated to think critically and act critically about detrimental state policies, recognize political propaganda, and counter political myths packaged through fake and manipulative news.

Preventing abuse of power relies not only on institutional design, such as the separation of powers and checks and balances, but also requires active public participation in overseeing the functioning of government. Efforts to develop critical counter-discourse, strengthen collaboration between elements of society, and utilize digital media and information literacy are strategic steps in combating domination and abuse of power by elites. Therefore, the combination of strengthening the state system and collective public awareness is key to maintaining a healthy, transparent, and just democracy.

CONCLUSION

Based on the analysis, the House of Representatives of the Republic of Indonesia (DPR RI), as a representative body of the people, holds a strategic position and authority within the state system, particularly in its legislative, budgetary, and oversight functions. However, the absence of term limits for DPR members creates legal and practical problems, in the form of a normative vacuum that potentially opens up space for abuse of power. This situation is exacerbated by the high number of corruption cases involving legislative members, as well as weak political accountability mechanisms when individuals can continue in office indefinitely. This contradicts the principles of the rule of law, democracy, and the theory of limiting power, which requires controls on the potential for power domination. The absence of legislative term limits also implies a weakening of the principle of popular sovereignty, an increased risk of political oligarchy, and a decline in public trust in parliamentary institutions. Therefore, term limits for DPR members are an urgent need as part of constitutional reform to strengthen the system of checks and balances, encourage political regeneration, and prevent excessive accumulation of power. This effort needs to be supported through amendments to the 1945 Constitution of the Republic of Indonesia or related laws and regulations, as well as active public participation in monitoring the implementation of power, in order to realize a healthier, more transparent, and accountable democratic system.

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