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Reformulation of Indonesian House of Representatives Term Period Rules to Realize Legal Certainty and Justice

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ABSTRACT

The purpose of this paper is to examine and analyze the legal regulations regarding the term of office of the Indonesian House of Representatives and to examine and analyze the reformulation of the rules regarding the term of office of the Indonesian House of Representatives in realizing justice and legal certainty. This research is expected to provide benefits in the form of a legal understanding of the importance of clear regulations related to the limitation of the term of office of the House of Representatives and to contribute ideas in the field of Legal Science. The ambiguity of norms underlies this paper using normative legal research methods through a statutory approach and a comparative approach analyzed using descriptive, argumentative, and evaluative techniques. The results of the study indicate that Article 76 paragraph (4) of the MD3 Law stipulates that "The term of office of DPR members is 5 (five) years and ends when the new DPR members take the oath/promise." From this article, it can be interpreted that although the term of office of the DPR has been clearly regulated for 5 years, the limit on how many times a person can be elected to the DPR is not expressly regulated so that it is necessary Reformulated to be "The term of office of DPR members is 5 (five) years and ends when the new DPR member takes the oath/promise and is only for two terms of office." Or further regulated in paragraph (5) that "Each DPR member is limited to 2 terms of office." In order to provide legal certainty, there are term limits for all high state institutions, thereby guaranteeing justice in fulfilling the constitutional rights of the people as a democratic nation.

Keywords: House of Representatives, Justice, Legal Certainty, Reformation

INTRODUCTION

The House of Representatives (Dewan Perwakilan Rakyat) constitutes a representative institution of the people tasked with exercising legislative power within Indonesia's constitutional system, functioning as representatives of the people.¹ Based on Law Number 7 of 2017 concerning General Elections, it is stipulated that “The number of DPR member seats is established at 575 (five hundred seventy-five)” elected through general elections every five years. The DPR represents the people in carrying out its functions as governmental oversight and law-making body. According to Article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the DPR possesses legislative functions, budgetary functions, and supervisory functions.

The legislative function represents the DPR's duty and authority to formulate laws together with the President, aimed at providing legal foundations for various aspects of societal life as regulated in Article 20 of the 1945 Constitution.² The DPR's budgetary function constitutes the authority to compile and ratify the State Revenue and Expenditure Budget (APBN). The budgetary function involves planning and managing the state budget effectively and transparently, ensuring appropriate fund allocation to support national development as regulated in Article 23 of the 1945 Constitution. The supervisory function encompasses oversight of law implementation and governmental policies to ensure they are targeted and accountable, as regulated in Article 20A of the 1945 Constitution.

The 1945 Constitution of the Republic of Indonesia also regulates other DPR authorities, such as proposing presidential impeachment, approving war declarations, making peace agreements and treaties with other nations from the President, providing considerations regarding ambassador selection and placement of foreign ambassadors to the President, offering considerations regarding amnesty and abolition grants from the President, interpellation rights, inquiry rights, and opinion expression rights, possessing rights to submit questions, convey proposals and opinions, as well as immunity rights, providing approval for Government Regulations in Lieu of Laws, following up on Regional Representative Council oversight results, receiving state financial examination results from the Supreme Audit Agency, selecting Supreme Audit Agency members, providing presidential approval for Judicial Commission member dismissals, and nominating Constitutional Court judges.³

¹ Saefullah Yamin and Nurwahyuni Nurwahyuni, “PERTUMBUHAN DAN CARA KERJA DPR-RI PASCA REFORMASI,” *Yustitia* 6, no. 1 (April 15, 2020): 94–107, <https://yustitia.unwir.ac.id/index.php/yustitia/article/view/108>.

² Sa'diyanto Sa'diyanto and Wieke Dewi Suryandari, “Analysis of the Function and Role of the DPRD as the Mandate of the People Viewed From the Perspective of Legal Philosophy,” *Journal Research of Social Science, Economics, and Management* 2, no. 11 (June 9, 2023): 2654–2663, <https://jrssem.publikasiindonesia.id/index.php/jrssem/article/view/477>.

³ Ahmad Yani and Ratu Julhijah, “Pembatasan Kewenangan DPR Dalam Seleksi Jabatan Publik Di Bidang Kekuasaan Eksekutif,” *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 14, no. 1 (August 26, 2023): 38–53, accessed August 14, 2025, <https://jurnal.dpr.go.id/index.php/hukum/article/view/3609>.

The House of Representatives represents public office obtained through general election mechanisms every five years, originating from various political parties meeting parliamentary thresholds. As a supreme institution possessing significant power within a state, certain limitations are necessary to prevent excessively absolute authority.⁴ One approach that can be implemented involves limiting tenure periods. Tenure period limitations constitute rules restricting how many times someone can occupy a specific position within governmental institutions, particularly in strategic positions such as president, governor, or other regional heads, as well as the DPR as a legislative institution.⁵ These period limitations aim to prevent absolute power by preventing individuals from holding power too long, potentially causing authoritarianism or power abuse, supporting leadership regeneration by opening opportunities for new leaders who can bring innovation and change, and maintaining political stability by reducing risks of political conflicts that may arise from excessively prolonged leadership.⁶

The House of Representatives, as a supreme institution whose members are elected through general election mechanisms and possess significant authority within a state, should firmly regulate matters concerning member tenure periods, similar to the President as an Executive institution whose tenure period has been firmly regulated in Article 7 of the 1945 Constitution, stating that “The President and Vice President hold office for five years, and thereafter may be re-elected to the same position only once more.” This article signifies that a President may serve a maximum of two governmental periods. Presidential tenure period limitation efforts represent one governmental approach to prevent continuous power that is believed to become a source of absolutism and power deviation.

The regulation of tenure period limitations similar to Executive institutions or Presidents as described above does not appear to be followed by tenure period limitations for House of Representatives members as legislative institutions. This can be observed in Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, abbreviated as (MD3). Article 76 paragraph (4) regulates that “DPR member tenure is 5 (five) years and ends when new DPR members take their

⁴ Erham Erham, Aman Ma'arij, and Gufran Gufran, “Diskursus Pembatasan Kekuasaan Di Indonesia Dalam Perspektif Konstitusi Dan Konstitusionalisme,” *Legalitas: Jurnal Hukum* 16, no. 1 (July 12, 2024): 72, <http://legalitas.unbari.ac.id/index.php/Legalitas/article/view/595>.

⁵ Hendra Tri Ferdianto and Icha Cahyaning Fitri, “KAJIAN YURIDIS PASAL 23 AYAT 1 UNDANG-UNDANG NOMOR 2 TAHUN 2011 TENTANG PARTAI POLITIK MENGENAI BATAS MASA JABATAN KETUA PARTAI POLITIK,” *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora* 2, no. 4 (July 30, 2024): 263–273, <https://ejurnalqarnain.stisnq.ac.id/index.php/ALADALAH/article/view/995>.

⁶ Ferdy Putra Ernawan and Ahmad Sholikhin Ruslie, “URGENSI PEMBATASAN MASA JABATAN ANGGOTA DEWAN PERWAKILAN RAKYAT DAN DEWAN PERWAKILAN DAERAH REPUBLIK INDONESIA,” *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (January 20, 2023): 1095–1108, accessed August 14, 2025, <https://bureaucracy.gapenas-publisher.org/index.php/home/article/view/235>.

oath/pledge.” From this article, it can be interpreted that although DPR tenure has been clearly regulated for 5 years, the limitation on how many times someone can be elected as DPR member is not firmly regulated, thus creating multiple interpretations and normative ambiguity that impacts legal uncertainty.

Tenure regulations for legislative members are equally important as tenure regulations for Presidents and Vice Presidents.⁷ The primary objective is to prevent absolute power occurrence and potential authority abuse.⁸ Without tenure period limitations, democratic processes could become unhealthy. For instance, money politics practices emerge, where certain individuals compete to pay political parties to obtain legislative candidate recommendations.⁹ Subsequently, they also purchase public votes to be elected. Consequently, when in office, they tend not to focus on people's aspirations but instead attempt to recover political capital that has been expended through methods violating law and ethics.¹⁰ Furthermore, these funds are often reused for campaigns in subsequent periods. Such patterns will damage legislative institution integrity and create unhealthy and corrupt democratic systems.¹¹

Without regulations concerning House of Representatives tenure periods, normative legal ambiguity emerges, resulting in failure to achieve justice and legal certainty in guaranteeing every citizen's rights. Based on the aforementioned background, there are two problem formulations: 1) how are the legal regulations concerning Indonesian House of Representatives tenure periods structured? and 2) How should Indonesian House of Representatives tenure period rule reformulation be conducted to realize justice and legal certainty? From these problem formulations, writing objectives are generated, including examining and analyzing legal regulations concerning Indonesian House of Representatives tenure periods and examining and analyzing Indonesian House of Representatives tenure rule reformulation to realize justice and legal certainty. This research is expected to

⁷ Hulain Hulain et al., “Periodisasi Masa Jabatan Anggota Legislatif Dalam Perspektif Negara Demokrasi Konstitusional,” *Journal on Education* 5, no. 4 (April 8, 2023): 15121–15142, <https://jonedu.org/index.php/joe/article/view/2602>.

⁸ Vicki Dwi Purnomo, Suryawan Raharjo, and Aida Dewi, “It Is Necessary to Limit the Term of Office of the House of Representatives to Prevent Abuse of Authority in Indonesia,” *Formosa Journal of Applied Sciences* 2, no. 3 (March 28, 2023): 437–340, <https://journal.formosapublisher.org/index.php/fjas/article/view/3588>.

⁹ Serimin Pinem, Rizkan Zulyadi, and Muhammad Citra Ramadhan, “Prevention of Election Violations on The Money Political Mode Conducted by Candidate Members of the 2024 Legislative,” *International Journal of Research and Review* 10, no. 8 (September 1, 2023): 1009–1020, https://www.ijrrjournal.com/IJRR_Vol.10_Issue.8_Aug2023/IJRR127.pdf.

¹⁰ Ayih Sutarih and Heryani Agustina, “The Power Versus Political Ethics in Selecting the Regional Head and Its Relationship with Corruption in Indonesia,” in *Proceedings of the International Conference on Agriculture, Social Sciences, Education, Technology and Health (ICASSETH 2019)* (Paris, France: Atlantis Press, 2020), <https://www.atlantis-press.com/article/125938604>.

¹¹ Mitchell Kilborn and Arjun Vishwanath, “Public Money Talks Too: How Public Campaign Financing Degrades Representation,” *American Journal of Political Science* 66, no. 3 (July 25, 2022): 730–744, <https://onlinelibrary.wiley.com/doi/10.1111/ajps.12625>.

provide benefits in the form of juridical understanding regarding the importance of clear regulations concerning House of Representatives tenure period limitations.

Before writing this journal, previous research existed as comparative material and reference for creating this article. Among these are a journal written by Wa Ode Fatihatul Khaerunnailla, Tunggul Ansari SN, and Abdul Madjid in 2019 titled “*Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat Dalam Upaya Pencegahan Penyalahgunaan Kekuasaan*.”¹² And a journal written by Baharuddin Riqiey in 2024 titled “*Ketiadaan Pengaturan Pembatasan Periodisasi Anggota Dewan Perwakilan Rakyat Dalam Perspektif Konstitusionalisme*.”¹³ Both aforementioned studies share the same focus, considering legal gaps regarding House of Representatives member periods and the importance of limitations on such periods. Meanwhile, the research the author created focuses on normative ambiguity in DPR tenure periods and compares it with other nations' regulations that firmly regulate their House of Representatives member tenure periods, thus providing legal research innovation distinguishing this writing's focus from previous research. Therefore, the author is interested in conducting further examination through journal writing titled: “*Reformulasi Aturan Masa Jabatan Dewan Perwakilan Rakyat Indonesia Dalam Mewujudkan Kepastian dan Keadilan Hukum*.”

RESEARCH METHODOLOGY

Scientific research methodology constitutes the concrete manifestation of human curiosity in scientific fields.¹⁴¹⁵ When a particular matter or event has scientific explanation, individuals will believe there are causal reasons, thus requiring objective attitudes to obtain reliable evidence, and data collected through controlled, clear, and systematic procedures.¹⁶ The existence of legal problems, namely normative ambiguity as explained in the aforementioned background,

¹² Wa Ode Fatihatul Khaerunnailla, Tunggul Ansari Setia Negara, and Abdul Madjid, “Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat Dalam Upaya Pencegahan Penyalahgunaan Kekuasaan,” *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 4, no. 1 (June 30, 2019): 176–185, accessed August 14, 2025, <https://journal2.um.ac.id/index.php/jppk/article/view/10479>.

¹³ Baharuddin Riqiey, “Ketiadaan Pengaturan Pembatasan Periodisasi Anggota Dewan Perwakilan Rakyat Dalam Perspektif Konstitusionalisme,” in *Prosiding Mewujudkan Sistem Hukum Nasional Berbasis Pancasila*, vol. 2 (IAIN Jember, 2024), 17–30, accessed August 14, 2025, https://www.academia.edu/116244752/Ketiadaan_Pengaturan_Pembatasan_Periodisasi_Anggota_Dewan_Perwakilan_Rakyat_dalam_Perspektif_Konstitusionalisme.

¹⁴ Edysyah Putra, Agung Wijaya Subiantoro, and Suhartini, “How Can Scientific Approach Enhancing Student's Curiosity and Learning Outcomes in Science Learning?,” 2021, <https://www.atlantis-press.com/article/125954766>.

¹⁵ Megan R Luce and Sherry Hsi, “Science-Relevant Curiosity Expression and Interest in Science: An Exploratory Study,” *Science Education* 99, no. 1 (January 2015): 70–97, <https://onlinelibrary.wiley.com/doi/10.1002/sce.21144>.

¹⁶ Zainuddin Ali, *Metode Penelitian Hukum*, 1st Edition. (Jakarta: Sinar Grafika, 2013), accessed August 14, 2025, <https://simpus.mkri.id/opac/detail-opac?id=9330>.

underlies the creation of this journal using normative legal research methods. Normative legal research positions statutory regulations as research objects. Peter Mahmud Marzuki explains that normative legal research is a process for discovering legal rules, legal principles, and legal doctrines to address encountered legal problems. Normative legal research is conducted to produce arguments, theories, or new concepts as prescriptions for solving encountered problems.¹⁷

This journal writing employs statutory approach and comparative approach with data sources derived from primary and secondary legal materials.¹⁸ The author presents regulatory analysis related to the raised topic, accompanied by arguments based on all legal foundations used, thus producing systematic writing. Based on this foundation, the legal material collection technique used is library study conducted by studying and understanding the substance contained in every legal material used as the foundation for sharpening the analysis performed. Statutory regulations used in this research become primary legal materials inventoried as fundamental matters and subsequently juxtaposed with related legal materials from books, journals, and legal dictionaries. Data collected from research results are then analyzed by the author descriptively-qualitatively, meaning the resulting data conducted by the author is used to determine the content or meaning of legal rules referenced in resolving legal problems that become the study object. Collected data will be analyzed qualitatively based on statutory regulations related to this research, subsequently presented descriptively, evaluatively, and argumentatively by the author.

RESULT AND DISCUSSION

Legal Regulation of Indonesian House of Representatives Term Periods

The House of Representatives (Dewan Perwakilan Rakyat) constitutes a people's representative institution tasked with exercising legislative power within Indonesia's constitutional system as people's representatives. Based on Law Number 7 of 2017 concerning General Elections, it is regulated that "The number of DPR member seats is established at 575 (five hundred seventy-five)" elected through general elections every five years. The DPR represents the people in carrying out its functions as governmental oversight and law-making body. According to Article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, the DPR possesses main functions of legislation, budgetary functions, and supervisory functions. Indonesia's governmental system adopts constitutional democratic principles reflected in legislative institution arrangements, including the House of Representatives (DPR).

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, Revision Edition. (KENCANA, 2021).

¹⁸ Jaromír Šavelka and Kevin D. Ashley, "Legal Information Retrieval for Understanding Statutory Terms," *Artificial Intelligence and Law* 30, no. 2 (June 8, 2022): 245–289, <https://link.springer.com/10.1007/s10506-021-09293-5>.

The House of Representatives (DPR) represents one of the state institutions having a central role in Indonesia's governmental system. As people's representatives, the DPR not only becomes part of the legislative process but also symbolizes community aspirations and will. The position and duties of the DPR place it as one of the important institutions in efforts to realize effective and sustainable democracy. In carrying out its functions, the existence of DPR members working within certain periods becomes important attention for state governance. Regulations concerning DPR member tenure constitute one aspect that has been regulated within Indonesia's legal framework. This reflects the importance of regulation in maintaining task continuity and public trust toward legislative institutions. Although it has become part of the constitutional system, this aspect continues to receive attention from various parties, both from the perspective of strengthening DPR roles and from the perspective of better democratic development. As one of the important pillars in the trias politica mechanism. To ensure task continuity and democratic sustainability, legal regulations concerning DPR member tenure periods become one of the fundamental aspects in Indonesia's constitutional order. This aims to create governmental stability based on accountability principles and people's representation.¹⁹

Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, abbreviated as (MD3), Article 76 paragraph (4) explains that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge." From this article, it can be interpreted that although DPR tenure has been clearly regulated for 5 years, the limitation on how many times someone can be elected as DPR member is not firmly regulated, thus creating multiple interpretations and normative ambiguity that impacts legal uncertainty. This differs from the President as an Executive institution whose tenure period has been firmly regulated in Article 7 of the 1945 Constitution, which regulates that "The President and Vice President hold office for five years, and thereafter may be re-elected to the same position only once more."

The difference in regulations concerning presidential periods and DPR periods reflects the respective roles and functions in the governmental system. The President as head of state and head of government has tenure firmly limited by the Constitution, namely two consecutive periods, to ensure healthy leadership circulation and avoid power accumulation in one individual's hands.²⁰ This is based

¹⁹ Grace Anna and Belle Gosal, "Pembatasan Periodisasi Masa Jabatan Anggota Dewan Perwakilan Rakyat Dan Dewan Perwakilan Daerah Dalam Perspektif Hukum Konstitusional," *JIM: Jurnal Ilmiah Mahasiswa Pendidikan Sejarah* 8, no. 4 (August 5, 2023): 3633–3642, accessed August 14, 2025, <https://jim.usk.ac.id/sejarah/article/view/26208>.

²⁰ Muhammad Mutawalli Mukhlis et al., "Heavy Parliamentary v. Heavy Executive: Ambiguity of Power in Indonesian Constitutional Practices," *Jurnal Media Hukum* 31, no. 2 (July 8, 2024): 186–205, <https://journal.umy.ac.id/index.php/jmh/article/view/21703>.

on democratic principles to prevent authoritarianism and provide space for leadership regeneration. On the other hand, the Constitution contains no clear and firm rules about DPR member period limitations, because continuity of people's representation is considered important to ensure legislative stability and continuous political experience.

However, this difference also creates its own challenges. Presidential period limitations minimize personal dominance risks but may result in policy continuity deficiency if successors have different visions. Conversely, the absence of period limits for DPR members can trigger political oligarchy emergence if certain figures continuously dominate parliament without renewal. Therefore, strong checks and balances systems are needed, such as public oversight through free and transparent elections, to maintain balance and political renewal spirit in Indonesia.

Article 76 paragraph (4) of MD3 Law explains that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge." This article creates multiple interpretations about how many periods someone can become a DPR member. If examined through Law Number 7 of 2017 concerning General Elections in Article 240 (1) which regulates that:

Prospective candidates for DPR, provincial DPRD, and district/city DPRD members are Indonesian Citizens and must fulfill requirements:

1. Having reached 21 (twenty-one) years of age or more;
2. Being devoted to Almighty God;
3. Residing within the territory of the Unitary State of the Republic of Indonesia;
4. Able to speak, read, and/or write in Indonesian
5. Having minimum education of senior high school graduation, madrasah aliyah, vocational high school, vocational madrasah aliyah, or equivalent schools;
6. Being loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;
7. Never having been sentenced to prison based on court decisions that have obtained permanent legal force for committing crimes threatened with imprisonment of 5 (five) years or more, except openly and honestly stating to the public that the person concerned is a former convict
8. Being physically and mentally healthy and free from narcotics abuse;
9. Being registered as a voter;
10. Being willing to work full-time;
11. Resigning as regional head, deputy regional head, state civil apparatus, Indonesian National Army member, Indonesian National Police member, director, commissioner, supervisory board and employee at state-owned enterprises and/or regional-owned enterprises, or other bodies whose

budgets are sourced from state finances, declared with an irrevocable resignation letter;

12. Being willing not to practice as public accountant, advocate, notary, land deed official, or not to perform goods and services provider work related to state finances and other work that may create conflicts of interest with duties, authorities, and rights as DPR, provincial DPRD, and district/city DPRD members according to statutory provisions;
13. Being willing not to hold concurrent positions as other state officials, directors, commissioners, supervisory boards and at state-owned enterprises and/or regional-owned enterprises and other bodies whose budgets are sourced from state finances;
14. Being a member of Election Participating Political Parties;
15. Being nominated only in 1 (one) representative institution, and;
16. Being nominated only in 1 (one) electoral district.

In the candidacy requirements for DPR, Provincial DPRD, and District DPRD members as regulated in the aforementioned article, it can be seen that there are no requirements that firmly regulate that someone who has been elected in a certain period as a Legislative member is prohibited from nominating themselves again. Term limitations for DPR members in certain periods can be an important step to encourage political regeneration and strengthen democracy. By limiting the number of periods, opportunities for new cadres to emerge and contribute to the legislative process become more open.

This is important for refreshing political dynamics with new ideas relevant to contemporary developments. Additionally, such limitations can reduce the risk of political oligarchy formation, where a handful of individuals or groups dominate legislative power for extended periods, ultimately hindering innovation and accountability. Besides encouraging renewal, tenure limitations also function to avoid negative practices such as dynastic politics and conflicts of interest. With limitations in place, potential power abuse and dependence on certain individuals can be minimized.²¹ These limitations will also strengthen cadre development within political parties, forcing parties to more seriously prepare competent legislative candidates. Therefore, DPR member tenure limitations can be one way to ensure that parliament remains inclusive, accountable, and responsive to people's aspirations.

As a comparison with another country, the Philippines, which is also a constitutional democratic country, has a legislative system firmly regulated in the 1987 Constitution. This system adopts a bicameral model, consisting of two chambers: the Senate and the House of Representatives. Each chamber has clear roles and responsibilities in the legislative process and executive oversight. One

²¹ Yacov Tsur, "Political Tenure, Term Limits and Corruption," *SSRN Electronic Journal* (June 16, 2021), accessed August 14, 2025, <https://papers.ssrn.com/abstract=3868176>.

distinctive feature of the Philippine legislative system is the existence of strict tenure limitations for its members to encourage regeneration and ensure political accountability.²²

Philippine Constitution 1987, Article VI Section 7: “The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No member of the House of Representatives shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.”

This regulation reflects the Philippines' commitment to healthy democracy by providing space for periodic legislative leadership changes. Additionally, these tenure limitations are designed to reduce the risk of political dominance by certain individuals or groups, while encouraging community involvement in the political process. In practice, this system also strengthens political parties' roles in preparing new competent cadres, so parliament can continue to be renewed with members bringing fresh perspectives to answer community needs. This differs from Indonesia, which only explains as regulated in Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, abbreviated as (MD3), Article 76 paragraph (4) explaining that “DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge.” This article only regulates tenure but does not regulate how many times someone can be re-elected as a DPR member.

With the absence of provisions in the 1945 Constitution, lack of clear regulation in the MD3 Law, and absence of requirement provisions in the Election Law, thus the provisions regulating House of Representatives tenure period limits create normative ambiguity that implies multiple interpretations, causing legal uncertainty. It is unsurprising that many DPR members are elected for three or four periods. Consequently, power held too long by old faces tends to be abused. Therefore, rules limiting DPR member tenure periodization are needed because Indonesia is a rule of law state, as affirmed in the constitution in Article 1 paragraph (3) of the 1945 Constitution which regulates that “The Indonesian State is a Rule of Law State.” Thus, the consequence of this provision is that every state official behavior, policy, and people must be based on law. These provisions aim to prevent arbitrariness and power arrogance, both unlimited tenure and excessively absolute

²² Rizky Amalia Anggraini, “PERBANDINGAN DEWAN PERWAKILAN DAERAH REPUBLIK INDONESIA DENGAN SENAT REPUBLIK FILIPINA DALAM KAITANNYA PEMBATAAN MASA JABATAN,” *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa S1 Fakultas Hukum) Universitas Tanjungpura* 3, no. 4 (November 4, 2015), accessed August 14, 2025, <https://jurnal.untan.ac.id/index.php/jmfh/article/view/12145/11182>.

authority. Because in a rule of law state, law becomes an important instrument in state life, especially when there is ambiguity regarding legal norms.

Reformulation of Indonesian House of Representatives Term Period Rules to Realize Justice and Legal Certainty

Legal rule reformulation is a process of reviewing and re-formulating legal norms or regulations with the aim of perfecting, adjusting, or updating those rules to be more relevant to community needs, contemporary developments, and justice values.²³ In academic contexts, reformulation is often viewed as a systematic effort to identify weaknesses in existing regulations, both in terms of substance and implementation, then replacing them with more effective and efficient approaches. According to various legal journals, this process involves critical analysis of existing legal frameworks, input from legal experts and practitioners, and community participation to ensure legitimacy and acceptability of resulting new rules. Reformulation is not only conducted to respond to social, economic, or technological changes but also to meet international legal standards or a country's global commitments. Additionally, the reformulation process aims to create more adaptive, harmonious legal frameworks capable of addressing future challenges.²⁴

Reformulation of DPR member tenure period rules becomes important for creating legislative systems that are more dynamic and responsive to community needs. By revising these rules, opportunities can be opened to limit DPR member periods, so political regeneration is more guaranteed and new ideas can enter the legislative process. Tenure limitations also prevent potential dominance by certain individuals or groups that can lead to political oligarchy. This aligns with democratic spirit that upholds inclusive participation and provides fairer opportunities for young cadres to contribute to policy-making.²⁵ Additionally, this reformulation also supports political accountability and parliamentary efficiency. Tenure limitations can motivate DPR members to focus more on performance and real contributions during their tenure, due to time constraints. On the other hand, regeneration through period limitations also forces political parties to conduct better cadre development, resulting in new competent and innovative politicians. Thus, DPR member tenure period rule reformulation is not only about limiting power but also about encouraging fresher, more transparent, and public interest-oriented parliament.

²³ Sinto Adi Prasetyorini, Edy Lisdiyono, and Sri Mulyani, "REIMAGINING LEGAL AID INSTITUTION REGULATIONS TO ENHANCE LEGAL CLARITY," *Journal of Law and Sustainable Development* 12, no. 5 (May 3, 2024): e03418, <https://ojs.journalsdg.org/jlss/article/view/3418>.

²⁴ Christina Aryani, "REFORMULASI SISTEM PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN MELALUI PENERAPAN OMNIBUS LAW," *JURNAL USM LAW REVIEW* 4, no. 1 (June 3, 2021): 27–48, accessed August 14, 2025, <https://journals.usm.ac.id/index.php/julr/article/view/3194>.

²⁵ Tsur, "Political Tenure, Term Limits and Corruption."

As explained in the first discussion, Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, abbreviated as (MD3), Article 76 paragraph (4) explains that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge." This article only regulates tenure but does not regulate how many times someone can be re-elected as a DPR member. If compared with the 1987 Philippine Constitution, Article VI Section 7 firmly regulates that its DPR members cannot serve more than three consecutive terms. This should serve as an example for Indonesia to provide legal certainty and justice to everyone to have equal opportunities to become people's representatives.

Discussion regarding DPR member tenure period legal rule reformulation becomes relevant for understanding how this regulation contributes to political stability and democratic development in Indonesia. In this discussion, it is necessary to examine further the legal foundations, implementation dynamics, and various implications arising from such regulations. Additionally, studies can also include how tenure limitations can become instruments in preventing power abuse and promoting healthy political regeneration. Effective power limitation and control is through law. That is why law cannot be separated from power, and power cannot be separated from law. As a modern state, the constitution affirms that one characteristic of Indonesia's governmental system is adhering to rule of law principles rather than power state principles. Based on these constitutional provisions, government has limited power and is not justified in acting arbitrarily. These adopted principles should be reflected in state administration practices. This means that in Indonesian constitutional administration practices, law must control power, not vice versa.²⁶

Based on the fact that legislative member tenure periodization limitations are not regulated in the 1945 Constitution nor firmly regulated through laws, this opens very wide opportunities for legislative members to continue serving, even for life. Such conditions potentially damage democratic order because they do not provide good political education and damage democratic values and spirit. Therefore, it is very important to open political access as widely as possible for the people, to encourage political leadership regeneration through regulation and limitation of legislative member tenure periodization.²⁷ This step will create leadership circulation space that enables the birth of more integrity-based national leaders.

Gustav Radbruch in his legal purpose theory emphasizes that law has three main objectives that must be realized in balance: justice, utility, and legal

²⁶ Khaerunnailla, Negara, and Madjid, "Urgensi Pembatasan Masa Periode Anggota Dewan Perwakilan Rakyat Dalam Upaya Pencegahan Penyalahgunaan Kekuasaan."

²⁷ Anita Pertiwi and Tomy Michael, "Perlunya Membatasi Periode Jabatan Anggota Dewan Perwakilan Rakyat Daerah Di Indonesia," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 9 (October 24, 2023): 279–285, accessed August 14, 2025, <https://jurnal.penerbitdaarulhuda.my.id/index.php/MAJIM/article/view/971>.

certainty.²⁸ In his view, justice is a normative element demanding equal treatment for every individual. Utility refers to legal content that must be able to answer community needs and realize social welfare. Meanwhile, legal certainty guarantees that law can be enforced consistently through clear and predictable rules. Regulation of legislative member tenure periodization limitations is expected to form a national political system that is just, based on legal certainty, civilized, and integrity-based. Because, theoretically and based on empirical experience, someone who serves too long in the same position tends to abuse power. With deep understanding of situations and conditions, they often exploit loopholes for personal benefit, ultimately harming the people. Therefore, legislative member tenure limitations become crucial for establishing principles of power division, separation, and limitation as taught in Trias Politica theory formulated by John Locke.

The reformulation that needs to be conducted is regarding Article 76 paragraph (4) of Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, which originally regulated that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge." This should be reformulated to "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge and only for two terms." Or regulate further in paragraph (5) that "Every DPR member is limited to 2 terms."

By regulating DPR tenure periods as described above, this provides legal certainty that every member of supreme institutions in this country has been limited so that these rules do not create multiple interpretations because if these rules are not reformulated, society will think that the DPR as a legislative institution forming laws deliberately utilizes its authority not to limit its own institution to continue serving. DPR member work period limitations are equally important as president/vice president work period limitations, to prevent absolute power and power abuse. In Indonesia, power limitation efforts have been applied in the constitution discussing Presidential and Vice Presidential tenure. Presidential tenure period limitations represent one effort to prevent continuous power holders that are believed to become sources of absolutism and power deviation. From justice and utility perspectives, tenure limitations also reflect substantive justice because they provide equal opportunities for all citizens to nominate themselves as legislative members. This supports political regeneration and prevents long-term power dominance by a handful of elites. Additionally, from social utility aspects, cadre rotation enables the entry of fresh new ideas from younger generations, so legislative institutions remain relevant and responsive to contemporary changes. Thus, the idea of DPR tenure limitations integrates Gustav Radbruch's three legal purpose elements harmoniously.

²⁸ Satjipto Rahardjo, *Ilmu Hukum*, 8th ed. (Bandung: PT Citra Aditya Bakti, 2014).

CONCLUSION

The House of Representatives as a supreme state institution whose members are elected through general election mechanisms and possess significant authority requires clear rules in limiting the work period of DPR members. In Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, abbreviated as (MD3), Article 76 paragraph (4) explains that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge." From this article, it can be interpreted that although DPR tenure has been clearly regulated for 5 years, the limitation on how many times someone can be elected as DPR member is not firmly regulated, thus creating multiple interpretations and normative ambiguity that impacts legal uncertainty. As a comparison, the Philippines, which is also a constitutional democratic country, has a legislative system firmly regulated in the 1987 Constitution that its legislative members are limited to serve a maximum of three consecutive terms.

Reformulation of Article 76 paragraph (4) of Law Number 13 of 2019 concerning the Third Amendment to Law Number 17 of 2014 regarding the People's Consultative Assembly, House of Representatives, Regional Representative Council, and Regional House of Representatives, which originally regulated that "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge," should be reformulated to "DPR member tenure is 5 (five) years and ends when new DPR members take their oath/pledge and only for two terms." Alternatively, it could regulate further in paragraph (5) that "Every DPR member is limited to 2 terms." By regulating DPR tenure periods as described above, this provides legal certainty that every member of supreme institutions in this country has limited tenure. This also serves as an effort to guarantee justice regarding the fulfillment of society's constitutional rights as a democratic state that upholds inclusive participation and provides fairer opportunities for young cadres to contribute to policy-making. Additionally, this reformulation also supports political accountability and parliamentary efficiency. Tenure limitations can motivate DPR members to focus more on performance and real contributions during their tenure due to time constraints.

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