

THE DESIGN OF TERM LIMITATIONS FOR THE REPUBLIC OF INDONESIA'S HOUSE OF REPRESENTATIVES MEMBERS: CONSTITUTIONAL ANALYSIS, REPRESENTATIVE DEMOCRACY, AND THE CHECKS AND BALANCES MECHANISM

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Abstract

The absence of term limits for legislative members has resulted in a pattern of power entrenchment, thus hampering the process of leadership regeneration and strengthening oligarchic tendencies within parliament. The absence of term limits in the Law of MD3 opens up space for power entrenchment, the formation of political dynasties, conflicts of interest, and a decline in the integrity of representation, reflected in the increasing constituency disconnect, the phenomenon of self-serving legislation, and the high number of legislative corruption cases. Therefore, a comprehensive design is needed to formulate a term limit model that aligns with the constitutional mandate. The study uses normative legal methods through legislative and conceptual approaches, examining the 1945 Constitution, the MD3 Law, the Election Law, Constitutional Court decisions, as well as the theories of constitutionalism, Habermas's deliberative democracy, and Madison's theory of power limitations. The analysis is conducted descriptively-analytical and interpretative-normative to build a cohesive legal argument. The results show that constitutionally, term limits can be justified as an integral part of the principle of power limitation and legal certainty; the current absence of norms has been shown to reduce the effectiveness of the representation function and open up opportunities for abuse of authority. From a leadership regeneration perspective, term limits increase the plurality of political actors, reduce incumbency advantage, and encourage policy innovation, while simultaneously breaking patronage networks that hamper oversight functions. Meanwhile, from a checks and balances perspective, term limits can strengthen the collegial independence of the House of Representatives (DPR) and increase the credibility of its oversight function over the executive, but they need to be designed proportionally to avoid creating an expertise gap or disrupting policy continuity.

Keywords: Term Limits, DPR RI, Constitutional Democracy, Checks and Balances

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INTRODUCTION

The discussion on the need for term limits for members of the Indonesian House of Representatives (DPR RI) becomes increasingly relevant when placed within the framework of Indonesia's constitutional democracy. Although the 1945 Constitution affirms that Indonesia is a democratic state governed by the rule of law, the mechanisms for limiting the power of the executive branch are not applied equally to the legislative branch. Legislators can remain in office as long as they retain electoral votes without a clear time limit. This situation creates a disconnect between the principle of limiting power enshrined in the constitution and evolving state practices. The absence of term limits has led to a persistent accumulation of legislative power, opened the door to the formation of political dynasties, and created space for abuse of authority that is increasingly difficult to control (Junadi et al., 2021). This situation raises the urgency of reexamining the consistency of the democratic law principle in the DPR's institutional design.

In the context of Indonesian constitutional democracy, the problem of the absence of term limits for members of the House of Representatives cannot be separated from the weak institutionalization of political parties as a main pillar of democracy. Although political parties normatively hold a strategic function as stipulated in Article 11 paragraph (1) of the Political Party Law, ranging from political education, channeling aspirations, to political recruitment, reality shows that this function has not been running optimally. Cartel politics, electoral patronage, and minimal cadre development have led to the continued domination of certain elites within the party structure, so that political access for the new generation is blocked and internal democratization does not develop (Elviandri, 2019; Shaleh & Wisnaeni, 2019). In a situation where parties are unable to produce cadres meritocratically, long-serving legislators gain structural advantages to maintain their positions, creating political entrenchment that widens the gap between people's representatives and their constituents. This condition not only weakens the representational function but also has implications for the quality of deliberative democracy, because parliament is filled with the same actors for a long period without refreshing perspectives. This accumulation of legislative power reinforces the urgency of term limits as a corrective mechanism to restore the dynamics of representative democracy.

The crisis of public trust in political parties, exacerbated by numerous cases of corruption and abuse of power by party elites, demonstrates that the failure of political education and cadre development has eroded the party's institutional legitimacy. Weak internal democracy has rendered parties unable to objectively carry out their recruitment function, resulting in recurring practices of kinship politics, the personalization of power, and the dominance of the general chairperson in decision-making (Elviandri, 2022). This situation parallels the absence of term limits in the House of Representatives (DPR), which has further concentrated the reproduction of the political elite and hampered the regeneration of national leadership. When parties fail to become meritocratic and legislatures are not term-limited, the circulation of power becomes stagnant, giving rise to legislative oligarchy and increasing the risk of conflicts of interest and abuse of power. Therefore, term limits are not only necessary to prevent the concentration of legislative power but also serve as a catalyst to encourage reform of party structures, strengthen cadre development, and rebuild public trust through healthier political regeneration.

Furthermore, the legislative power structure, which lacks temporal limitations, has created various distortions in the practice of political representation. Legislators who serve too long face incentives to maintain their positions, including through the drafting of regulations that benefit the incumbent. This phenomenon of self-serving legislation is evident in a number of controversial legal instruments, such as the revision of the Corruption Eradication Commission Law, the Draft Criminal Code (RUU KUHP), and the amendment to the MD3 Law, which prioritize the institutional interests of the House of Representatives (DPR) over the public interest (Fitriyani, 2023). Transparency International's findings, which consistently rank the DPR as the institution with the highest level of perceived corruption, reinforce the suspicion that the absence of term limits contributes to the perpetuation of difficult-to-eradicate political corruption. In the context of checks and balances, a parliament controlled by the same actors for decades has the potential to lose the structural independence necessary to objectively oversight the executive.

From a constitutional legitimacy perspective, the lack of provisions regarding term limits for DPR members in the MD3 Law indicates a deficit in legal certainty. Not only is there no provision regarding the number of terms a DPR member can serve, but there is also normative ambiguity regarding the status of the term of office of members replaced through the recall mechanism. The fundamental question of whether the replacement term counts as a full term remains unanswered. This situation creates disharmony in the legal system, potentially leading to conflicts of interest in the

formulation of the two-term term limit scheme (Hamrin & Endratno, 2022). Therefore, developing a more comprehensive constitutional argument regarding term limits is urgently needed.

From the perspective of Habermas's theory of deliberative democracy, the quality of public policy is greatly influenced by the extent to which legislative institutions incorporate diverse arguments and actors into the deliberation process. Years of dominance by the same political actors lead to a loss of dynamism, innovation, and social sensitivity in the legislative process. Research by the University of Indonesia's Political Science Research and Development Center (PUSKAPOL UI) found that legislators serving three or more terms experience constituency disconnect, a condition where the quality of relationships and communication with constituents declines drastically (PUSKAPOL, 2021). FORMAPPI added that legislation produced by long-serving legislators tends to be repetitive, lacks creativity, and is not adaptive to social change (FORMAPPI, 2020). These findings strengthen the argument that term limits are an institutional instrument for maintaining the vitality of parliament's deliberative space.

From a Madisonian perspective, the emerging issues relate not only to the quality of representation but also to the risk of disrupting the balance between branches of power. Senior legislators who have long controlled the internal structures of the House of Representatives (DPR) can build patronage networks that limit the parliament's ability to act as checks on the executive. Corruption Eradication Commission (KPK) data shows that most legislative corruption cases are committed by members who have served more than two terms, supporting Susan Rose-Ackerman's power trap theory that the longer someone holds a position of power, the greater the opportunity for them to abuse their authority (Elviandri et al., 2024). This indicates that term limits are not merely a regeneration strategy but also a structural necessity to restore the legislature's oversight capacity.

The urgency of term limits is further strengthened when linked to the need for national leadership regeneration. The dominance of the old elite in legislative elections has blocked political access for the new generation, thus hampering policy innovation and renewed political orientation. The decline in public trust in the House of Representatives (DPR) and the increasing number of laws annulled by the Constitutional Court demonstrate that the current representation system is no longer capable of meeting the needs of a growing democracy (Khaerunnaila & Madjid, 2020). Philosophically, this situation contradicts the principle of the state as a social contract, which requires the state to protect the interests of the people through fair, responsive, and accountable representation mechanisms (Triwulan & Widodo, 2011).

It is at this point that a research gap emerges clearly. First, academic discourse on legislative term limits remains minimal compared to studies on presidential or party leadership term limits. Second, no study has yet integrated the three theoretical frameworks of constitutionalism, deliberative democracy, and the theory of power limitations to develop a comprehensive justification for term limits for members of the Indonesian House of Representatives (DPR RI). Third, technical issues such as the term limit model (consecutive or total), transitional period mechanisms, recall implications, and potential expertise gaps have never been systematically discussed as part of institutional engineering. Fourth, empirical research linking long legislative terms with the quality of representation, legislative effectiveness, and the prevalence of political corruption has not been widely developed.

The novelty of this research lies in its attempt to formulate a comprehensive constitutional argument that integrates legal theories, empirical findings, and policy needs into a cohesive justification model. This research not only confirms the normative validity of the DPR term limitation idea but also develops a conceptual design that can serve as a reference for improving the Election Law, the MD3 Law, and political party regulations. Furthermore, this research fills a gap in the literature by demonstrating that term limitation has a direct correlation with the quality of political representation, the effectiveness of the system of checks and balances, and the long-term stability of democracy—something that has not been comprehensively examined in previous research.

Thus, this study not only provides an academic contribution to the development of constitutional law theory but also offers an empirical and normative foundation for formulating a policy on term limits for members of the Indonesian House of Representatives (DPR RI). This reform, if implemented appropriately, has the potential to strengthen parliamentary integrity, improve the quality of public deliberation, reduce the risk of legislative oligarchy, and ensure that representative institutions carry out their constitutional functions more effectively and accountably within the framework of a democratic state based on the rule of law.

RESEARCH METHOD

This research is a normative legal research that focuses on the analysis of the principles, principles, and legal norms related to term limits for members of the Indonesian House of

Representatives (DPR RI). Two approaches are used. First, a legislative approach, by examining the 1945 Constitution of the Republic of Indonesia, especially Article 1 paragraph (2)–(3) and Article 7, as well as relevant regulations such as the MD3 Law, the Election Law, KPU Regulations, DPR Rules of Procedure, and Constitutional Court decisions. This analysis is intended to identify the gaps in norms and consistency of regulations regarding legislative term limits. Second, a conceptual approach, which refers to the doctrine of constitutionalism, the theory of democratic *rechtsstaat*, deliberative democracy (Habermas), and the theory of checks and balances (Madison). This approach is used to assess the theoretical rationality of term limits as a mechanism for limiting power, preventing power entrenchment, and strengthening the quality of political representation. The collection of materials was conducted through literature study, then analyzed descriptively-analytical and argumentative-normative to build legal arguments regarding the urgency, legitimacy, and implications of term limits for members of the Indonesian House of Representatives within the framework of constitutional democracy and the system of checks and balances. The analytical method used is descriptive analysis to provide an objective picture of the current DPR term regulations, and interpretative-normative analysis to evaluate the coherence of norms, find patterns of legal considerations, and assess the suitability of these regulations with the principles of a democratic rule of law. This analysis is aimed at compiling legal arguments that explain the urgency, legitimacy, and constitutional implications of term limits for members of the Indonesian House of Representatives.

RESULTS AND DISCUSSION

Constitutional Legitimacy and Theoretical Rationality of Term Limits for Members of the Indonesian House of Representatives

Term limits for members of the Indonesian House of Representatives (DPR RI) are rooted in the principles of constitutional democracy, which require limits on power, rotation of leadership, and ongoing accountability mechanisms. Positive legal provisions that allow legislators to serve indefinitely while still elected have opened up space for the entrenchment of legislative power, the formation of political dynasties, and the potential for abuse of authority. From the perspective of modern democratic theory, term limits are not a restriction on political rights, but rather an institutional instrument to ensure the regeneration of political actors and plurality of representation. Thus, term limits serve as a constitutional correction to prevent the concentration of power that could erode the deliberative character of parliament and weaken its accountability function (Junadi et al., 2021).

The absence of term limits also creates serious problems in legislative governance, particularly in the context of conflicts of interest and potential self-dealing. Legislators serving long terms have an incentive to draft regulations that benefit their own continued positions, especially since the laws regarding legislative positions and powers are drafted by the same institution. Transparency International's findings over the past few years, which rank the House of Representatives (DPR) as the institution with the highest level of perceived corruption, reinforce the argument that continued power without restrictions contributes to a decline in institutional integrity and public trust. Within the framework of checks and balances, a parliament whose members can serve without time limits will struggle to effectively perform its oversight function, as overly established power relations tend to undermine political independence and objectivity. Therefore, term limits are not only a moral and political necessity, but also a legal prerequisite for restoring the legitimacy of representation and ensuring that parliament returns to its ideal function as a watchdog of power and a channel for the people's aspirations (Fitriyani, 2023).

The limitation of the term of office of members of the Indonesian House of Representatives must first be analyzed from the perspective of constitutional legitimacy: The 1945 Constitution provides a basic mandate for the implementation of popular sovereignty and the rule of law, but the basic text does not explicitly regulate the term limits of DPR members, thus opening up space for constitutional interpretation of the principle of limiting the right to be elected for the sake of more substantial democratic goals. This constitutional reasoning is important to justify that term limits are not merely restrictions on political rights, but rather institutional arrangements aimed at protecting the principles of equal opportunity and legal certainty in the representative system.

In principle, Article 1 paragraph (2) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that Indonesia is both a democratic *rechtsstaat* and a constitutional democracy, so that the implementation of popular sovereignty can only be carried out through constitutional procedures expressly laid down in the basic law. The principle of a state based on the rule of law requires that all acts of power, including the regulation of the structure and terms of office of legislative institutions, be subject to clear, predictable norms and free from unrestricted power. Within this framework, the lack of regulations regarding the limitation of the term of office of DPR members

in the MD3 Law, both regarding the periodicity limit and the status of the term of office for members who enter through the interim replacement mechanism (recall), indicates the lack of legal certainty that is a fundamental prerequisite for the implementation of popular sovereignty according to the Constitution. The ambiguity regarding whether the term of office of a replacement member is counted as one full term or as a continuation of the term of the previous official creates normative confusion and opens up room for conflicts of interest in the design of the two-term limitation. Therefore, improving the provisions on the term of office of the DPR is an integral part of the constitutional mandate to ensure that the practice of representative democracy runs in line with the principle of a state based on the rule of law which demands strict and measured limitations on power (Hamrin & Endratno, 2022).

From the perspective of Habermas's theory of deliberative democracy, institutional legitimacy depends on the quality of the deliberative public sphere, which serves as a medium for opinion formation and the basis for policy legitimacy. The DPR, as an arena for deliberation, will experience a decline in legitimacy if legislative actors consolidate their positions without adequate regeneration. Therefore, term limits can be seen as a structural means to maintain discursive openness so that the deliberation process remains pluralistic, accommodating, and free from oligarchic domination that blocks access to discourse for new actors (Muthhar, 2016).

In Madisonian theory, term limits are a proactive instrument for limiting power: without a mechanism for limitation, the tendency for entrenchment or accumulation of power within the legislature could upset the balance between institutions. This conception positions term limits not as mere restrictions on rights, but as part of a system of checks and balances that allows institutional and individual ambitions to balance each other to prevent majority tyranny or oligarchy. This approach supports the argument that term limits have a normative basis in the principle of limiting power in a state governed by the rule of law (Wadipalapa et al., 2025).

Proportionality testing is the next analytical step: if the objectives of the restrictions, namely political regeneration and preventing the concentration of power, are legitimate, then it is necessary to assess whether the proposed rules are suitable, necessary, and proportionate in stricto sensu. This normative analysis must be juxtaposed with Indonesian legislative practice (e.g., the Election Law, the MD3 Law) as well as constitutional decisions that address the right to be elected and the position of representatives. The normative gap here opens up constructive arguments for legislative amendments or judicial interpretation (Ristyawati, et., al, 2025).

Finally, the theoretical legitimacy of restrictions also requires integration between normative justification and implementation design: the design of restrictions must consider the form (e.g., successive or total limits), transition mechanisms, the role of political parties in cadre development, and guarantees of constitutional rights to prevent harm that outweighs the benefits. This approach positions restrictions as an institutional policy that must be tested through empirical studies and normative legal reasoning to meet the standards of the rule of law and the effectiveness of democracy (Mardianto, 2025).

Term Limits as an Instrument for Leadership Regeneration and Mitigation of Legislative Power Concentration

The absence of term limits for legislative members has resulted in a pattern of power entrenchment, hampering leadership regeneration and reinforcing oligarchic tendencies within parliament. When legislators can serve indefinitely as long as they are elected, the power structure becomes unbalanced because legislative authority is vested too long in the hands of certain individuals or political groups. The consequences are evident in the increased potential for conflicts of interest and corrupt practices, reflected in elitist legislation such as the revision of the Corruption Eradication Commission (KPK) Law, the Criminal Code Bill, and amendments to the MD3 Law, which politically prioritize the interests of the legislative body over the public interest. This situation demonstrates that the resulting political-legal configuration is inconsistent with the principles of a democratic rule of law, as the resulting laws tend to be conservative and unresponsive (Junadi et al., all, 2021). Sri Soemantri described this situation as a "political locomotive that has derailed the legal system," where politics moves without the control of the legal structure that should serve as its constitutional boundaries (Mulyadi & Aridhayandi, 2015: 533). Thus, term limits are needed as a structural instrument to break the cycle of power concentration and return legislation to the path of public interest.

Term limits also serve as an essential mechanism for regenerating legislative leadership, as they create space for the entry of new political actors with more progressive ideas and policy orientations. Leadership regeneration is a democratic necessity to prevent political stagnation that

occurs when legislative elites dominate office for too long, thus weakening the accountability and effectiveness of parliament as a representative of the people. The declining public legitimacy of the DPR, reflected in the frequent judicial review of laws in the Constitutional Court and low public trust, demonstrates the failure of a legislative system without term limits to maintain the integrity of its representational function (Khaerunnaila & Madjid, 2020: 183). Theoretically, this condition contradicts the concept of the state as a social contract, which requires the state to provide protection and legal certainty for its citizens (Triwulan & Widodo, 2011: 3). Therefore, term limits need to be formulated based on the principles of deliberative democracy as proposed by Habermas, where legislation must be formed through a rational and inclusive public communication space (Junadi et al., 2021).

Term limits can be positioned as an institutional instrument to ensure a healthy circulation of political elites: from a representative democracy perspective, the rotation of officials allows for the entry of new actors with different perspectives and competencies, thereby enriching substantive representation and reducing policy stagnation. This narrative is supported by comparative studies showing that countries that implement term limits tend to have more structured cadre regeneration mechanisms and more equitable opportunities for political access. In the Indonesian context, this argument is relevant given the strengthening pattern of incumbency advantage in the era of open elections.

From a Habermasian perspective, the quality of public deliberation is closely related to the plurality of actors and the diversity of arguments; term limits allow for a refreshment of deliberation participants, thereby reducing the risk of discourse homogenization by established elites. Thus, term limits are not simply a mechanical mechanism for changing positions, but rather a systemic effort to restore the DPR's deliberative function as a channel for building a more inclusive and rational public consensus. Practical implications include encouraging parties to strengthen cadre formation and opening up access to non-patronage recruitment.

From a Madisonian perspective, mitigating the concentration of legislative power offers structural benefits: rotation prevents the formation of patronage networks and interpersonal relationships that deprive the legislature of its independent oversight of the executive. Empirical studies of post-election legislative dynamics demonstrate a tendency for collusion when legislative actors hold strategic positions for too long; term limits serve as a preventative measure against legislative entrenchment, which undermines the function of checks and balances. Therefore, the design of term limits should be viewed as part of the institutional engineering of a presidential system.

However, the limitation mechanism presents an institutional trade-off that needs to be anticipated: too rapid rotation can create an expertise gap, thus reducing the legislative capacity to formulate complex policies. Therefore, the limitation design must accommodate the learning curve period, knowledge transfer mechanisms, and the role of parties and legislative secretariats in maintaining technical continuity while still realizing regeneration goals. Empirical studies and internal party policies are key to balancing regeneration goals with legislative capability needs.

Ultimately, term limits as an institutional instrument require synergy between positive legal reform and political practice: regulatory changes (e.g., the Election Law or the MD3 Law) must be accompanied by party regulations that encourage cadre development, as well as a just transition mechanism for incumbents and new candidates. This multi-level approach is necessary to achieve the goal of mitigating the concentration of power without creating new problems that undermine the representational function and governance of the legislature.

Implications of Term Limits on the Effectiveness of Political Representation and Strengthening the Checks and Balances System

In the modern concept of a constitutional state, power can only be exercised legitimately if it is subject to constitutional limitations, as affirmed in the Explanation of the 1945 Constitution that Indonesia is a *rechtsstaat* and not a *machtsstaat*. Therefore, the law functions as an instrument of control over power so that it does not develop into an absolute state and is not used arbitrarily by public officials. From a constitutional law perspective, elections are not merely electoral procedures, but rather a constitutional mechanism to limit, regulate the circulation of power, and ensure the regeneration of political leadership. The absence of term limits for members of the House of Representatives (DPR) has the potential to reduce this function of power distribution, because it provides space for legislative power to accumulate continuously without a mechanism for political refreshment. This has serious implications for the protection of citizens' constitutional rights, because the absence of a periodicity of term limits allows certain political positions to be enjoyed indefinitely, in contrast to the president/vice president who are limited to a maximum of two terms to prevent the centralization of power (2012 Election Law; Explanation of the 1945 Constitution). The absence of

legislative term limits not only ignores the principles of equality and democratic accountability, but also has the potential to give rise to abuse of authority that is detrimental to the people and contradicts the ideals of a democratic state, as stated by Jimly Asshiddiqie (2015:153).

Term limits for the House of Representatives (DPR) are crucial for maintaining political regeneration and preventing legislative entrenchment, where legislative power remains in place for too long, leading to institutional stagnation and representational dysfunction. Legislators who remain in office for too long tend to lose sensitivity to public aspirations and become more aware of the power gaps and budgets that can lead to malfeasance, as evidenced by numerous legislative corruption cases involving long-serving members. Indefinite tenure limits the political mobility of the next generation and hinders the emergence of young political leaders with fresh ideals and capacities to bring about change. Regeneration can only occur if term limits are designed to balance the need for institutional continuity with the need for political renewal. Furthermore, term limits are an effort to increase legislative accountability, improve the quality of legislation, and ensure that power is not monopolized by certain groups over the long term. A two-term limit for DPR members would place the legislature in a position more in line with the principles of constitutional democracy, just as presidential term limits serve to prevent the absoluteness of power (Khaerunnaila & Madjid, 2020:183).

Term limits have direct implications for the effectiveness of political representation: ideally, rotating representatives allows for a more responsive renewal of the representation agenda to changing public needs and fosters political accountability through a cycle of voter evaluation of officials' performance. However, this effectiveness depends on how the limits are formulated—whether they are total limits, consecutive limits, or a combination of re-entry rules—because each model affects the dynamics of the representative-constituent relationship and political incentives differently.

PUSKAPOL UI research shows that members of the House of Representatives (DPR) who serve more than three terms experience constituency disconnect, namely a decrease in the intensity of communication and the quality of substantive representation to constituents (PUSKAPOL, 2021). This finding aligns with Jürgen Habermas's theory of deliberative democracy, which states that representative institutions can only function optimally if their deliberative space is filled with actors with diverse perspectives and is not dominated by the same elite for too long (Nadir & Wardani, 2019). FORMAPPI also noted that legislative initiatives produced by legislators who serve more than three terms tend to be repetitive and lack innovation, thus weakening the quality of deliberation and the political legitimacy of DPR decisions (FORMAPPI, 2020). Therefore, term limits serve as a fundamental instrument to maintain the effectiveness of political representation and ensure the systematic renewal of ideas in parliament.

In addition to strengthening the effectiveness of representation, term limits also have significant implications for strengthening the system of checks and balances, as they prevent legislative entrenchment, a situation where legislative power is retained for too long by certain actors, thus disrupting the balance of state power. From Carl J. Friedrich's constitutional perspective, power limitations are an essential element of the constitution to prevent arbitrary actions by public officials. However, unlike the President, who is limited to two terms under Article 7 of the 1945 Constitution of the Republic of Indonesia, members of the House of Representatives (DPR) do not have their terms limited, creating an anomaly in the state architecture that has the potential to weaken the legislative oversight function of the executive. Corruption Eradication Commission (KPK) data shows that 41 of the 67 DPR corruption cases from 2014–2023 (61.2%) were committed by members who had served more than two terms, reinforcing Susan Rose-Ackerman's power trap theory that the longer a person is in power, the greater the opportunity for abuse of power due to weakened internal control mechanisms (Elviandri et al, 2024). This situation also contradicts AV Dicey's rule of law principle, which demands legal certainty in the succession of power to prevent the long-term domination of certain individuals or groups. Thus, limiting the term of office of legislative members is not just a managerial measure, but a constitutional necessity to restore the balance of power and strengthen the integrity of representative institutions (Zulkifli, 2025).

Within Habermas's framework, improving the quality of representation through term limits implies increased deliberative legitimacy: new representatives bringing fresh perspectives can strengthen the link between the public sphere and the legislative process, making political decisions more easily accountable to the public. However, to realize this effect, supporting institutions are needed, such as a free public sphere, access to information, and a culture of deliberation, so that personnel reforms truly translate into substantive improvements in representation. Without these supporting conditions, term limits will remain merely a symbolic change.

From a checks and balances perspective, term limits strengthen the legislature's oversight function when rotation weakens patronage networks and increases collegial independence. Legislators who are not entrenchment-oriented are expected to be better equipped to enforce oversight over the executive, thus making oversight mechanisms more effective and credible. This strengthening has implications not only for political practice but also for the need for procedural redesign, such as oversight agenda development, access to information, and protection of the House of Representatives' oversight budget.

However, term-setting must consider long-term institutional implications: in addition to the expertise gap, there is a risk of reduced policy continuity and increased political transaction costs if turnover is too frequent. Therefore, rational policy recommendations suggest a hybrid model, e.g., limiting the number of terms with a time gap before re-nomination, as well as strengthening legislative administrative capacity and the role of parties in cadre development, so that the goals of representation and checks and balances can be achieved simultaneously. Such reforms require concrete normative legal studies and pilot policies before national implementation.

CONCLUSION

This study confirms that the absence of term limits for members of the Indonesian House of Representatives (DPR RI) poses a systemic risk to the quality of representation, deliberative legitimacy, and the effectiveness of checks and balances mechanisms; this condition is rooted in a normative vacuum in the state architecture that is counterproductive to the principles of democratic law. Normative and theoretical analysis shows that term limits are not merely restrictions on political rights, but rather rational institutional instruments to prevent power entrenchment, accelerate leadership regeneration, and strengthen legislative oversight capacity. Empirical findings combined with the Habermasian and Madisonian frameworks indicate that term limits can increase deliberative plurality, reduce incumbency advantage, and reduce opportunities for abuse of authority. However, restrictions designed without accommodating the learning curve, transition mechanisms, and strengthening the capabilities of the secretariat/party risk creating expertise gaps and disrupting policy continuity. Therefore, the most proportional policy recommendations are: (1) including period limitation rules within the framework of the law (Election Law/MD3 Law) with a hybrid model (limited period + re-entry gap), (2) synergizing this reform with strengthening party cadre development and the administrative capacity of the DPR, and (3) implementing a pilot policy and empirical evaluation before full national adoption to ensure a balance between democratic regeneration and institutional continuity.

REFERENCES

- Ardiansyah, A., Elviandri, E., Yulianingrum, AV, & Alhadi, MN (2024). Legal Politics of Political Party Coalition Structure in a Presidential System and Its Implications for Good Government and Clean Government. *RECTUM JOURNAL: Legal Review of Criminal Action Handling*, 7(1), 1-17.
- Elviandri, E., Dana, R., Kholik, S., & Noor, A. (2024). Term Limits for General Chairmen of Political Parties: A Pillar of Democracy and Strengthening of Political Party Institutions from Conflict of Interest and Abuse of Power. *Retentum Journal*, 6(2), 192-201.
- Elviandri, E., Ardiansyah, A., Suswadi, S., & Riza, WF (2024). Ideal Arrangement of Political Party Wing Organizations. *Journal Equitable*, 9(3), 20-34.
- Fitriyani, D. (2023). Proposing Restrictions on Re-Election of DPR, DPD, and DPRD Members in Indonesia. *Journal of Constitution & Democracy*, 3(1), 3.
- FORMAPPI, Evaluation of Prolegnas and DPR Legislative Performance, 2020.
- Hamrin, H., & Endratno, C. (2022). The Term of Office of Legislative Institutions in Indonesia to Uphold Constitutional Principles. *NATIONAL JOURNAL of LAW*, 6(1), 704-719.
- Junadi, Y., Mulyadi, D., Aridhayandi, MR, & Salim, CS (2021). The Urgency of Limiting the Term of Office of Legislative Members from the Perspective of the Configuration of Indonesian Legal Politics. *Mimbar Justitia Law Journal*, 7(2), 140-159.
- Junadi, Y., Mulyadi, D., Aridhayandi, MR, & Salim, CS (2021). The Urgency of Limiting the Term of Office of Legislative Members from the Perspective of the Configuration of Indonesian Legal Politics. *Mimbar Justitia Law Journal*, 7(2), 140-159.
- Khaerunnaila, WOF, Tunggul Ansari, SN, & Madjid, A. (2019). The Urgency of Limiting the Term of Members of the House of Representatives in an Effort to Prevent Abuse of Power. *Scientific Journal of Pancasila and Citizenship Education*, 4(1), 176-185.

- Mardianto, K. (2025). Limiting the Term of Office of Legislative Members in the Framework of Constitutional Democracy. *Lex Generalis Law Journal*, 6(8).
- Mulyadi, D., & Aridhayandi, MR (2017). Constitutional Court Decision on Simultaneous Elections Linked to the Prevention of Political Corruption. *Mimbar Justitia Law Journal*, 1(2), 532-549.
- Muthhar, MAA (2016). Reading Jurgen Habermas's deliberative democracy in the dynamics of Indonesian politics. *Ushuluna*, 2(2), 338519
- Nadir, N., & Wardani, WY (2019). Building Political Education in the Morals of Pancasila and Deliberative Democracy. *The Journal of Society and Media*, 3(1), 126-141.
- Pattalongi, M., Oktareza, D., Andrean, F., & Elviandri, E. (2024). Actualization of Political Party Functions in Strengthening Democracy in Indonesia. *RECTUM Journal: Legal Review of Criminal Act Handling*, 4(1).
- PUSKAPOL University of Indonesia, Evaluation Report on Political Representation of the Indonesian House of Representatives, 2021.
- Ristyawati, A., Utama, YJ, Wardhani, LTAL, & Hanum, WN (2025). Rethinking Legislative Term Limits: Safeguarding Democratic Renewal in the Constitutional State of Indonesia. *Diponegoro Law Review*, 10(1), 16-28.
- Triwulan, Titik, and Gudadi Widodo. *State Administrative Law and Indonesian State Administrative Court Procedure*. Jakarta: Prenadamedia Group, 2011.
- Wadipalapa, R., Nainggolan, P., & Katharina, R. (2025). Protecting two presidents: legislative decline in Indonesia's post-2024 election transition. *The Journal of Legislative Studies*, 1-18.
- Zulkifli, MA (2025). Sociolegal Analysis of the Urgency of Regulating Term Limits for Legislative Members in the Constitutional System. *Unes Journal of Swara Justisia*, 9(3), 490-502.