

# Democratization or Extra-Constitutionalism: Ideas for Limiting the Term of Office for Chairmen of Political Parties in Indonesia

Muhammad Mutawalli Mukhlis<sup>1✉</sup>  
Muhammad Saleh Tajuddin<sup>2</sup>  
Ilham<sup>3</sup>  
Koharudin<sup>4</sup>  
Abdul Rahman<sup>5</sup>

<sup>1,5</sup>Sekolah Tinggi Agama Islam Negeri Majene, Indonesia.

<sup>2</sup>Universitas Islam Alauddin Makassar, Indonesia.

<sup>3,4</sup>Universitas Hasanuddin, Indonesia.

✉muhammadmutawalli@stainmajene.ac.id

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## Abstract

*One aspect of the internal democratization of political parties that is not working is the lack of regeneration of political party leaders. This phenomenon presents oligarchic party practices and gives rise to a very elitist and feudalistic culture since political parties are controlled by the general chairman. This research is qualitative research with normative juridical methods using legal, conceptual, philosophical, and doctrinal approaches. This research is library research that examines and explores regulatory documents, books, journals, and other scientific works that are relevant to the topic of discussion. This article aims to provide new thinking in building internal institutions of democratic political parties. The results of data collection were analyzed in depth and then presented descriptively analytically. The conclusion of the article shows that by limiting the term of office of the general chairman of a political party, party internalization becomes more open. This idea advances party organizations that prioritize healthy competition. The terms of office need to be regulated in the political party law and do not need to be regulated in the political party's articles of association and bylaws for the sake of uniformity and legal certainty. The term of office of a political party leader is limited to 1 (one) period, namely five years, and a maximum of 2 (two) periods, namely ten years, if re-elected as general chairman at the political party conference forum and chairman election.*

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## 1. Introduction

People's sovereignty carried out according to the Constitution gave birth to the concept of constitutional democracy, which can be interpreted as meaning that the implementation of democracy is channeled and carried out according to constitutional procedures stipulated in law and the Constitution (constitutional democracy).<sup>1</sup> Within the framework of implementing democracy, the right to associate and assemble is then realized in the formation of Political Parties as one of the pillars of democracy in the Indonesian political system. As a consequence, political parties are an inseparable part of the democratic system. Political parties are formed to fulfill a variety of purposes,<sup>2</sup> in line with that, Yves Meny and Andrew Knapp stated that a democratic system without political parties or with a single party is impossible or, at any rate, hard to imagine.<sup>3</sup> In a country that adheres to democracy, the presence of political parties is a necessity, "the life of a democratic state is built upon the party system."<sup>4</sup>

Giorgio Agamben and Karl Popper argue that democracy is different from dictatorship or tyranny in that the people have the opportunity to control their leaders.<sup>5</sup> From the definition given by Giorgio Agamben and Karl Popper, it can be understood that a country that has an authoritarian leadership style and practice cannot be said to be a democratic country. Authoritarian leadership tends to be seen in countries led by someone for a long time.<sup>6</sup> This long period tends to produce leaders who are overpowered because power will rest with the person who leads.<sup>7</sup>

The existence of political parties in Indonesia can refer to the explanation of Law

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<sup>1</sup> Jimly Asshiddiqie, *Konstitusi Dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2021); Muhammad Mutawalli, "Kewenangan Badan Pemeriksa Keuangan Dalam Melakukan Pemeriksaan Dana Desa Yang Bersumber Dari APBN," *Jurnal Litigasi* 23, no. 1 (April 22, 2022): 61–82, <https://doi.org/10.23969/litigasi.v23i1.5030>.

<sup>2</sup> Roni Sulistyanto Luhukay, "Revitalizing The Regeneration System Of Political Parties In Building Pancasila Democracy," *Jurnal Legalitas* 17, no. 1 (2024): 81–97, <https://doi.org/10.33756/jelta.v17i1.24897>.

<sup>3</sup> Fathan Ali Mubiina, "Kedudukan Fraksi Di Dewan Perwakilan Rakyat Republik Indonesia Pasca Reformasi," *Jurnal Konstitusi* 17, no. 2 (2020): 437, <https://doi.org/10.31078/jk17210>.

<sup>4</sup> Harold J. Laski, *A Grammar of Politics (Works of Harold J. Laski)* (Routledge, 2014).

<sup>5</sup> Giorgio Agamben, *Homo Sacer* (Stanford, CA: Stanford University Press, 1998).

<sup>6</sup> James Holston and Teresa P.R. Caldeira, *Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship* (Berkeley: University of California, 1998).

<sup>7</sup> Muhammad Mutawalli, *Negara Hukum Kedaulatan Dan Demokrasi (Konsepsi Teori Dan Perkembangannya)* (Surabaya: Puataka Aksara, 2023).

Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties, which states that as mandated by the Constitution of the Republic of Indonesia of 1945, freedom of association, assembly and release opinion is a human right that must be implemented to strengthen the national spirit in the democratic Unitary State of the Republic of Indonesia. According to Article 1 paragraph (1) of Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political Parties, the definition of a political party is “an organization that is national in nature and is formed by a group of Indonesian citizens voluntarily on the basis of a common will and the ideals of fighting for and defending the political interests of members of society, nation and state as well as maintaining the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.”

Indonesia is the largest democracy in the world.<sup>8</sup> Political parties are designed to optimize their functions, including as a means of political aggregation, circulation of political elites and cadres, conflict management, and political socialization and communication.<sup>9</sup> Political elites are forged by political parties in the hope of appearing as strong and authoritative leaders, not only in the eyes of their constituents but also for all levels, groups of society, and the nation. In the history of parties in Indonesia, there are several terms of office of general chairs of political parties who have not been replaced, including Megawati Soekarnoputri, Prabowo Subianto, Muhaimin Iskandar, Yusril Ihza Mahendra, Wiranto, and Surya Paloh. At least his term of office as general chairman of a political party has lasted for 3 (three) periods of power.

The amount of power and the absence of term limits have resulted in the emergence of corrupt intentions within political parties. Corruption menace not only affects economic aspects but also intertwines with political dynamics and power structures.<sup>10</sup>

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<sup>8</sup> Darwin Saputra et al., “Comparison of Dispute Resolution in General Elections in Indonesia and Thailand,” *Indonesia Law Reform Journal* 4, no. 1 (March 2024): 102–18.

<sup>9</sup> Duncan Waite and David Allen, “Corruption and Abuse of Power in Educational Administration,” *The Urban Review* 35, no. 4 (December 2003): 281–96, <https://doi.org/10.1023/B:URRE.0000017531.73129.4f>.

<sup>10</sup> Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra, “Collaborative Efforts in ASEAN for Global Asset Recovery Frameworks to Combat Corruption in the Digital Era,” *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (October 13, 2023): 329–43, <https://doi.org/10.22219/ljih.v31i2.29381>.

Power Tends to Corrupt, and Absolute Power Corrupt Absolutely<sup>11</sup> is the correct term for political parties that do not regulate the term of office of the general chairman of the political party. That is what later developed in political parties, which is often referred to as oligarchy in political parties.<sup>12</sup> The general chairman of a political party who leads in an oligarchic manner, concentrating power in a few parties that he can control, is considered unfit to be President in a democratic country. The impact of not having a term limit for the general chairman of a political party that holds enormous power clearly has the potential to erode the democratization of the party slowly, and this is very contrary to democratic ideals. It is proven by the large number of political party cadres who commit criminal acts of corruption. One of the reasons for the large number of corrupt party cadres is that the practice of internal party decision-making is only taken by dominant figures such as the general chairman and secretary general, who are pragmatic and do not consider service aspects to parties and the process of forming political party cadres.

Referring to political developments in Indonesia, almost all strong presidential candidates are general chairs or supervisory boards of political parties. This is different from the United States of America, which is called the mecca of democracy. In practice, there has never been a presidential candidate in the history of the United States from the Democratic or Republican Party Chairman. All came from senators, congressmen, and state governors.<sup>13</sup> In fact, the names of the general chairs of the Democratic and Republican Parties are not as popular as the names of the general chairs of political parties in Indonesia.

The role of political parties in a democratic system is very important because political parties are the embodiment of people's sovereignty, and the people can channel their votes and choices to determine their representatives. Therefore, to regulate matters relating to Political Parties, the DPR and the President stipulated Law Number 2 of

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<sup>11</sup> HM Laica Marzuki, "Kesadaran Berkonstitusi Dalam Kaitan Konstitusionalisme," *Jurnal Konstitusi* 6, no. 3 (2009): 21.

<sup>12</sup> Danang Widoyoko, *Oligarki Dan Korupsi Politik Indonesia: Strategi Memutus Oligarki Dan Reproduksi Korupsi Politik* (Malang: Setara Press, 2013).

<sup>13</sup> Paul A. Lombardo, "Republicans, Democrats, & Doctors: The Lawmakers Who Wrote Sterilization Laws," *Journal of Law, Medicine & Ethics* 51, no. 1 (2023): 123–30, <https://doi.org/10.1017/jme.2023.47>.

2008 concerning Political Parties and amended it with Law Number 2 of 2011 concerning Amendments to Law Number 2 of 2008 concerning Political parties.

Unfortunately, this law does not regulate the term of office of the general chairman of a political party, so political parties are free to determine the term of office of the general chairman of a political party without being bound by any rules. This causes many political parties not yet to have standard rules regarding the term of office of the general chairman of a political party. The absence of restrictions on the term of office of the general chairman of a political party is not in accordance with the principles of constitutionalism, one of the functions of which is to limit power and avoid abuse of power. Some indications of abuse of power are as follows:

- 1) During Soeharto's reign, oligarchy also occurred. Soeharto formed a small elite group that divided Indonesia's natural wealth among certain groups, including generals and ethnic rulers.
- 2) The event for determining the Presidential and Vice Presidential Candidates from the PDIP Party is determined only by the general chairman.
- 3) The incident was that Bali Governor Wayan Koster invited all the Regents in Bali on the instructions of Megawati, who is the General Chair of his Political Party, even though Megawati does not have the authority to order regional heads.
- 4) The incident occurred when a member of the DPR from the PDIP faction, namely Bambang Pacul (Ir Bambang Wiryanto), stated that to pass the Asset Confiscation Bill, he had to get approval from the general chairman of the political party. Furthermore, Bambang Pacul explained this by showing the attitude of someone who was very obedient to the orders of the General Chair of the Political Party.
- 5) Bambang Pacul also stated that the Republic's power depends on the General Chair of the Political Party.
- 6) Oligarchs often use their wealth to establish political parties and maintain their wealth. During the New Order, they adapted to authoritarianism, militarism, and centralism.

The political party oligarchy in Indonesia is currently gaining strength in controlling the government, both in the executive, legislative, and judicial circles. Therefore, the phenomenon of political oligarchy has a tendency to damage and threaten democracy in national and state life. Political party elite oligarchs who decide to nominate candidates from other regions who are not from their region will weaken cadre

formation. The implication is that it will give rise to internal competition among party elites who want an end to the oligarchic pattern and want a more transparent government.

Oligarchs who own political parties and are mass media entrepreneurs are dangerous because they destroy the order of separation of the three branches of state power. A handful of people who have power in the executive and legislative branches, as well as mass media entrepreneurs, can manipulate state administration. "He can nominate for president because he has a political party, he can make any framing through the mass media he controls, and he has a lot of money to do anything. This is a danger that must be watched out for together," said Arief Hidayat, Judge of the Constitutional Court (MK).<sup>14</sup>

This oligarchy monopolizes the means of coercion in the hands of one oligarchy, not in the hands of an institutionalized and legally limited state. Titi Anggraini, an election observer, believes that oligarchy thrives in Indonesia's democratic system, especially in general and regional elections. This is caused by undemocratic governance of political parties, regulations, weak law enforcement, and low public awareness.<sup>15</sup>

From the previous description, it can certainly be understood that the practice of politicizing power in parties is very far from the principles of democratic justice. According to Zulkieflimansyah, the negative impact if the practice of dynastic politics continues could at least worsen the institutional pattern of political parties, which is explained as follows:<sup>16</sup>

- 1) Turning the party into a mere political machine which ultimately clogs the party's ideal function so that it has no other goal other than power. In this position, party recruitment is based more on the popularity and wealth of legislative candidates to achieve victory. This is where instant candidates

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<sup>14</sup> Jerry Indrawan, *Pengantar Politik: Sebuah Telaah Empirik Dan Ilmiah* (Bumi Aksara, 2021).

<sup>15</sup> Elva Rohmah, "Perubahan Paradigma Politik Di Indonesia Dari Demokrasi Ke Oligarki," *Politeia: Jurnal Ilmu Politik* 16, no. 1 (2024): 01–12, <https://doi.org/10.32734/politeia.v16i1.12424>.

<sup>16</sup> Umi Muslikhah, "Keberadaan Politik Kekerabatan Dalam Konsep Negara Hukum Pancasila," *UIR Law Review* 6, no. 1 (2022), <https://journal.uir.ac.id/index.php/uirlawreview/article/view/15558>.

emerge from celebrities, businessmen, "green blood," or dynastic politics who do not go through the cadre formation process.

- 2) The logical consequence of the first symptom is that opportunities are closed for reliable and qualified cadres. The circulation of power only revolves around elite circles and the business world, so there is great potential for negotiations and the preparation of interest conspiracies in carrying out state duties.
- 3) It is difficult to realize democratic ideals because a good and clean government is not created. The control function of power is weakened and does not operate effectively, resulting in the possibility of deviations in power, such as corruption, collusion, and nepotism.

Currently, one aspect of the lack of internal democratization of political parties is that the process of leadership regeneration in political parties is not ongoing. This phenomenon presents the practice of party oligarchy and gives rise to a feudalistic culture that seems very elitist and political. A handful of elites, and even in certain cases, political parties are completely controlled by only one person, namely the general chairman.<sup>17</sup> The existence of glorified figures is also one of the problems that cause leadership circulation in political parties to not run well.<sup>18</sup> Therefore, the way to resolve the problem of personalization of political parties is to impose term limits on the general chairman of the party.<sup>19</sup> This is certainly a disaster because oligarchic political party leadership will often ignore the interests of the community, constituents, or political party members.<sup>20</sup> So the idea of limiting the term of office of a political party chairman through the party's AD/ART Memorandum of Association/Articles of Association (*Anggaran Dasar dan Rumah Tangga*), which is emphasized in the Law on political parties is important to be realized as a form of manifestation of the

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<sup>17</sup> Jamaludin Ghafur, "Demokratisasi Internal Partai Politik Era Reformasi: Antara Das Sollen Dan Das Sein," *Jurnal Hukum Ius Quia Iustum* 30, no. 1 (2023): 1–25, <https://doi.org/10.20885/iustum.vol30.iss1.art1>.

<sup>18</sup> Esty Ekawati, Donna Sweinstani, and K. Mouliza, "Dampak Personalisasi Partai Terhadap Demokrasi Internal Partai Di Indonesia Pasca Orde Baru.," *Jurnal Wacana Politik* 5, no. 2 (2020), <https://doi.org/10.24198/jwp.v5i2.28850>.

<sup>19</sup> Aisah Putri Budiatri et al., *Personalisasi Partai Politik Di Indonesia Era Reformasi* (Yogyakarta: Yayasan Pustaka Obor Indonesia, 2018).

<sup>20</sup> Infid, "Partai Politik, Pemilihan Umum, Dan Ketimpangan Sosial & Ekonomi Di Indonesia," in *Laporan Hasil Penelitian, Jakarta*, 2014.

democratization of political parties, avoiding the practice of oligarchic, feudal political power and far from representative principles, avoiding the personalization of parties and restore the main purpose of the existence of political parties as pillars of democracy in Indonesia.

## **2. Problem Statement**

Based on the description above regarding the Democratization or Extra Constitutionalism of Political Parties in Indonesia, the author is interested and intends to examine legal issues regarding the phenomenon of oligarchic party practices, which give rise to an elitist and political feudalistic culture and how to overcome them.

## **3. Methods**

This qualitative research applied normative legal research methods. Normative legal research is legal research oriented toward the relationship between legal principles, theories, concepts, doctrines, and statutory regulations.<sup>21</sup> This research used primary legal materials, including the 1945 Constitution of the Republic of Indonesia and the Political Parties Law. Also, this research applied a legal approach, conceptual approach, philosophical approach, and comparative approach. Legal materials include all types of research that discuss democratic theory, political party theory, term limits theory, as well as extra-constitutional concepts and activism in political parties and also involve various studies regarding the term of office of the general chairman of political parties, the cadre of party leaders, which are related to the development of the constitutional and social politics systems in Indonesia. Analysis of legal materials was carried out by collecting existing legal materials (inventory), then carrying out legal analysis by prioritizing legal concepts and doctrines adapted to the formulation of the problem being discussed, and the results of the analysis then confirmed the existence of legal solutions (recipes) that answer legal problems being discussed. The results of the discussion and analysis of the material were then compiled and presented in an analytical descriptive manner, which provided a clear picture of the findings of this paper.

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<sup>21</sup> Peter Mahmud Marzuki, *Penelitian Hukum (Cetakan Ke-14)* (Jakarta: Kencana Prenada Media Group, 2019).



#### 4. Current Term of Office of The General Chair of a Political Party: Review of Regulations

Regarding the regulation of the term of office of the general chairman of a political party, for now, it is only regulated in the internal AD/ART scheme of each political party as stated in Article 1 Paragraphs (2) and (3) of Law Number 2 of 2011 concerning Political Parties that, all forms of regulations that support the basics of continuity and management of political parties are regulated through AD/ART. However, the ad/art of political parties has led to a lack of uniformity in regulations related to the internalization of political parties, especially regeneration patterns, party democratization, and regulation of the term of office of political party general chairs.

AD/ART is an important and crucial thing for the establishment of a political party because, based on Article 2 paragraph (4) of Law Number 2 of 2011 concerning Political Parties, the Articles of Association do not only contain the principles and characteristics of the Political Party as well as the vision and mission of the Political Party. It must also include: a). names, symbols, and signs of political parties; b). aims and functions of Political Parties; c). organization, location, and decision-making; d). Political Party management; e). mechanism for recruiting Political Party membership and political positions; f). cadre system; g). mechanism for dismissing Political Party members; h). Political Party regulations and decisions; i). political education; j). Political Party finances; and K). mechanisms for resolving internal political party disputes.

Furthermore, Article 13 letter d of Law Number 2 of 2011 concerning Political Parties states clearly that political parties are obliged to uphold the supremacy of law, democracy, and human rights. However, in reality, most of the existing political parties do not carry out the mandate of the law as they should. Constitutionally, it is actually possible to regulate the term of office of the general chairman of a political party when looking at the construction of article 28C Paragraph (2), which states, "Everyone has the right to advance himself in fighting for his rights collectively to develop his society, nation, and state." Furthermore, in Law Number 2 of 2008 Article 11 concerning Political Parties, one of the functions of which is political parties as a means of political participation for Indonesian citizens, referring to this description, constitutionally, the

1945 Constitution has provided opportunities for the community (political party cadres and non-political party) to participate in building a political and democratic climate in Indonesia.

Furthermore, Article 28J paragraph 2 states, "In exercising his rights and freedoms, every person is obliged to comply with restrictions determined by law with the aim of ensuring recognition and respect for the rights and freedoms of other people and to fulfill fair demands in accordance with moral considerations, values, -religious values, security, and public order in a democratic society." If it is related to the position of political party cadres, it can certainly be interpreted that every political party cadre has the same and equal rights and opportunities in building a democratic climate in a country through service in the political party line. However, the fulfillment of democratic principles is not in line with the legal vacuum related to the absence of specific regulations regarding the term of office of the general chairman of a political party.

In fact, if we refer to the preamble to Law Number 2 of 2011 concerning amendments to Law Number 2 of 2008 concerning Political Parties, it is clearly stated that "in order to strengthen the implementation of democracy and an effective party system in accordance with the mandate of the Constitution of the Republic of Indonesia in 1945, it is necessary to strengthen institutions and increase the function and role of Political Parties," so that in the aspect of strengthening the implementation of democracy and the party system, of course, the regulation of the term of office of the general chairman of a political party must be regulated in the Political Party Law in a separate section and article. Regulation of the term of office of the general chairman of a political party should no longer be regulated through the free party AD/ART scheme. Setting the term of office of the general chairman of a political party in an additional article in the Political Parties Law, which is formulated separately from the Party's AD/ART, will make the internal party system and governance more open and democratic. This means that with this arrangement, the fulfillment of democratic principles and the fulfillment of participation rights, every party cadre who has served a political party has the same opportunity to occupy the position of general chairman of a political party, both at the central management level and at the regional management level.

#### 4.1. Democratization of Political Parties: A Formality or Necessity

Political parties play an important role in democracy because they serve as a link between the government and the people. The following are several key roles of political parties reviewed in the democratic aspect:<sup>22</sup>

- 1) Representing People's Interests: Political parties gather various interests and views from various groups of society and represent them in the political process.
- 2) Political Recruitment: Political parties play a role in seeking, selecting, and supporting candidates for public office. Thus, they play an important role in the selection process.
- 3) Policy Formation: Political parties help to formulate government policies and programs. Political party members who sit in the legislative body contribute to the creation of laws and public policies.
- 4) Political Education: Political parties also play a role in educating the public about political issues and encouraging political participation.
- 5) Government: The political party that wins the election usually forms the government. In this case, they play a role in running the country and implementing policies.
- 6) Government Oversight: In a democratic system, opposition political parties play an important role in monitoring and criticizing the government, and this helps maintain the balance of power.

Thus, political parties are an important element in maintaining the health and sustainability of the democratic system. The concept of democratization in political parties is related to efforts to strengthen participation and transparency in the political process of political parties. The following are several theories and concepts related to democratization in political parties:<sup>23</sup>

- 1) Participation Theory: This theory emphasizes the importance of political party members' participation in the decision-making process. Participation can be done through selecting candidates, electing party leadership, and making decisions at

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<sup>22</sup> King Faisal Sulaiman, *Sistem Bikameral Dalam Spektrum Lembaga Parlemen Indonesia* (Yogyakarta: UII Press, 2013).

<sup>23</sup> Jimly Asshidiqie, "Parpol Dan Pemilu Sebagai Instrumen Demokrasi," *Jurnal Konstitusi* 3, no. 4 (2006).

party meetings. Greater participation of party members can increase party legitimacy and strengthen internal democracy.

- 2) **Accountability Theory:** This theory emphasizes the importance of transparency and accountability in political parties. Accountable political parties will be better able to account for their actions to party members and the general public. This can be achieved through financial audits, open leadership elections, and the use of internal mechanisms to resolve disputes.
- 3) **Openness Concept:** This concept emphasizes the importance of political parties being open to the general public. Open political parties will further strengthen public participation and transparency in the political process. This can be achieved through the provision of public information, participation in public debate, and the use of social media to communicate with the public.
- 4) **Pluralism Concept:** This concept emphasizes the importance of political parties in representing various interests and views in society. Pluralist political parties will be better able to strengthen internal and external democracy. This can be achieved through open recruitment of party members, recognition of minority groups, and the use of internal mechanisms to resolve disputes.

In order to implement democratization in political parties, these theories and concepts can be used as a guide and framework. Political parties that apply these principles will be better able to strengthen participation and transparency in their political processes, and thus, political parties can implement democratization in various ways, including:<sup>24</sup>

- 1) **Increasing Member Participation:** Political parties can increase member participation by giving members voting rights to elect candidates or party leaders, as well as providing opportunities for members to participate in the party's decision-making process.
- 2) **Increase Transparency and Accountability:** Political parties can increase transparency and accountability by holding open general meetings and providing financial information and party policies openly. Political parties can also carry out regular financial audits to ensure transparent and accountable use of party funds.

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<sup>24</sup> Yulia Neta, "Fungsi Partai Politik Dalam Pemilihan Umum Yang Demokratis," *Jurnal Konstitusi* 3, no. 1 (2011): 73.

- 3) Increasing Openness: Political parties can increase openness by providing public information about party policies and programs, as well as providing opportunities for the general public to participate in public debates or discussions with party members.<sup>25</sup>
- 4) Representing Various Interests: Political parties can represent various interests by recruiting party members from various backgrounds and groups, as well as recognizing the existence of minority groups within the party. Political parties can also use internal mechanisms to resolve disputes and ensure that each group within the party has an equal say in the decision-making process.
- 5) Increase Public Involvement: Political parties can increase public involvement by using social media to communicate with the public and provide opportunities for the public to provide input and criticism of party policies and programs.

In implementing democratization in political parties, it is important to ensure that democratic principles are respected and integrated in every aspect of political party activities. This will strengthen participation and transparency in the political process of political parties and strengthen democracy as a whole. Susan Scarrow argued that internal party democratization should be seen as an object of society's transition to democracy.<sup>26</sup> Therefore, internal party democratization is not a goal but rather a means that will have a positive impact on the country and the development of democracy in society. However, internal party democratization has a number of risks. Too much internal democratization of the party will result in "overly diluting the power of a party's inner leadership and making it difficult for the party to keep its electoral promise." Party democratization also supports responsiveness to public demands and inclusiveness in decision-making. With term limits, political parties become more responsive to the needs of society and better able to reflect the diversity of views within their parties. As stated by Cross & Pilet, the existence of term limits is important to

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<sup>25</sup> Michael Rush and Philip Althoff, *Pengantar Sosiologi Politik* (Jakarta: Raja Grafindo Persada, 1995).

<sup>26</sup> Susan E. Scarrow, *Political Parties and Democracy in Theoretical and Practical Perspectives: Implementing Intra-Party Democracy* (National Democratic institute for international Affairs, 2005).

protect democracy within the party, ensure a balanced rotation of power, and increase leader accountability.<sup>27</sup>

Maurice Duverger, for example, sees a contradiction between the democratization of political parties and efficiency. A party may be internally managed democratically, but the party "is not well armed for the struggles of politics."<sup>28</sup> Conversely, the more efficient the management of the party organization, meaning the less democratically the party is managed internally, the more effective the party is in realizing its mission. This view is seen more from the perspective of organizational effectiveness rather than the suitability of what the party does effectively with the aspirations and desires of the political party members. Not in all cases is democracy contradictory to efficiency.<sup>29</sup> In some issues, the two are mutually supportive, but in other issues, they may be contradictory. In this latter case, it is necessary to distinguish between issues that concern party ideology and pragmatic issues that do not involve party ideology. On issues involving party ideology, democracy must trump efficiency. Meanwhile, on other issues, efficiency can be prioritized over democracy.<sup>30</sup>

Political parties in many democratic countries have voluntarily taken various important reform steps to improve internal democracy in the management of political parties, not only by ensuring an open decision-making process but also by a candidate selection and leadership process that involves ordinary members.<sup>31</sup> This reform aims to make political party membership more meaningful and also to restore membership as a party resource (which in the past was abandoned by members in large numbers), which is not only a source of funds but a source of voluntary campaign personnel but also a source of traditional legitimacy for mass party organizations (mass branch

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<sup>27</sup> William Paul Cross and Jean-Benoît Pilet, *The Politics of Party Leadership: A Cross-National Perspective* (Oxford University Press, 2015).

<sup>28</sup> Maurice Duverger, *Political Parties: Their Organization and Activity in The Modern State* (London: Methuen & Co. Ltd, 1959).

<sup>29</sup> Ramlan Surbakti and Didik Supriyanto, *Mendorong Demokratisasi Internal Partai Politik* (Jakarta: Kemitraan bagi Pembaruan Tata Pemerintahan, 2013).

<sup>30</sup> Ibid.

<sup>31</sup> Richard Gunther, José R. Montero, and Juan José Linz, *Political Parties: Old Concepts and New Challenges* (Oxford University Press, 2002).

party).<sup>32</sup>

## 4.2. Placing Political Activism in Party Leadership Regeneration

According to Jimly Asshiddiqie, the current issue of political parties in Indonesia touches on the issue of internal democratization.<sup>33</sup> According to him, organizations, including political party organizations, sometimes act loudly for and on behalf of the interests of the people. However, in reality, on the ground, they actually fight for the interests of their own management or are oligarchic in nature. Firman Noor explained that the oligarchic nuances within political parties are caused by leadership factors, which generally still prioritize the spirit of personification, exclusivism, and elitism.<sup>34</sup> The emergence of figures or groups who have political modalities related to historical or financial factors or both often becomes an inner circle that is difficult to refute. Apart from that, in several parties, the rules of the game stipulated in the AD/ART also provide opportunities for the internal centralization of power to certain figures or groups within the party. The implication is that internal democratic life does not develop, and only a handful of elites determine the process of determining internal policy. This weakening of internal democracy also has an impact on the process of absorbing aspirations in society because cadres often yield to party leadership decisions, which has created an elitist and oligarchic internal party political life from the local to the national level.

Political activism in the democratization of political parties is a very relevant concept in the context of democratic development. Democratization of political parties is an effort to increase transparency, accountability, and member participation in party decision-making. Political activism is closely related to efforts to fight for changes in the dynamics of political parties, as well as encouraging the active participation of party members in decision-making.

Political activism encompasses various types of activities, including political

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<sup>32</sup> Susan E. Scarrow, "Parties and the Expansion of Direct Democracy: Who Benefits?," *Party Politics* 5, no. 3 (July 1999): 341–62, <https://doi.org/10.1177/1354068899005003005>.

<sup>33</sup> Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: Konstitusi Press (Konpress), 2014).

<sup>34</sup> Firman Noor, "Partai Politik Sebagai Problem Demokrasi Di Indonesia Era Reformasi: Kajian Penyebab Dan Solusinya" (Jakarta: LIPI Press, 2018).

campaigns, participation in party leadership elections, policy advocacy, and mass base organizing. Political activists in political parties usually act as agents of change who fight for internal reform, transparency, and accountability in party structures and mechanisms. Through their role, political activists collaborate with other party members to fight for more democratic decision-making and represent the interests of all members.

The theory of political activism in party democratization assumes that more democratic political parties will be more responsive to the interests of society, more inclusive in decision-making, and better able to produce quality policies. Alain Noël, a political scientist, asserts that democratic political parties tend to be "better able to adapt and mobilize public support, as well as offering a more accurate representation of society's interests."<sup>35</sup>

A concrete example of the theory of political activism in party democratization can be found in the case of transparent and inclusive party leadership elections. In some political parties, especially in democratic countries, political activists play an important role in promoting a fair and open leadership selection process. The active participation of party members in choosing their leaders can reflect the health of the party's internal democracy. Apart from that, political activism can also play a role in bringing about policy changes within political parties. Through advocacy, lobbying, and campaigns, political activists can influence the direction of party policy by paying more attention to the public interest and representing the diversity of views within their party. In this case, political activists act as agents of change who contribute to the process of developing policies that are more inclusive and responsive to community needs.

However, it is important to remember that not all political activism in political parties is positive. There is also the possibility of internal conflict and polarization within the party due to differences in opinions and goals between political activists. Therefore, political activists need to be committed to democratic principles, transparency, and constructive dialogue in their efforts toward party democratization.

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<sup>35</sup> A Noël, "Political Parties and Democracy: Conceptual Framework and Comparative Perspectives," *Journal of Theoretical Politics* 14, no. 1 (2002): 45–65.



Thus, the theory of political activism in party democratization offers valuable insights into understanding how the role of individuals and groups within political parties can be positive change-makers and help strengthen internal party democracy. Political activism in party democratization is not only relevant to the dynamics of political parties but is also the main foundation for the success of democracy as a whole.<sup>36</sup>

Political activism in the regeneration of party leadership is an integral part of the democratic process in any country. Party leadership regeneration is a process in which political parties carry out generational changes in their leadership, and political activism plays an important role in ensuring that this process goes well. Political activism refers to the active efforts of party members to influence the party's policies and direction, as well as to elect leaders who are considered representative and competent.

Political activism in the regeneration of party leadership includes various things, from forming political alliances and political campaigns to participation in internal party elections. Political activism also involves participating in party policy discussions and debates, as well as fighting for leaders who are considered to have the vision, competence, and integrity to lead the party.<sup>37</sup> In the global context, political activism in the regeneration of party leadership has become very relevant. Leaders of long-ruling parties are often faced with demands to make way for a younger, more enthusiastic generation. Political activism is also becoming increasingly important in addressing complex political and social challenges, such as inequality, climate change, and regional conflict.

One example that illustrates the importance of political activism in the regeneration of party leadership is the Labor Party leadership election in the United Kingdom in 2015. At that time, Jeremy Corbyn was elected as party leader after a campaign supported by activists and party members who fought for a radical change in political direction. In the Indonesian context, political activism has also become an integral part of party

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<sup>36</sup> John B. Judis, *The Populist Explosion: How the Great Recession Transformed American and European Politics* (New York: Columbia Global Reports, 2016).

<sup>37</sup> M J Rozell and W G Mayer, *The Ambivalent Partisan: How Critical Loyalty Promotes Democracy* (New York: Cambridge University Press, 2006).

leadership regeneration. Political parties in Indonesia make various efforts to involve the younger generation and enable them to participate in the formation of party policies. One example that illustrates this is the important role of the younger generation in selecting party leadership at the local and national levels.

#### **4.3. Unlimited Chairmanship: Extra-Constitutional Will or Practice**

Internal party conflicts have an impact on internal democracy within political parties. This problem also has an impact on the quality of political party cadres that will be produced by the political party itself. Thus, internal strengthening within the party is one way to reduce internal political party conflict. Political parties are considered reluctant to improve because, for example, the figure of the party leader who does not change makes it seem as if no other figure is qualified to be at the top of the party leadership. This problem shows that political parties are built from a system of dependence on certain figures. Apart from that, internal party conflicts that have been going on for a long time will worsen the condition of the party itself and will make the party unproductive and lose participation in elections. Such conditions for political parties will not only be detrimental to the political party itself but will reduce the level of public trust in that party.

The existence of elite leadership in political parties is also caused by cadres' pragmatism in the process of selecting political party leaders, resulting in the internal democratic process being hijacked by oligarchs due to offers of money, positions, and short-term political transactional activities.<sup>38</sup> The negative phenomenon of unlimited terms of office for Chairs of Political Parties (Parpol) is a deep and important issue in the context of democratic development. In some countries, political party leaders holding office indefinitely has become an issue that has sparked debate about its detrimental effects on the survival of political parties and democracy. One of the negative impacts that arises from unlimited terms of office is the potential for consolidation of power. Unlimited terms of office allow party leaders to maintain control over the decision-making process and direction of the party without a healthy

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<sup>38</sup> Pascal Wilmar Yehezkiel Toloh, "Politik Hukum Penguatan Partai Politik Untuk Mewujudkan Produk Hukum Yang Demokratis," *JAPHTN-HAN* 2, no. 1 (2023): 141-68, <https://doi.org/10.55292/japhtnhan.v2i1.60>.

rotation of power. As stated by Daniel Ziblatt, when a party leader holds unlimited power, this can trigger the formation of internal oligarchies and power gaps that are detrimental to democratic dynamics.<sup>39</sup>

Internal dictatorship and lack of accountability are also some of the negative impacts of unlimited office. Political party leaders whose terms of office are not limited tend to reduce the amount of participation of party members in decision-making and reduce the ability of members to influence the political direction of the party. This is contrary to the party's democratization principles, which encourage inclusiveness and transparency. As stated by Cross & Pilet, if the power of the position of party chairman is too concentrated in one individual, this can be detrimental to the sustainability of democratization and the internal quality of the party.<sup>40</sup> Apart from that, the inability to face political challenges and changes in society also has a negative impact on the Chair of a Political Party's unlimited terms of office. It is feared that losing the ability to adapt to urgent changes will hinder political innovation, responsiveness to public demands, and the ability of political parties to compete fairly in a dynamic political environment. As stated by Romain Lachat, "Failure to renew party leadership can lead to political stagnation and weaken party representation."<sup>41</sup>

As a result of these negative impacts, a shift in public opinion has generally become increasingly supportive of limiting the terms of office of Chairs of Political Parties. Proponents of term limits argue that they are important to encourage healthy leadership rotation, reduce consolidation of power, and create more responsive and accountable political parties. As stated by Cas Mudde, "Term limits are an integral part of party democratization that encourages inclusivity, rotation of power, and accountability."<sup>42</sup> It is important to understand that it is important to understand that this appears to be more of an extra-constitutional practice than just an ordinary

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<sup>39</sup> Daniel Ziblatt, *Conservative Political Parties and the Birth of Modern Democracy in Europe* (Cambridge University Press, 2017).

<sup>40</sup> William Paul Cross and Jean-Benoît Pilet, *The Politics of Party Leadership: A Cross-National Perspective* (Oxford University Press, 2015).

<sup>41</sup> R Lachat, *Comparative Politics: Media and Political Systems in the Comparative Politics Perspective* (Oxford: Oxford University Press, 2004).

<sup>42</sup> Cas Mudde, ed., *The Populist Radical Right: A Reader*, First published, Routledge Studies in Extremism and Democracy (London New York: Routledge, Taylor & Francis Group, 2017).

political will. Even though some political party leaders may be legally re-elected through an internal voting process in accordance with political party mechanisms, the reality is that even though constitutionally there are no rules regarding term limits, these rules are often used as a legal basis in order to maintain power within the party.

As a result, this phenomenon creates autocratic leadership within political parties and tends to have a detrimental impact on the dynamics of party democracy within a country. According to Mainwaring & Shugart, "If a party leader remains in office too long, it can disrupt the principles of true democracy, create an internal oligarchy within the party, and even block the way for needed political change and innovation."<sup>43</sup> A number of countries have faced this challenge in various ways. Some countries have implemented rules that clearly set term limits for political party leadership, while other countries may have more open and democratic internal party mechanisms for the re-election of political party chairs. Along with this, activists and civil society groups in various countries have emphasized the importance of limiting terms of office so as to avoid dependence on one person or small group within the party. On the one hand, supporters of a political party chairman whose term of office is unlimited may claim that leadership stability is necessary to maintain the party's long-term vision. However, in many cases, this stability can lead to stagnation, preventing the perception of an inclusive and democratic party. Therefore, in looking forward, it is important to consider how such extra-constitutional practices might influence democratic development and inspire positive change within political parties.

## **5. Debate and Ideas for Limiting the Chairman's Term of Office: A Renewal of Political Parties**

### **5.1. Constitutional Debate on the Terms of Office of Political Party Chairmen**

In countries around the world, the debate over whether there should be term limits for heads of political parties has become a hot topic, sparking discussions about its impact on political stability and the sustainability of political and constitutional democracy. There are at least two conflicting views regarding limiting the term of office of political party leaders. On the one hand, the issue of limiting the term of office of political party

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<sup>43</sup> Scott Mainwaring and Matthew Soberg Shugart, *Presidentialism and Democracy in Latin America* (Cambridge University Press, 2009).

chairs has the argument that this is important to prevent the period of power of one individual or group within a political party.<sup>44</sup> This argument is based on the fact that term limits can encourage the rotation of power, prevent party dependence on one leadership, and encourage the creation of a democratic order within political parties. Meanwhile, they argue that term limits can cause instability and be detrimental to political parties because they prevent the stability of leadership needed to achieve party goals in the long term. The rationalization against limiting the term of office of the general chairman of a political party is at least based on the flow and culture of the party, which has been running for a long time and will be very influential when a change of general chairman occurs. In fact, when we look at the doctrine of party democratization in depth, it is certain that the unlimited term of office of the party chairman actually creates oligarchic practices, money politics, and morphology within the party. When these practices become entrenched within the internal bodies of political parties, they will have a major impact on party cadres who will occupy seats and public positions within the framework of the future government.

In a democratic context, limiting the term of office of political party leaders is seen as an effort to prevent over-personalization and the concentration of political power in one individual or group in the long term. Likewise, those who support term limits also emphasize the importance of avoiding the emergence of political oligarchy and bureaucracy within political parties. One example that illustrates this is the debate in the United States about the need to limit the terms of office of the Chairmen of the Republican and Democratic Parties to prevent excessively long terms of leadership.

However, there is also the view that term limits can limit the ability of political parties to develop long-term visions and achieve political goals in the long term. This reason may apply in the context of political parties that are faced with complex political challenges and require policy continuity over a fairly long time.<sup>45</sup> In countries such as China, term limits for Party Chairmen have been constitutionally abolished to provide leadership stability in dealing with important issues in the long term.

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<sup>44</sup> D Lublin, *The Paradox of Political Leadership: The Career of Senator Russell Long* (New York: M. E. Sharpe, 2010).

<sup>45</sup> L Kang, *Debating the Original Intent of Political Party* (Jakarta: Kencana Prenada Media Group, 2018).

The arguments against term limits state that:<sup>46</sup>

- 1) Unlimited terms of office can provide political stability and policy continuity.
- 2) Political party leaders who are experienced and trapped in the political system can bring benefits to the party and the country.
- 3) The unlimited term of office is entirely within the internal territory of political parties through the regulatory scheme in the political party's AD/ART.
- 4) The sustainability of political parties still runs independently and continuously. Considering that political party financing by the state is not yet fully funded by the state, the political parties are entirely the party's internal responsibility.

The arguments in favor of limiting the term of office of a political party chairman state that:

- 1) There is a lack of diversity of ideas and innovation due to a lack of leadership change.
- 2) The potential for power to be concentrated in one individual or elite group.
- 3) Unlimited terms of office can hinder the political opportunities and participation of the younger generation.
- 4) Encourage political parties to carry out good institutionalization through young cadres who are progressive and visionary.
- 5) Party institutionalism will operate more dynamically.
- 6) Political Parties can respond to the demands of changing times adaptively with new cadres who are fresh, optimistic, militant, and sensitive to the pace of civilization.

Responding to this debate, it is important to understand that each country has a different political context and legal order. It is important to consider the democratic order in political parties and prevent prolonged domination of power.<sup>47</sup>

In hypothetical construction, reflecting on party practices in Indonesia, it is stated in Article 28 of the 1945 Constitution of the Republic of Indonesia that freedom of association and assembly, expressing thoughts verbally and in writing, and so on are

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<sup>46</sup> C Darrow, "The Perils of Personalism: Political Parties and Democratic Destabilization in Mali," *Democratization* 20, no. 1 (2013): 54–73.

<sup>47</sup> Steven Levitsky and Lucan A. Way, "Linkage versus Leverage. Rethinking the International Dimension of Regime Change," *Comparative Politics* 34, no. 4 (2006): 379–400, <https://doi.org/10.2307/20434008>.

determined by law so that still, the regulation of the term of office of political party leaders is an open legal policy or open policy in accordance with the decision of the party's AD/ART deliberation forum in accordance with the mandate of article 22 of Law Number 2 of 2008 concerning political parties. This policy is a contract between the stakeholders of each party.

From the previous description, of course, the question arises as to why the term of office of political party chairmen needs to be limited so that the urgency of this limitation is necessary to realize a democratization scheme within political parties. Law is a tool for social control so that people do not fall into misdeed,<sup>48</sup> in this case, the author is of the view that the urgency of limiting the term of office of a party chairman includes, at least first, that political parties cannot be managed privately/independently in an absolute manner, let alone by a particular "dynasty." Apart from its crucial role, it is also because political parties receive budget allocations from the APBD and APBN. There must be accountability from political parties for the public/state funds used. One manifestation of this is that political parties need to become transparent public bodies (including the mechanism for selecting their chairman), and the state needs to regulate several strategic matters such as the term of office, percentage of legislative candidacy, and others. Second, agreeing that our political system is a democracy means that all democratic products must be carried out democratically. One form of democracy in political parties is limiting the term of office of political party chairmen. Power relations within political parties and dynasties will be firmly established, considering that feudalism and patronage are still strong in the social and cultural life of our society. Van Biezen emphasized that modern political parties strengthen themselves more on ideological values, not figures, without denying that powerful and charismatic leaders are also needed.<sup>49</sup> Third, leadership circulation needs to exist; it cannot be concentrated only on one person. In a democracy, power needs to be distributed, and leadership can be transferred.

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<sup>48</sup> Danial Danial, Munadi Usman, and Nur Sari Dewi, "The Contestation of Islamic Legal Thought: Dayah's Jurists and PTKIN's Jurists in Responding to Global Issues," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (July 7, 2022): 19–36, <https://doi.org/10.18326/ijtihad.v22i1>.

<sup>49</sup> Ingrid Van Biezen, "Political Parties as Public Utilities," *Party Politics* 10, no. 6 (November 2004): 701–22, <https://doi.org/10.1177/1354068804046914>.

Stagnant regeneration will only give birth to "the same" leaders, which will influence the reluctance to differ, minimal innovation, and pro "status quo." The condition of potential political parties is running in place due to the absence of fresh minds from the new generation. Fourth, limited time means a leader will move quickly and not waste time. Those with strong leadership will generally realize the importance of running an organization effectively and efficiently. By limiting the term of office, the general chairman will work in a measurable and proportional manner in carrying out the political party's annual work program, including in preparing cadres who will replace him. Quality will be increasingly tested to determine whether or not it can work well in a limited time and even produce new leaders. Through restrictions, especially time in office, a leader will be forced to work quickly and precisely.

## **5.2. Periodization of The Position of General Chair of Political Parties in Several Countries**

In practice in several countries, limiting the term of office of the general chairman of a political party is a mechanism used to prevent excessive domination of power in the political system. This is implemented in various countries, such as Germany, Turkey, Ukraine, Italy, Russia and England. These restrictive practices are carried out in several forms, including:

In Germany, the practice of limiting the terms of office of political party leaders is not regulated or strictly required by law. However, many political parties in the country have adopted internal policies that limit the term of office of party leaders. For example, the Christian Democratic Party (CDU) and the Social Democratic Party (SPD) have internal policies that regulate the term of office of the party chairman. This step was taken with the aim of encouraging healthy leadership changes and maintaining the stability of political parties.<sup>50</sup>

In Turkey, the Justice and Development Party (AKP) has implemented term limits for party leaders. The restrictions were imposed at the party congress in 2017, and a two-

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<sup>50</sup> Vladislav Belov, "Turbulence of The Party-Political Life of Germany," *Scientific and Analytical Herald of IE RAS* 34 (2023): 18–32, <https://doi.org/10.15211/vestnikieran420231832>.



term limit was set, meaning a party leader could only serve two consecutive terms.<sup>51</sup>

In Ukraine, the practice of limiting the terms of office of political party leaders is also found in several parties. For example, Petro Poroshenko's Solidarity Party, founded by former Ukrainian president Petro Poroshenko, implemented similar term limits as part of an effort to reduce the consolidation of power in one hand.<sup>52</sup>

In Italy, political parties have long been an important part of the evolving political system. However, as power became more consolidated in the hands of party leaders, term limits began to be implemented in the early 21st century. One example is the Democratic Party (Partito Democratico), which approved a two-term limit as party chairman in accordance with changes to the party constitution in 2017. Several groups welcomed this limitation as a positive step to increase transparency and accountability in elections and political party leadership.<sup>53</sup>

In Russia, the policy of limiting the term of office of political party heads has also become a main topic of political discussion. Despite differences in approach between the country's political parties, President Vladimir Putin has served for generations as head of the United Russia Party, even after his term as President. However, several opposition parties, such as the Russian Liberal Democratic Party, have implemented a two-term limit for party leaders since 2006. However, the implementation of this policy is still a matter of heated debate among the parties involved.<sup>54</sup>

In Great Britain, the practice of limiting the term of office of political party leaders has also become a public concern. For example, the Labor Party has implemented a two-term limit for party leaders since 2014 in an effort to refresh the party leadership and

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<sup>51</sup> Murat İNan, "Do Turkish Political Parties Pledge In Line With Their Party Family Ideologies? A Quantitative Analysis of Turkish Political Parties' Manifesto Documents," *Firat Üniversitesi Uluslararası İktisadi ve İdari Bilimler Dergisi* 7, no. 2 (December 16, 2023): 1–24, <https://doi.org/10.61524/fuuiibfdergi.1362658>.

<sup>52</sup> Yuriy Kyrychenko and Hanna Davlyetova, "Role of Political Parties in Modern Processes of State Building in Ukraine," *Naukovyy Visnyk Dnipropetrovs'kogo Derzhavnogo Universytetu Vnutrishnikh Sprav* 3, no. 3 (September 30, 2020): 7–12, <https://doi.org/10.31733/2078-3566-2020-3-7-12>.

<sup>53</sup> Artem Samorodov, "Transformation of the Management System of «La Lega» Political Party in Italy after 2013," *Scientific and Analytical Herald of IE RAS* 35, no. 5 (October 31, 2023): 62–72, <https://doi.org/10.15211/vestnikieran520236272>.

<sup>54</sup> Mikhail S. Trushin, "Left Parties in the Modern Political Process in Europe," *Izvestiya of Saratov University. Sociology. Politology* 23, no. 1 (February 21, 2023): 103–9, <https://doi.org/10.18500/1818-9601-2023-23-1-103-109>.

provide opportunities for new figures in the world of politics. However, some critics see this policy as too restrictive and providing little flexibility in a changing political context.<sup>55</sup>

## 6. The Idea of Limiting the Term of Office for Political Party Chairmen

Regulations regarding the legality of limiting the term of office of Chairs of Political Parties (Parpol) are an important issue in the context of political policy formation in a country. This is very relevant considering the important role of party leadership in political direction and the sustainability of democracy. There is a heated debate in society regarding the legal and legal aspects of limiting the term of office of the Chair of a Political Party. Theoretically, in the concept of term limits in countries that adopt a presidential system, there are at least 4 (four) term periodization concepts:<sup>56</sup>

- 1) No re-election: this concept does not allow someone to be re-elected after their presidential term has expired. Examples are Guatemala and South Korea.
- 2) Only one re-election allows someone to serve as President one more time in the next term. Example: Indonesia.
- 3) No Limitation re-election: a concept that does not provide a term limit for serving as President.
- 4) No Immediate re-election: in this concept, the restrictions are carried out loosely, in the sense that someone can be re-elected as President after their successor has served at least one term. Furthermore, this concept provides restrictions so that someone is not selected consecutively. However, it still provides an opportunity for people who have been elected to be nominated again after serving one term of office by their successor. Countries that apply this concept are Venezuela and Peru.

Limiting the term of office of political party leaders is a complex phenomenon and is

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<sup>55</sup> Maria Curie-Sklodowska University in Lublin et al., "The Dynamics of Changes in British Political Parties and the Party System in the 21st Century," *Przegląd Europejski* 2023, no. 2 (September 24, 2023): 113–32, <https://doi.org/10.31338/1641-2478pe.2.23.7>.

<sup>56</sup> Elsan Yudhistira, "Pembatasan Masa Jabatan Presiden Sebagai Upaya Menghindari Terjadinya Abuse of Power," *Al-Ishlah: Jurnal Ilmiah Hukum* 23, no. 2 (October 20, 2020): 132–54, <https://doi.org/10.56087/aijih.v23i2.43>; Muhammad Faturrachman, Sultan Sultan, and Regina Aprialni, "Pembatasan Masa Jabatan Ketua Umum Partai Politik Dalam Rangka Meredam Fenomena Personalisasi Partai Politik," *Jurnal Nomokrasi* 1, no. 2 (2023).

prone to giving rise to legal debate. The arguments that emerged in this debate were related to constitutional, democratic, and legal certainty aspects. At some point, some countries have certain laws and regulations governing term limits, while other countries do not have clear provisions. Therefore, strict and clear regulations are needed to ensure the legality of limiting the term of office of the Chairman of a Political Party.

First of all, it is important to pay attention to constitutionality when regulating term limits for Chairmen of Political Parties. In several countries, the constitutional principles that regulate this are related to the fulfillment of political rights, justice, and legal certainty. In some cases, term limits are regulated by the Constitution as part of the principles of democracy and rotation of power. As stated by Mark Tushnet, a legal scholar, "Term limits for political leadership are part of democratic principles that guarantee aspects of rotation of power and political pluralism."<sup>57</sup>

In responding to this debate, it is also necessary to pay attention to the importance of legal certainty in regulating the legality of limiting the term of office of Chairmen of Political Parties. Clear and firm regulations in the legal context will provide clarity for political parties and society in carrying out the leadership process. This is in line with the views of Roscoe Pound, a legal theorist, who emphasized that legal certainty is an important prerequisite for realizing justice in society.<sup>58</sup> Thus, there needs to be clear and firm regulations that take into account constitutional and democratic aspects and legal certainty. In this way, we can create rules that support healthy leadership rotation and ensure the continuity of democracy in political parties. Unlimited terms of office can lead to an accumulation of power that has the potential to harm internal party democracy and dependency on one individual and hinder healthy leadership rotation. Thus, it is important to consider various models of regulating term limits for political party chairs as a solution to deal with these potential negative impacts.<sup>59</sup>

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<sup>57</sup> Mark Tushnet, *Advanced Introduction to Comparative Constitutional Law* (Northampton: Edward Elgar Publishing, 2018).

<sup>58</sup> Roscoe Pound, *The Spirit of the Common Law* (Routledge, 2017).

<sup>59</sup> John Bartle and Paolo Bellucci, *Political Parties and Partisanship: Social Identity and Individual Attitudes*, vol. 57 (London: Routledge, 2014).

One regulatory model that is commonly used is limiting the number of terms of office regulated in the Constitution or party law. In this model, there are specific limits on the duration of a political party chairman's term of office, which prevents continued leadership indefinitely. These restrictions are often set out in political party regulations or laws with the aim of encouraging leadership rotation, protecting internal party democracy, and increasing leader accountability. In addition, some regulatory models provide limits on part or the entire term of office recovery. This model clearly shows the limited time an individual is allowed to serve as chairman of a political party. In some countries, this model has proven effective in preventing consolidation of power and initiating smooth leadership transitions within parties. Not only that, several political parties have also adopted a position rotation model, which is regulated internally by party regulations. In this model, the party specifically regulates leadership rotation procedures, including the term of office of the political party chairman. This allows parties to develop the democratic mechanisms necessary to promote a balanced rotation of power and align individual interests with those of the party as a whole.

For example, this regulatory model has been implemented in several political parties in various countries. For example, in Germany, political parties, especially the Social Democratic Party, have implemented a leadership rotation model where the chairman of a political party can only serve for two consecutive terms. This encourages more active member participation and supports healthy leadership rotation within the party.<sup>60</sup> The main challenge in implementing this regulatory model is how to maintain a balance between the stability of political party leadership and openness and inclusiveness in the decision-making process. Therefore, there is a need for careful regulations in determining term limits that allow healthy leadership rotation without sacrificing long-term leadership stability. Each governance model has the potential to promote a balanced and inclusive rotation of power. Therefore, it is necessary to consider the political conditions and dynamics of each party in determining appropriate and effective policies for regulating terms of office.

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<sup>60</sup> Richard S. Katz and Peter Mair, *Democracy and the Cartelization of Political Parties* (Oxford University Press, 2018).

One of the urgencies of party democratization through term limits is to prevent a monopoly of power. An unlimited term of office for a political party chairman can lead to a consolidation of power that has the potential to harm internal party democracy, dependence on one individual, and hinder healthy leadership rotation. For example, Alain Noël, a political scientist, stated that when a party leader holds unlimited power, this can trigger the formation of internal oligarchies and power gaps that are detrimental to democratic dynamics.<sup>61</sup>

Not only that, the urgency of party democratization through term limits can also affect the quality of emerging party leaders. With term limits, political parties tend to produce leaders who are more adaptive, inclusive, and responsive to change, which, in turn, has a positive impact on the quality of democracy. Politician and researcher David Farrell points out that term limits allow for healthy leadership rotation, provide opportunities for young people, and encourage democratic change.<sup>62</sup>

Ideally, the general chairman of the political party is arranged based on the length of his political term of office. Of course, this will provide open regeneration space. Because, after all, political parties are the spearhead of democracy. So, it is not only the recruitment of political party cadres that must be carried out but also party leaders. The idea of limiting the terms of office of political party leaders shows changes within political parties, not only focusing on recruiting political party cadres but also rotating party leaders. Therefore, political parties need to regulate policies limiting the term of office of party leaders as an integral part of the party democratization process and the quality of democracy as a whole.

The idea of limiting the term of office of the general chairman of a political party at least needs to be realized with several internal and external supporting factors, including:

- 1) Strengthening financing and financial assistance to political parties. This additional financial assistance aims to ensure that political party finances do not depend on the general chairman, thereby minimizing negative impacts that could potentially

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<sup>61</sup> Noël, "Political Parties and Democracy: Conceptual Framework and Comparative Perspectives."

<sup>62</sup> D M Farrell, *Political Leadership and Representatives: The Role of Leaders in the Good Society* (Oxford: Oxford University Press, 2011).

arise, such as personalization of buying and selling positions and corruption.<sup>63</sup> This assistance does not have to be in the form of money but other facilities that support political party activities, for example, providing secretariat offices in the regions so that the burden of political party expenses can be reduced as much as possible, as well as financial assistance in terms of salaries for party office secretariat employees;<sup>64</sup>

- 2) Transparent and open supervision of the use of political party finances is to avoid money politics practices and other transactions that are indicated as corrupt practices.
- 3) The independence of the political party Courts is independent of the political party organization itself. Institutionalization of a political party Court outside the political party organization to guarantee the neutrality and quality of the political party Court itself. Neutrality means that the party Court is not held hostage by political party elites within the political party, while the quality of the political party Court must be staffed by legal experts and academic elements who have credibility so that their decisions are able to provide justice to members of political parties who conflict with their own party;<sup>65</sup>
- 4) Strengthening and regulating the recruitment and cadre model for prospective party members, both internally and externally, through a tiered cadre formation scheme based on political achievement and community service;
- 5) Optimizing the competence of political party cadres to fill public positions and even internal political party positions. This means that it is hoped that political parties will be able to optimize the existence of cadres as motors for the democratic continuity of political parties;
- 6) Strengthening the educational aspects of political parties towards community based on service. Every political party cadre is obliged to provide noble political education in accordance with the values of Pancasila as the main direction in

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<sup>63</sup> Baharuddin Riqiey, Adella Anggia Pramesti, and Alif Cahya Sakti, "Pembatasan Masa Jabatan Ketua Umum Parpol Dalam Perspektif Demokrasi," *Jurnal Mengkaji Indonesia* 1, no. 1 (2022): 1-17, <https://doi.org/10.59066/jmi.v1i1.46>.

<sup>64</sup> Seftia Azrianti et al., "Perlindungan Partai-Politik Dari Personalisasi Partai Politik," *Jurnal Dimensi* 9, no. 3 (2020): 598-608, <https://doi.org/10.33373/dms.v9i3.2735>.

<sup>65</sup> Ibid.

forming populist leaders and cadres.

A strong system allows political party leaders and institutions to be strong. By limiting the term of office of the general chairman of a political party, the party's leadership and internalization system is more open. Everyone, anyone with certain qualifications, can have a career in the party. This is a democratic climate within a constitutional framework with a system and application of proportional democratic principles. Political participation and potential competition for political party cadres increases. Cadres will compete to qualify themselves to lead their political parties. Open competition encourages other cadres to continue to be of high quality, and political parties that are open and run using a modern system will be more attractive to all groups to further advance party organization that does not prioritize aspects of party patronage and clientelism. In the end, this increase in political participation is linear with public trust in political parties that are clean and transparent and prioritize the competence and professionalism of ideal cadres. Old-fashioned patterns within political parties must be abandoned because they will hinder the development of the political parties themselves. Limiting the term of office of the general chairman of a political party is an idea that should be realized, along with selective selection and recruitment, which also refers to a merit system.

In the future, of course, limitations on the term of office of political party leaders must be formulated and regulated explicitly and concretely in the political party law. These regulations should be written down in law and must automatically be translated into each political party's statute/ART. This is intended to ensure uniformity for all political parties, both management at the national level and management at the regional level, and that these arrangements are not excluded by regional political parties found in regional political parties in Aceh. Limiting the term of office of a party chairman must look at the sustainability aspect and prioritize the principles of sustainability and regeneration within the party. As an idea, the chairman of a political party should be limited to 1 (one) chairman's term of office, namely 5 years, with a maximum of 2 (two) periods, namely 10 years, if at the political party conference forum and election of the general chairman he is re-elected as general chairman of the party within 1 (one) term of office of the chairman, after serving the term of office as chairman of a political party,

whether in 1 (one) or 2 (two) terms of office, every former general chairman of a political party must be given the task of serving as an advisory and consideration board for a political party, which also doubles as a board responsible for aspects of carrying out the political party cadre formation and education process which is carried out internally.

## 5. Conclusion

One form of creating a more democratic and modern party climate is the need for concrete regulations regarding term limits for political party leaders. The idea of establishing a term of office of 5 years and a maximum of 10 years, if re-elected, is an initial mechanism and idea that can open the tap for political parties to be more professional, proportional, fair, and democratic. Regulation of the term of office of the general chairman of a political party should no longer be regulated through the free party Memorandum of Association/Articles of Association (*Anggaran Dasar dan Rumah Tangga*) scheme. Determining the term of office of the general chairman of a political party in an additional article of the Political Party Law, which is formulated separately from the Party's Memorandum of Association/Articles of Association (AD/ART), will make the party's internal system and governance more open and democratic.

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