



THE NEED FOR RESTRICTIONS ON THE TERM OF OFFICE OF THE HOUSE OF REPRESENTATIVES FOR EFFORTS TO PREVENT ABUSE OF AUTHORITY

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ABSTRACT

In Indonesia, the limitation of power has been implemented in the constitution which regulates the term of office of the President and Vice President. The limitation of the President's term of office is an attempt to prevent the incumbent from continuing in power which is the reason for absolute power. There are no regulations that apply to DPR members. There is no provision which states that a candidate for members of the Legislative Body who has served as a member of the Legislative Body for 2 (two) terms cannot return to serve as President. The large number of board members who are caught in corruption cases has created a negative public perception. Indonesia adheres to the principle of democracy or people's sovereignty which guarantees citizen participation in the decision-making process within the state so that many laws and regulations that are implemented and enforced represent the realization of justice and legal certainty.

Keywords : *Authority, Positions, Representatives of the people*

1. INTRODUCTION

The discussion of state institutions is related to the concept of state power, in which the formation of state institutions is associated with the state's efforts in implementing the branches of state power. The most well-known concept of state power from ancient times to the present is the Three Powers Politburo introduced by Baron De Montesquieu (1689-1755), no modern state has implemented it just perfunctorily, according to the needs and interests of each nation and State institutions include 3 (three) branches of state power, namely:

- I. Power Executive or executor Constitution (President And Vice President),
- II. Legislative power or legislators (the People's Representative Council, the Regional Representative Council, and the People's Consultative Assembly),
- III. Judicial power or guardian of the law (Constitutional Court and Supreme Court).

Efforts to limit power by the state can be carried out by applying the principle of dividing power vertically or horizontally. Power is limited by separating these powers into branches of state institutions which are *checks and balances in nature*, balancing and controlling each other. Thus, power is not centered in one state institution which will have the opportunity for arbitrariness and abuse of power. This limitation of power is intended to prevent abuse of power.

Power centered in one institution opens opportunities for arbitrariness and corruption. The famous general postulate of this is that of Lord Acton saying that:

" power tends to corrupt, but absolute power corrupt absolutely" which means "Power tends to corrupt, and absolute power must corrupt absolutely"

Power has a tendency to dominate, dominate and influence so that power is solid. Power tends to strengthen and maintain power. Therefore, the law functions to limit the power that exists in the state.⁸

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In Indonesia efforts to limit the powers of State Institutions are contained in the 1945 Constitution, which is applied to the term of office of the President and Vice President. Because of this, Article 7 made changes to the provisions prior to the amendment which stipulated the following:

The President and Vice President hold their positions for five years. and after that can be re-elected. ”

After amendment become;

"The President and Vice President hold office for five years, and after that they can be re-elected in the same position, only for one term."

Efforts to limit the term of office of the President is one government efforts to prevent the occurrence of power continuously which is believed to be a source of absoluteness and deviation of power. With change the, so period period position President become more assertive and limited, namely only allowed to serve in the same position for 2 (two) periods only. Thus, a person serves as president as much as 6 (six) periods such as the reign of President Suharto are not repeated today.

The arrangement for limiting the period of office as an Executive Agency as above does not apply to members of the Legislature. Based on article 51 paragraph 1 in Law No. 8 of 2012 concerning Elections for the DPR, DPD and DPRD, which stipulates:

"Will Candidate member DPR, DPD, And DPRD is Inhabitant Indonesia and must meet the following requirements:

- a. has aged 21 (two twenty One) year or more;
- b. fear to Lord Which Maha One;
- c. residing in the territory of the Unitary State of the Republic of Indonesia;
- d. proficient in speaking, reading, and writing in Indonesian ;
- e. education at least graduated from high school, madrasah aliyah, vocational high school, vocational aliyah madrasa, or other equivalent education;
- f. loyal to Pancasila as the basis of the state, the 1945 Constitution, and the ideals of the August 17, 1945 Proclamation;
- g. never been sentenced to imprisonment based on a court decision Which has have strength law still for committing a crime punishable by imprisonment of 5 (five) years or more;
- h. Healthy physical And spiritual;
- i. registered as Voters;
- j. willing Work full time;
- k. resign self as head area, representative head regions, civil servants, members of the Indonesian National Armed Forces, members of the Indonesian National Police, directors, commissioners, supervisory boards and employees of state-owned enterprises and/or regionally-owned enterprises, or other bodies whose budgets originate from state finances, stated with a letter of resignation that can not be withdrawn;
- l. willing not to practice as a public accountant, advocate/lawyer, notary, land deed official (PPAT), or not to do work as a provider of goods and services related to state finances and other work that may create a conflict of interest with duties, authorities and rights as a member of the House of Representatives, Provincial DPRD and Regency/Municipal DPRD in accordance with the provisions of laws and regulations;
- m. willing For not double position as official other countries, directors, commissioners, supervisory boards and employees for state-owned enterprises



and/or regionally-owned enterprises and other entities whose budget comes from state finances;

- n. become member Party Political Participant Election
- o. nominated only in 1 (One) institution representative; And
- p. nominated only in 1 (One) area election."

Based on the contents of the article, several conditions are required for candidates for members of the DPR, namely that there is no requirement for candidates to run for re-election in the next general election if they have been elected two or more times. Therefore, as long as a candidate for DPR member meets the candidate requirements as mentioned above, he/she can run for re-election in the next general election. There is no provision stating that candidates for members of the DPR (especially the DPR) who have served as members of the DPR for 2 (two) terms cannot run again, this is the case with the term of office. limit. period . President's position.

There is also no obligation for members of the legislature to be dismissed for violations, as is the case with binding regulations for the president and regional heads (executive), because political parties have the authority to replace members of the DPR. Provisions on the term limits for the DPR can assist in training legislators to truly serve the state and as representatives of the people, not just exercising their powers for the benefit of the state, personal and family. Considering that the DPR's term of office is limited, at least it will limit the thinking of candidates for DPR members that being a DPR member is serving 5 (five) years and ends at the end of the term of office, not a power. enjoy old age without limits.

No limited period period Work DPR work Also cause there is no regeneration of members of the legislature so that they do not develop. Limiting the working period of the DPR can also prevent the dysfunction of members of the DPR because they have served for 2 (two) terms. By limiting the working period of the House of Representatives, every citizen's constitutional rights can be granted, we will get new energies and ideas full of idealism to take this country in a better direction . It is from there that new seeds for future leaders of this country will also be found, who are also young generations who are full of ideals.

2. LITERATURE REVIEW

Based on Article 1 point 2 of Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional Representative Council, what is meant by the DPR is the DPR as referred to in the 1945 Constitution . country." ⁴⁰ DPR is a state institution that functions as a representative of the people and has authority in legislation. The 1945 Constitution of the Republic of Indonesia states that "members of the DPR are directly elected through general elections, the composition of the membership of the DPR is regulated by law". DPR is a state institution that has a composition of positions, duties, function, And obligation. Arrangement Membership DPR consists from members of political parties based on election results. "DPR membership has a number of seats member as much 560 member". Dapil or area election member The central DPR is in the provincial and district/city areas. "The number of seats per region election member is most A little 3 chair And most Lots 10 chair". "The term of office for DPR members is 5 years and ends when the new DPR member takes an oath/pledge".

DPR as a legislative body and as a people's representative institution has a role as an institution for channeling people's aspirations. The DPR has a balanced function and role if it is aligned with the functions of other institutional instruments such as the executive and judiciary. The position of the DPR in the system of administering state power underwent significant

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changes since the fourth amendment to the 1945 Constitution of the Republic of Indonesia was ratified. "DPR holds the power to form laws".⁴⁵ Although the authority to form laws rests with the People's Legislative Assembly, "the discussion of a Draft Law must done by together with government, For get agreement together".

A. Arrangement And Membership Board Representative People

The DPR is a high state institution that has the following composition and membership:

1. DPR consists from member party political participant election general elected by general election.
2. Member DPR amount five hundred six twenty person.
3. Period position member DPR is five year And end at the same time when new members take the oath/pledge.
4. Membership DPR inaugurated with Decision President.
5. Members of the DPR before taking up their positions take an oath/pledge jointly guided by the Chief Justice of the Supreme Court in the plenary session of the DPR.

B. Function, Task, And Authority Board Representative People

The DPR is a high state institution that is tasked with carrying out legislative functions, budgetary functions, and supervisory functions. In carrying out its function, DPR have right interpellation, right questionnaire, And right state opinion. Furthermore, the DPR has the right to ask questions, submit suggestions and opinions as well as matters of immunity.⁵⁴ The arrangement regarding the rights granted to the DPR actually shows *a bargaining position* on the independence of the DPR from other state institutions by prioritizing the interests of the people over the interests of the executive in power.

As for function DPR based on Regulation DPR Republic Indonesia Number 1 of 2014 concerning Rules of Procedure, as follows:

- 1) Legislative function, which is carried out as a manifestation of the DPR as the holder of power to form laws.
- 2) Budget function, which is carried out to discuss and give approval or not to give approval to the draft law on the State Budget submitted by the President
- 3) Oversight function, which is carried out through supervision over the implementation of laws and the state budget .

As for task DPR based on Regulation DPR Republic Indonesia Number 1 of 2014 concerning Rules of Procedure, as follows:

- 1) Compile, discuss, set, And disseminate prolegnas;
- 2) Compile, discuss, and disseminate draft laws
- 3) Receive draft laws submitted by the DPD relating to regional autonomy, central and regional relations, formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those related to central and regional financial balances;
- 4) Supervise the implementation of laws, APBN, and government policies;
- 5) Discuss and follow up the results of audits on the management and accountability of state finances submitted by BPK;
- 6) Give approval for the transfer of state assets which is under its authority based on statutory provisions and on agreements that have



- broad and fundamental consequences for people's lives related to the burden on state finances;
- 7) Absorb, collect, accommodate, and follow up on community aspirations; And
 - 8) Carry out task other Which arranged in law .

As for the authority of the DPR based on the Regulation of the DPR of the Republic of Indonesia Number 1 of 2014 concerning the Standing Orders, as follows:

- 1) Forming laws that are discussed with the President for mutual approval;
- 2) Giving approval or not giving approval to government regulations in lieu of laws proposed by the President to become laws;
- 3) Discussing draft laws submitted by the President or the DPR related to autonomy regions, central and regional relations, formation and expansion and merger of regions, management of natural resources and other economic resources, as well as central and regional financial balances, by involving the DPD before a joint agreement is reached between the DPR and the President;
- 4) Taking into account the DPD's consideration of the draft law on the state budget and the draft law relating to taxes, education and religion
- 5) Discuss with the President by taking into account the considerations of the DPD and give approval to the draft law on the APBN submitted by the President; Discuss and follow up on the monitoring results submitted by DPD on implementation Constitution about autonomy regions, formation, expansion and merger of regions, central and regional relations, management of natural resources and other economic resources, implementation of the State Budget, taxes, education, and religion;
- 6) Give approval to the President to declare war and make peace with other countries;
- 7) Give approval to certain international agreements that have broad and fundamental consequences for people's lives that are related to the state's financial burden and/or require changes or enactment of laws;
- 8) Give consideration to the President in granting amnesty and abolition;
- 9) Give consideration to the President in terms of appointing ambassadors and accepting the placement of ambassadors from other countries;
- 10) Choose member CPC with notice consideration DPD;
- 11) Give agreement to President on appointment And dismissal of members of the Judicial Commission;
- 12) Provide candidate approval judge great The proposed Judicial Commission to be appointed as chief justice by the President; And Choose 3 (three) constitutional judges and submit them to the President to be formalized by presidential decree.

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C. Right And Parliament's obligations

In addition to being obliged to carry out the functions of duties and authorities, each Members of the DPR also have rights and obligations attached to each individual representative of the people. The rights and obligations of the DPR are as follows:

1. DPR have right:

- a. The right of interpellation, namely the right of the DPR to ask the government for information regarding government policies that are important and strategic and have a broad impact on the life of the nation and state.
- b. The right of inquiry, namely the right of the DPR to conduct investigations into important and strategic government policies that have a broad impact on the life of the nation and state which are suspected of being in conflict with statutory regulations.
- c. The right to express opinions, namely the right of the DPR as an institution to express opinions on government policies or on extraordinary events that have occurred in the homeland or international situations accompanied by recommendations for resolution or as a follow-up to the implementation of the right of interpellation and the right of inquiry or against allegations that the President and/or The Vice President committed an offence h u kum form betrayal to Country, bribery, other serious criminal acts or disgraceful acts or no longer fulfill the requirements as President and/or Vice President.

2. Right Member DPR consists from:

- a. right submit suggestion design laws ;
- b. right asking questions;
- c. right convey suggestion and opinions;
- d. right choose And chosen;
- e. right self- defense ;
- f. right immunity;
- g. right protocol;
- h. financial and administrative rights;
- i. right supervision;
- j. right propose And fight for program development electoral area;
- k. right do socialization law .
- l. Obligation Member DPR is:
- m. hold firm And practice Pancasila;
- n. carry out Constitution Base Country Republic Indonesia Year 1945 and comply with the provisions of laws and regulations;
- o. maintain And look after harmony national And integrity of the Unitary State of the Republic of Indonesia;
- p. put first interest country in on interest personal, groups and classes;
- q. fight for enhancement well-being people;
- r. obey principle democracy in maintenance state government ;
- s. obey system orderly And code ethics;
- t. guard ethics And norm in connection Work with institution other;



- u. absorb and collect constituent aspirations through regular working visits;
- v. accommodate and follow up the aspirations and complaints of society; and provide moral and political accountability to constituents in their constituencies.
- w. provide moral and political accountability to constituents in their constituencies.

D. Study General About Division/Separation Power

In the concept of a rule of law state, there is one element in the implementation of the constitutional system, namely the distribution or division of powers. Because the goal is to protect human rights, power in the state must be separated or divided into several state institutions. The administration of the state in principle includes three important powers: legislative power, executive power, and judicial power. Legislative power is the power to make laws. Executive power is the power to enforce the law. Judicial power is the right to enforce the law. In fact, these three branches of power manifest in the form of state institutions.

The first intellectuals to argue about this power were John Locke and Montesquieu. John Locke separated state power into legislative, executive, and federative powers. According to John Locke, these three powers must be separated from one another so that the government is not arbitrary in managing the country. Half a century later, inspired by the separation of powers from John Locke, Baron De Montesquieu (1689-1755), a French political expert and philosopher said that the state government system has three powers, namely legislative power, executive power, and judicial power. Where the power must be separated regarding the functions (tasks) as well as regarding the equipment (organs) that carry out. The content of Montesquieu's teachings on separation power country (*the separation of power*) known listen term " *Trias Politics* ". *Trias Politica* comes from the Greek which means "Three Triad Politics".

“Montesquieu adheres to the paradigm of absolute separation of powers. That there is absolute separation between one branch of power and another. Each branch of power cannot interfere with, or supervise one another . Regarding this view. Hans Kelsen explains the concept of absolute power refers to political organization. This thinking postulates that the three branches of power can be determined as three different coordinated functions of the state, and it is possible to make distinctions as well as limitations for each of these branches of power. However, in its development, it is difficult to consistently apply the principle of pure separation of powers. Because in carrying out the functions of the state, it is impossible for each branch of power to carry it out independently.

The thought that is further developed is the need to guarantee that each power No will go beyond limit his power. Therefore, it is necessary to have a mechanism of checks and *balances* . Through this mechanism, each branch of power can supervise and balance other branches of power. This thinking slightly shifts the model of *pure separation of power* towards separation of power which is a model of *checks and balances* . Furthermore, Jimly Asshiddiqie quoted in detail the opinion of G. Marshal, “First, the doctrine of separation of powers clearly separates the functions of the legislature as a regulator, the executive as an enforcer, and the judiciary as an enforcer. is a judge of conflicts and disputes arising from the application or violation of predetermined rules. work should not interfere with each other, so that the independence of each branch is high. Fourth, there is the principle of checks and balances, namely a model of mutual control between agencies, preventing exploitation. Fifth, equality between sectors when using a coordination model rather than a subordinate model.

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In practice, Trias Politica in many countries is not implemented consistently. There is a tendency to interpret Trias Politica is no longer a separation of powers, but a division of power, which means that the main functions are different, but for the rest, cooperation between functions is necessary for the smooth running of the organization. The Indonesian constitutional system adheres to the theory of division of powers, not separation of powers. The 1945 Constitution of the Republic of Indonesia does not adhere to the separation of powers in a material sense (separation of power), but adheres to the separation of powers in the formal sense (division of power). What is meant by the separation of powers in the material sense is the separation of powers in the sense of a division of powers which is strictly maintained in the tasks of the state which are clear show there is separation of powers to three organ namely legislative, executive and judiciary. Meanwhile, the separation of powers in the formal sense is that the division of powers is not strictly maintained.

"Limitation power very tight relation with theory separation of powers and division of powers. Although there are many types of use of the term, such as division of power, separation of powers, distribution of powers, and allocation of powers, Jimly Asshidiqie, by looking at the use of the term by MCJ Vile, Colin Munro, Artur Mass, and O. Hood Philips stated that in basically these terms have the same meaning, and are very dependent on the context of understanding adopted. Along with the development of the times and the science of state life experienced many changes. The concept of the state began to experience a shift in that at first the state was a state based on power switch on draft which country base on law (rechtsstaat). State teachings based on law (rechtsstaat and the rule of law) imply that law is an obligation and supreme for every state administrator to comply with the law (subject to the law). There is no power above the law (above to the law). There should be no arbitrary powers or abuse of power. So subject to the law contains understanding restrictions power like case teachings separation And distribution power. Country based law contains elements division or division of powers.

E. Study General About Abuse Power

The power of the state determines, implements and enforces compliance with the law, especially in a welfare state, where the state has the right to intervene in almost all areas of people's lives, so that the use of state power has the potential to violate the rights of the people in the country, even even the most basic rights of the people can be violated.

"Power tends to corrupt, and absolute power tends to corrupt absolutely"

So, the adage was proposed by Lord Acton. Therefore, moral authority should not be assigned solely to the intentions or personal characteristics of the holder. However talented a person may be, power must always be regulated and limited. All powers tend to be abused. Therefore, the existence of freedom of action can sometimes be detrimental to citizens. Thus, there is control over the running of government, which is a guarantee that the state does not end in a state that leads to a dictatorship, which means that it is contrary to the nature of a rule of law state. There is a limitation of state power by applying the principle of division of power vertically or horizontally. This limitation of power is to prevent abuse of power, abuse of power and to build mechanisms of mutual control between branches of power.

There are restrictions on state power and by applying the principle of division of power vertically or horizontally. Every power has a tendency to be arbitrary, as stated by Lord Acton "Power tends to corrupt, and absolute power tends to corrupt absolutely". Powers are obliged to be limited in a way separating power into branches or organs that are checks and balances control each other in an equal position and balance and control each other. Restrictions power also done



with share power That into several organs arranged vertically. Thus, power is not centralized and concentrated in one organ or one institution which allows arbitrariness to occur.

With the consideration that to avoid abuse of power, power must be limited by the constitution. The constitution as a barrier in order ensure No exists arbitrariness branches State power . This limitation is intended so that this power does not turn into absolute and corruptive power. Walter F. said Murphy (1994),

“ constitutionalism can prevent a majority from effectively depriving minorities of participation rights, while democracy can prevent paralysis that may be associated with rigid constitutionalism ”.

The constitution guarantees the rights of citizens, and regulates the administration Country with distribution such shape, so that executive power is balanced by legislative power and judicial power. The doctrine of limiting power was also expressed by Annen Junji who said that constitutionalism is interpreted in the form of limiting political power through a constitution. A similar opinion was also expressed by Scott Gordon, who considers constitutionalism as a political system that imposes restrictions on the exercise of political power. Another view is also from Charles Howard McIlwan, who wants an absolute limitation of government power for the sake of prevent arbitrary power.

3. RESEARCH METHODS

Method Study

In this study, the type of research used is legal research, namely research that focuses on the study of rules or norms of legal practice. Legal research is a means to find legal norms , legal principles, and legal theory to answer legal questions. The author examines and analyzes the term limits for DPR members in an effort to prevent abuse of power. This normative legal research implies that the legal issues which are the subject of research are analyzed from sources in the form of applicable laws and regulations and theories related to the legal issues of this research.

A. Type Approach

In this study the approach method used is the statutory approach (*statute approach*). The statutory approach is carried out by examining the statutory regulations, ^{namely} the legal issues under study. In addition, this research also uses a conceptual *approach* . By using a conceptual approach, the writer needs to examine the views of legal scholars regarding the legal issues in this study, namely limiting the period of members of the DPR in an effort to prevent abuse of power.

B. Type And Source Material Law

Primary legal materials are legal materials consisting of: applicable laws and regulations. The laws and regulations used as primary legal material in this study are:

- a. Constitution Base Country Republic Indonesia Year 1945;
- b. Law of the Republic of Indonesia Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council and Regional DPR;

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- c. Law of the Republic of Indonesia Number 17 of 2014 concerning the Assembly deliberative People, Board Representative People, Regional Representative Council, and Regional Parliament.
- d. Regulation of the DPR of the Republic of Indonesia Number 1 of 2014 Concerning Orders .

Secondary law materials in this study are books related to law, social and politics. Sources of legal material obtained from the study literature.

C. Technique Collection Material Law

Technique obtain material law done with method collect laws and regulations in accordance with research needs and then classified For make it easy researcher in do study so that the scope of the research does not get out of the boundaries of the problems studied. Collection of legal materials obtained from literature studies. Researchers also collect various supporting information relating to the House of Representatives, Limitation of Power, and Prevention of Abuse of Power.

4. RESULTS AND DISCUSSION

In Indonesia, efforts to limit power have been made in the constitution regarding the term of office of the president and vice president. Limiting the President's term of office is one of the efforts to prevent the emergence of persistent power holders who are seen as a source of absolute power and abuse. Prior to the amendment, the president and vice president after their term of office ended could be re-elected without term limits, so that in the pre-reform era the constitution was not changed. Thus, in Article 7 of the 1945 Constitution of the Republic of Indonesia, the amendment stipulates that the President and Vice President hold office for 5 years, after which they can be re-elected in the same position, with one assignment. . Limiting the President's term of office is one of the efforts to prevent the emergence of persistent power holders who are seen as a source of absolute power and abuse. With these changes, the term of office of the President and Vice President becomes more stringent, namely they can only hold the same position for 2 (two) terms. Thus, a six-term president like President Soeharto will not be repeated.

Provision the No apply for member Legislative. According to chapter 51 paragraph 1 of Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council and Regional DPR stipulates:

"Prospective candidates for members of the DPR, DPD and DPRD are Indonesian citizens and must meet the following requirements:

- a. has aged 21 (two twenty One) year or more;
- b. fear to Lord Which Maha One;
- c. residing in the territory of the Unitary State of the Republic of Indonesia;
- d. proficient in speaking, reading, and writing in Indonesian ;
- e. education at least graduated from high school, madrasah aliyah, vocational high school, vocational aliyah madrasa, or other equivalent education;
- f. loyal to Pancasila as the basis of the state, the 1945 Constitution, and the ideals of the August 17, 1945 Proclamation;
- g. have never been sentenced to imprisonment based on a court decision that has permanent legal force for committing a crime punishable by imprisonment for 5 (five) years or more;
- h. Healthy physical And spiritual;



- i. registered as Voters;
- j. willing Work full time;
- k. resigned as regional head, deputy regional head, employee country civil, member Soldier National
- l. Indonesia, members of the Indonesian National Police, directors, commissioners, supervisory boards and employees of state-owned enterprises and/or regionally-owned enterprises, or other entities whose budget is sourced from state finances, as stated in a letter of resignation that cannot be withdrawn ;
- m. willing not to practice as a public accountant, advocate/lawyer, notary, land deed official (PPAT), or not to do work as a provider of goods and services related to state finances and other work that may create a conflict of interest with duties, authorities and rights as a member of DPR, Provincial DPRD, and Regency/Municipal DPRD in accordance with the provisions of laws and regulations;
- n. willing not to hold concurrent positions as other state officials, directors, commissioners, supervisory boards and employees in state-owned enterprises and/or regionally-owned enterprises and other entities whose budget comes from state finances;
- o. become member Party Political Participant Election
- p. nominated only in 1 (One) institution representative; And
- q. nominated only in 1 (One) area election."

Based on the wording of the article above, there are several requirements for candidates to become members of the DPR. We can see that there are no conditions for someone to run for re-election in the next election if previously elected or not. Therefore, as long as a candidate for DPR members fulfills the above requirements, he can run for re-election in the next general election. There is no provision stating that a legislative member candidate who has served as a member of the legislature for 2 (two) terms cannot run again as president. There is also no obligation for members of the legislature to be dismissed for violations, as is the case with regulations binding on the president, because political parties have the authority to replace members of the DPR. .

Another regulation that also regulates the DPR is the Law of the Republic of Indonesia Number 17 of 2014 concerning the People's Consultative Assembly, Board Representative People, Board Representative Area, And DPR Regions, and Regulation of the Republic of Indonesia DPR Number 1 of 2014 Concerning Governance Orderly. The same is true with Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, the Representative Council The Regions, and the Regional DPRs above, there are no strict provisions governing the term limits for members of the DPR. In article 76 paragraph (4) of the Law of the Republic of Indonesia Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional DPR, stipulates:

"The term of office for DPR members is 5 (five) years and ends when the new DPR member takes an oath/pledge ."

Further arrangements regarding the positions of Leaders and Members The People's Representative Council is in the Regulation of the DPR of the Republic of Indonesia Number 1 of 2014 concerning Standing Orders, Article 8 paragraph (4) stipulates:

"The term of office of a Member is 5 (five) years and ends when the new Member takes the oath/pledge "

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Then Chapter 27 paragraph (4) establish:

“Really position leader DPR The same with period DPR membership .”

The term of office for the DPR is not regulated by the 1945 Constitution, but by internal regulations (RI Law No. 17 of 2014 concerning the People's Advisory Council, the People's Representative Council), the Regional Representative Council and the Regional Representative Council). DPR and DPR RI Regulation No. 1 of 2014 concerning Rules of Procedure). Even though there is not a single article that clearly and unequivocally defines the mandate of the DPR. North Korea is a legislature, a branch of state power (representing the interests of the people to form regulations), the position of the legislative branch is the same as the executive branch which is led by the president. Of course, the level of legislative authority will be greatly reduced if the term of office of the president is determined by the 1945 Constitution, while the term of office for the leadership and members of the DPR will be greatly reduced. governed by laws and regulations (internal regulations).

Rules limiting the working period of the DPR can be useful to produce legislators who really work for the State, not just looking for a job/profession for personal and family welfare. Because with the limited working period of the House of Representatives, at least will limit thought candidate member DPR that become member DPR is a devotion during 5 (five) year Then end, instead a job Which can enjoyed until old without exists regulation limiting _ period position. When matter This seen from role And function Council member Representative people , so Which We find is non- conformity behavior para member DPR certain Which very Far from tupoksi as member board Which dear, Which carry trust reform And hope because the DPR must be able to voice the aspirations of the people and not only work for personal gain.

A. Corruption as a Form of Abuse of Power in the Representative Council People

Another issue that is currently attracting public attention is the performance of the DPR, which has never produced maximum work. People no longer easily trust members of parliament (parliament), and especially political parties. The large number of legislators who have been caught in corruption cases has created a negative public perception of legislators. based on a survey conducted by the Global Corruption Barometer (GCB) through Transparency International Indonesia (TII), 7 March 2017, the DPR is the most corrupt organization. The survey was conducted on 1,000 respondents who were spread proportionally in 31 provinces. Respondents were asked questions based on 5 indicators, namely:

level of corruption, government performance, civil servant corruption, corruption of state institutions and anti-corruption society. Based on survey results, the DPR is the main institution that frequently engages in corrupt practices. No less than 54% of respondents consider the organization that represents the people the most corrupt. While in second place are the bureaucracy (50%), DPRD (47%), head of tax (45%), police (40%), ministries (32%), courts (32%), entrepreneurs (25%) . , and religious leaders (7%).

The fact that many DPR members are involved in corruption cases is undeniable. Based on data from the Corruption Eradication Commission (KPK), since the KPK was founded there were around 1,419 corruption cases and 319 were members of the legislature who were caught in corruption cases at the KPK. This data does not include cases handled by the Police and Attorney General's Office. Throughout 2022 , a number of members of the DPR were entangled in corruption cases handled by the KPK. and the Global Corruption Barometer survey places the DPR as an institution most corrupt. Moreover, the DPR is also sufficient ambitious will revise Corruption Eradication Commission Act.



Moment This condition political Which happen in land water is para political actors interpret political as competition power struggle. Can We see start from difference view between legislative And executive Which on Finally ends dissonance between two institution tall country This. So that hope public Which become objective beginning formation country this can achieved temporary para elite country currently conflicted interest sectarian .

This is not the first time Setya Novanto has been suspected of being involved in a legal case. Since year 1999, at least, five case different that is, *first* , cassie Bank Bali (1999), Setya Novanto allegedly transferred Bank Bali's receivable rights (*cassie*) to *Bank Dagang Negara Indonesia (BDNI)*. As a result of this case, the state lost Rp . 904.64 billion. Second, Vietnam Rice Smuggling (2003), Setya Novanto and his colleague in the Golkar Party, Idrus Marham, deliberately moved 60 thousand tons of rice from the customs warehouse to the non-customs warehouse. This fraud resulted in state losses of IDR 122.5 billion . *Third* , Toxic Waste Smuggling (2006), more than 1,000 tons of toxic waste landed on Galang Island. Waste disguised as organic fertilizer contains three dangerous radioactive substances, namely: Thorium 228, Radium 226, and Radium 228. *Fourth* , Riau PON Corruption (2012), Setya Novanto was involved in corruption in the construction of the 2012 Riau Pon shooting range. Setya Novanto is said to have arranged the flow of funds to members of the DPR Sports Commission.

The funds are used for the smooth disbursement of the state budget. Setya Novanto was examined only as a witness. He denies all charges and finds a way out of the downward spiral of the case. Fifth, Sharing Father (2015), Minister of Energy and Mineral Resources (ESDM), Sudirman Said, reports Setya Novanto at the Honorary Council of the DPR Council. He was accused of using the names of President Joko Widodo and Vice President Jusuf Kalla to exchange for shares to facilitate the extension of PT. Indonesian Free Harbor. The case is still unresolved and is still being handled by the Attorney General's Office. The case of DPR President Setya Novanto is just one of the many cases of abuse of power by members of the legislature. It is possible that for Setya Novanto and/or some DPR members this issue will not have a significant impact, but for the political system and democratic atmosphere in Indonesia, this is a bad historical achievement. -the ranking of state organizations, that this organization must support the aspirations of all Indonesian people to realize the aspirations of the nation and state. So with that in mind, I think it is enough for the Indonesian people in general, including all parts of the state regulatory agencies, to feel the need to review. With the principle of equal treatment before the law.

A. Hope Arrangement Restrictions The Period of Members of the House of Representatives in the Future

As a modern state, the Indonesian constitution emphasizes that one of the characteristics of the Indonesian government system is to adhere to the principle of a rule of law and not a state of power. Based on the provisions of the constitution, it means that the government has limited powers and is not justified arbitrarily. The principles adopted must be reflected in the practice of administering the state. This means that in the practice of administering Indonesian state administration , the law must control power, not the other way around.

Power tends to dominate, control and influence so that power is strong. Power tends to strengthen and maintain power. State institutions must receive maximum attention because the fate and future of our country is in their hands. The principle of democracy or people's sovereignty is accepted and practiced, guaranteeing public participation in the state's decision-making process, so that all laws and regulations that are upheld and upheld reflect a sense of justice in society. The law is not meant to guarantee the interests of a few people in power, but to guarantee the same interests for everyone. Thus, a developing rule of law state is not an absolute rechtsstaat but a democratic rechtsstaat. Law is a means to an idealized common goal. The ideals of law itself, whether

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institutionalized by the idea of a rule of law or by the idea of a democratic state, aim to improve general welfare.

This effort aims to realize Good Governance and Clean Governance. And it is the duty of every citizen to realize the national ideals contained in our Indonesian State Foundation, Pancasila, from the individual moral structure to the social structure. For the writer to explain politics from a substantive perspective, politics is a means to happiness, that is the simple definition of politics. because politics is a super-state system that covers all aspects of life, or in other words politics is a combination of the results of the *ijtihad* of the Indonesian nation's founding fathers in the prism of diversity (SARA), in order to realize national ideals.

DISCUSSION

Based on the previous discussion, efforts to limit the period of the DPR are urgently needed. There are many considerations that can be used as an excuse for making this restriction. The first thing is of course in terms of benefits for society. So far, the existence of DPR members has not been felt by the community. The fact is that all this time member who have long held seats in the DPR and are not increasingly trusted by the people. No A little members of the House of Representatives who Already long served the more understand the intricacies of dealing with the use of the budget for personal or party interests. So the longer served, will be seen the easier abuse of power such as corruption.

Another argument is that this term limit will have a positive meaning because there is refreshment. By limiting the term of office, there will be a kind of wider equalization of opportunities for citizens Indonesia to exercise its constitutional rights and become a member of the council. What happened so far is equal opportunity to become members of the board This very limited. With restrictions period position member Board Representative People, then order system political Indonesia in parliament will according to democratic principles. There will be less and less public officials who continuously occupy their positions. On the other hand, this will also minimize the possibility for them to gain space or loopholes in committing corruption. Based on Lord Acton's theory of power, "*power tends to corrupt, and absolute power causes absolute corruption too*", people who continuously occupying his position will be more likely to commit abuse of power, such as corruption. This is because they already know and understand the twists and turns of the bureaucracy to circumvent or scheme.

Limiting the working time of DPR members is as important as limiting the working time of the President/Vice President, in order to really avoid power and abuse of power. In Indonesia, efforts to limit power have been made in the constitution regarding the term of office of the president and vice president. Limiting the President's term of office is one of the efforts to prevent the emergence of persistent power holders who are seen as a source of absolute power and abuse. Prior to the amendment, the president and vice president after their term of office expired could be re-elected for an unlimited term before the reform and the constitution was not changed. For this reason, in Article 7 of the 1945 Constitution, the results of the revision stipulate that the president and vice president have a term of office of five years, after which they can be re-elected to the same position for one term.

The limitation of the President's term of office is one of the efforts to prevent the occurrence of continuous holders of power that are believed to be a source absoluteness And deviation power. With these changes, the term of office of the President and Vice President becomes more stringent, namely they are only allowed to hold the same position for 2 (two) terms. In this way, a person served as president for six terms of government, like the New Order, not to be repeated. With many different functions. Rights and Powers of the DPR, it is clear that legally and formally, the amendments to the 1945 Constitution have given power and a foothold to the DPR. Thus, the Amendments to the 1945 Constitution make the DPRK strong and equal in



all powers to the President. In fact, the mission of the DPR as a representative institution is to become a means of oversight of the president as the driving force of government. The powers possessed by the DPR are set forth in the 1945 Constitution. In other words, what the DPR does has constitutional legitimacy. The DPR's jurisdiction must be understood as an effort to create checks and balances and create a clean government. So far, public bodies are directly elected by the people in general elections and their terms of office as members of the DPR are not limited. In order to be more consistent with democratic principles, the DPR's term of office should be limited. Board members also have a lot of power. Even in matters of the budget, the legislature has decision-making power. Therefore, having a time limit is a reasonable and reasonable solution. The term of office for Legislative Members is a maximum of 2 (two) terms at the same level, both the DPR (DPR) and the Regional DPR (DPRD).

For example, at the DPRD II level, if a member has served two terms or the equivalent of 10 years, then he can no longer run as a member of DPRD II. He can still be promoted back to become a member of DPRD I or the Central DPR for up to 2 (two) terms. This addition could occur with, for example, two additions to DPRD I and two additions to the Central DPR. Members of the DPR who have been sworn into office are elected persons has gone through rigorous selection, starting from internal political parties to the general election. However, to be able to carry out its functions in a very broad field, support from various parties is certainly needed. Community participation is still needed to ensure that members of the DPR really act as a people's representative. Such participation can be realized through direct input, in working meeting forums, hearings and constructive criticism as a form of public oversight.

Therefore, it is best if the term of office of these council members is reviewed to change the provisions of Law Number 17 of 2014 concerning the MPR, DPR, DPRD and DPD. If the limit on the number of legislative tasks is carried out, this provision could be the first in the history of Indonesian democracy. These limitations will be much more numerous and very important to build a solid foundation of democracy. There may be drawbacks or disadvantages to these legislative limits, but I believe they will be less in number or value. There will definitely be pros and cons. However, the Indonesian nation hopes that this nation can carve beautiful ink in the history of world democracy.

5. CONCLUSIONS AND RECOMMENDATIONS

Based on these results and discussion, the responses to the conclusions of the issues raised in this paper are:

- 1) It is necessary to limit the term of office of DPR members to prevent abuse of power. The constitutional rights of all citizens can be compromised because there is no term limit for a DPR member. There is a legal vacuum limiting the DPR's working hours. Provisions regarding time limits do not apply to the DPR.
- 2) Limiting the term of office of members of the DPR is expected to provide more equal opportunities for Indonesian citizens to exercise their constitutional rights and become members of the DPR. By limiting the term of office for DPR members, Indonesia's political system in parliament will adhere to democratic principles. The maximum term of office for Legislative Members is 2 (two) terms at the same level, both the DPR (DPR) and the Regional DPR (DPRD).

So far, state institutions are directly elected by the people in general elections and are not limited by the term of office of DPR members. In order to be more consistent with democratic principles, the DPR's term of office should be limited. Board members also have a lot of power. Even in matters of budget, the legislature has strong authority. Therefore, the existence of a time

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limit is the right solution. The term of office for Legislative Members is a maximum of 2 (two) terms at the same level, both the DPR (DPR) and the Regional DPR (DPRD). For example, at the DPRD II level, if a member has served two terms or the equivalent of 10 years, then he can no longer run as a member of DPRD II. He can still be promoted back to become a member of DPRD I or the Central DPR for up to 2 (two) terms. This addition can occur with, for example, two additions to DPRD I and two additions to the Central DPR.

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