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DEBATE ON EFFORTS TO EXTEND THE PRESIDENTIAL TERM LIMIT DURING THE JOKO WIDODO ADMINISTRATION FROM A DEMOCRATIC PERSPECTIVE

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Abstract:

Since the amendment to the 1945 Constitution, the presidential term in Indonesia has been limited to a maximum of two terms. An interesting phenomenon has emerged in Joko Widodo's second term, with both pros and cons surrounding the idea of extending the presidential term to three terms. Some literature states that limiting the presidential term is one of the democratic indicators in preventing authoritarianism. While other opinions state that limiting the presidential term is considered undemocratic because it is not in line with the will of the people. Through a qualitative approach supported by literature studies, the author concludes that the idea of changing the presidential term limit is considered not contrary to democracy when viewed in terms of the will of the people in general elections. Still, suppose other factors such as the party system, the functioning of representative institutions, and the guarantee of the independence of the judiciary do not support the creation of democracy. In that case, there is concern that this extension of the term will give rise to a dictatorial leader who rules authoritarily.

Keywords: Constitutional Amendment, President, Term Limits, Democracy, Authoritarianism.

INTRODUCTION

The President shall hold office for a term of five years, and thereafter may be re-elected to the same office for only one additional term.' This amendment simultaneously changes the previously unlimited presidential term to a maximum of two terms. In addition to provisions regarding the limitation of power, the amended 1945 Constitution also changed the method of filling the presidential position, which was previously elected by the MPR as stipulated in Article 6(2) of the original 1945 Constitution, to being directly elected by the people as regulated in Article 6a(1). Many experts have stated that the direct election of the President reaffirms the model of a pure presidential system of government and marks a significant milestone in the development of democracy in Indonesia by granting the people the freedom to directly participate in determining their President and vice president.

The implementation of this policy began when Abdurrahman Wahid (Gus Dur) took office as President of Indonesia. Although this provision was already in effect during the presidencies of Abdurrahman Wahid and Megawati Soekarno Putri, neither of them served two terms. Abdurrahman Wahid was President for only two years before being impeached by a special session of the People's Consultative Assembly. Meanwhile, his successor, Megawati Soekarnoputri, did not serve two terms because she lost the 2004 presidential election. The full implementation of the presidential term limit, as mandated by the new constitution, was first applied during the administrations of Susilo Bambang Yudhoyono (SBY) and Joko Widodo, who each served two consecutive terms. The difference resulting from the transition in the implementation of the new constitution from the era of Abdurrahman Wahid to Joko Widodo lies in the method of filling the position. Both



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Abdurrahman Wahid and Megawati Soekarnoputri came to power through an election mechanism conducted by the MPR.

Meanwhile, Susilo Bambang Yudhoyono (SBY) and Joko Widodo are presidents who came to power through direct elections by the people. After approximately 25 years of practice, there have been no violations of the constitution regarding presidential term limits in Indonesia. Megawati Soekarno Putri stepped down after losing the direct election in 2004, and Susilo Bambang Yudhoyono also ended his term as president after two terms in 2014. Similarly, Joko Widodo did not run for re-election as president in the 2024 election.

Although no violations of presidential term limits were found in Indonesia, the author found some interesting phenomena in several pieces of literature, particularly during Jokowi's second term. During Jokowi's second term, there was massive discourse encouraging the extension of the presidential term. Of course, this discourse sparked debate between those for and against it, particularly among practitioners and academics.

Based on this debate, the author is interested in conducting a study of this phenomenon using democratic parameters. Some of the literature found by the author states that limiting the presidential term of office is one of the democratic indicators in preventing tyranny. Meanwhile, other opinions state that limiting the presidential term of office is considered undemocratic because a president who has the opportunity to run for re-election will strive to align with the will of the people. If the president does not have the chance to run for re-election, it is considered to sever the president's connection with the source of popular legitimacy in government.

One interesting opinion on this matter was expressed by Baturo, who stated: "The debate about term limits is the trade-off between the possibility of dictatorial takeover and restriction of democratic choice." At bottom, the basic fear is that in the absence of term limits, presidents will behave undemocratically, even tyrannically. Some presidents may come to office with the aim of remaining in power for as long as they can, perhaps purely for the intrinsic reward of office, or to realize certain political preferences, or for the potential for the aggrandizement of themselves, their family, or supporters. The absence of term limits helps such presidents to achieve this ambition by facilitating ongoing access to state resources, helping to ensure an incumbency advantage over political opponents, and providing a guarantee of legal immunity from prosecution for wrong doing in office (Halff 2016: 7). Thus, there is a basic fear that a president who comes to power with the desire to remain in office will use the material and political advantages associated with the absence of term limits to achieve their ambition, and typically at the cost of democracy. There is, though, a further fear, namely that those material and political advantages will themselves create the incentive for a president to want to remain in office, even if that motivation was not present at the time of the president's election itself. In other words, the absence of term limits can be instrumental both in ensuring an already dictatorially minded president can achieve their ambition and also in encouraging a previously well-minded president to start to behave dictatorially. In this context, the presence of term limits is beneficial because it can act as a check on presidents with dictatorial ambitions and discourage others from assuming them, reducing the prospect of undemocratic or tyrannical behavior. (Baturo & Elgie, 2019, hlm. 6)

According to Baturo, term limits as a democratic indicator are a component in preventing the emergence of dictatorial rulers. Without term limits, presidents with dictatorial tendencies will strive to achieve their ambitions. Meanwhile, for presidents who previously had good intentions, the absence of these limits will gradually shape dictatorial attitudes.

Meanwhile, according to Cheibub and Medina, term limits are unnecessary and considered unfair when the candidate is popular, effective, and widely supported for other reasons. In countries



that adopt a presidential and semi-presidential system, the people generally elect the president, whereas in countries that adopt a parliamentary system, the elected representatives of the people elect the president. Thus, term limits for presidents can be considered undemocratic because they thwart the will of the people.

Bueno de Mesquita et al. have reasons why term limits are considered undemocratic. In their statement, Bueno de Mesquita et al. mention: There is another very common variant of this argument. Here, the mechanism is psychological. Presidents who are not term-limited have an incentive to respond to the will of the people. This is the rational way for them to win re-election. However, if re-election is barred because of term limits, then presidents no longer have the same incentive. According to this line of reasoning, presidential term limits are again undemocratic because they disconnect the president from the source of popular legitimacy in the polity, at least in the president's last term of office, if there is more than one. (Bueno de Mesquita dkk, 2003: 314)

Psychologically, a president who is not limited by term limits has an incentive to respond to the will of the people. This is because a president who has the opportunity to run for re-election will try to align himself with the will of the people. However, if the president does not have the chance to run for re-election, the result will be different. Therefore, according to this line of thinking, limiting the president's term of office is considered undemocratic, as it is seen as severing the president's connection with the source of his legitimacy in government, namely the people.

Furthermore, the author has not found many definitions of the presidential term of office. Tom Ginsburg and Zachary Elkins put forward one definition, which states that "a term limit is a constitutional restriction on the number of fixed terms (consecutive or otherwise) an executive can serve. (Ginsburg dan Zachary Elkins dalam Baturo dan Elgie, 2019: 40).

Then, Elsan Yudhistira classified the restrictions on presidential terms in each country based on their respective constitutions using the following five models:

1. No re-election: There is no possibility of running for President again after the first term of office has ended. Examples of countries that use this system are South Africa, Brazil, the Philippines, Guatemala, South Korea, Mexico, and Turkey.
2. No immediate re-election: A President is not allowed to run for re-election while still in office, but a former President can run for re-election at least after one term of his successor as President. Examples of countries that use this system include Peru and Venezuela.
3. Only one re-election: A president may run for re-election once more in the subsequent term. This system is the most widely used among countries with a presidential system of government, including the United States, Argentina, Bolivia, Belarus, Madagascar, Malawi, the Democratic Republic of the Congo, Zambia, and Indonesia, of course.
4. No limitation on re-election, A president can run for re-election without any term limits. Countries that use this concept are Benin and Nicaragua.
5. Only two re-elections: A President may run for re-election for a maximum of two terms after serving in office. Countries that use this concept include Angola.

(Yudhistira, 2020, hlm. 146)

Political experts generally define democracy not in a single way but in terms of various criteria or characteristics of democracy itself. As stated by Lyman T. Sargent, a political system can be considered democratic if it fulfils the following criteria:

The involvement of the community in decision-making; equal rights among citizens; freedom and independence granted to, maintained, and enjoyed by citizens; an effective representative system; and an electoral system that guarantees respect for mutually agreed principles. (Sargent dalam Agustino, 2007 : 140)



Meanwhile, Seymour Martin Lipset defines democracy as: A political system that provides constitutional opportunities for periodic changes in government officials, and a social mechanism that allows most members of society to influence government policy by electing certain people to political office. (Lipset dalam Juliansyah 2013 : 204)

From the above opinions on democracy, democracy is broadly understood as a system that guarantees the freedom of the people to participate in determining the course of government in a country, either through decision-making or through the election of political positions. Thus, democracy is understood as a system that guarantees the freedom of the people to determine who is entitled to hold political office, including the presidency.

In practice, countries that adopt a presidential system use two formulas to determine the electability of a president in an election. Research conducted by Blais, Massicotte, and Dobrzynska, as cited by Mark P. Jones, states the following:

The world's two most prominent presidential electoral formulas are plurality and majority runoff. Of the 87 countries that employ direct multicandidate presidential elections, 71 (82%) use either the plurality or majority runoff formula (Blais, Massicotte, and Dobrzynska 1997). Under the plurality formula, the candidate who receives the most votes in the first and only election wins. Under the majority runoff formula, if a candidate wins 50% + 1 of the valid votes in the first round of the election, then he/she is elected, while if no candidate surpasses this threshold, the top two candidates from the first round meet in a second round. (Jones, 1999, p. 175)

Of the 87 countries that hold direct multi-candidate presidential elections, 71 (82%) use the plurality and majority runoff formula. In the plurality formula, the candidate who receives the most votes in the first round is declared the winner. In the majority runoff formula, if a candidate secures 50% + 1 of the valid votes in the first round, they are elected president. However, if no candidate exceeds 50% + 1 of the votes, the top two candidates from the first round will face off in a second round.

Based on the above phenomena, the author is interested in conducting research that can provide an overview and analysis of the debate surrounding efforts to extend the presidential term, particularly during President Joko Widodo's second term, from a democratic perspective. To strengthen the argument and highlight the novelty of this research, the author then reviewed relevant previous studies.

Research conducted in Africa by Anja Osei, Hervé Akinocho, and Stephen Mwombela was published under Presidential Term Limits and Regime Types: When Do Leaders Respect Constitutional Norms? This article explains the observed variations in respect for presidential term limits using Geddes' regime typology, which describes differences in compliance with or violations of term limits in Africa. Geddes distinguishes two levels: first, he distinguishes between democracy and autocracy, and then divides the autocracy spectrum into three subtypes – personalist, military, and party regimes. This theoretical argument is further tested in two countries, Togo and Tanzania, using a qualitative approach. The research concludes that the strong personal influence of the president over the regime and the weakness of the opposition and formal political institutions provide the president with the space to alter the presidential term limits established by the previous constitution. Meanwhile, in Tanzania, which has a party-based regime, the two-term limit for the presidency is strictly adhered to and respected without creating significant tension in presidential elections. (Osei dkk., 2020, hlm. 251–271)

Furthermore, Denis M. Tull and Claudia Simons presented research relevant to this paper in an article entitled The Institutionalisation of Power Revisited: Presidential Term Limits in Africa. The research was motivated by the emergence of a phenomenon whereby half of all leaders who



reached the end of their second term resigned by the constitution, while the other half attempted to circumvent term limits, often successfully. The classification made by Tull and Simons first covers countries that have abolished term limits when the incumbent's term has expired, as has happened in Djibouti, Cameroon, Chad, Uganda, Guinea, Gabon, Togo, and Niger. Second, in some cases, incumbents respected and enforced the term limits imposed on them, as occurred in Angola, Equatorial Guinea, and Zimbabwe. The results of this research show that out of 18 authoritarian incumbents, only three failed in their attempts to amend the constitution, namely Burkina Faso, Nigeria, and Malawi. The conclusion of this research states that countries that did not propose a third term are significantly more democratic than those that successfully amended their constitutions. (Tull & Simons, t.t., hlm. 79-102)

Finally, an article by Tom Ginsburg, James Melton, and Zachary Elkins entitled *On The Evasion Of Executive Term Limits* discusses the normative debate between supporters and opponents of term limits. It identifies the main claims -the central claims of supporters and opponents, based on historical evidence, to assess the probability. Through a quantitative approach, Ginsburg and colleagues show that, at least for democratic countries, constitutional crises caused by violations of term limits are relatively rare. The enforcement of constitutional term limits appears to proceed routinely in democratic countries. Another research finding suggests that the consequences are not always negative when term limits are violated. The evidence shows that the length of time in power does not cause a decline in the overall quality of democracy. (Ginsburg dkk., 2011, hlm. 1807-1872)

METHODS

In examining how efforts to extend the presidential term limit in Indonesia during Joko Widodo's administration can be viewed from a democratic perspective, the author uses a qualitative approach. The reason for using this approach is that this topic is a phenomenon that is not widely known and is considered a unique and specific case. To obtain the required data, this study uses a descriptive-analytical method, which involves describing complex social realities through simplification and classification using concepts that can analytically explain a social phenomenon (Vredenburg, 1983). Data was collected through a literature review, which involved searching for written sources such as books, press reports, various opinions and analyses within them, and other documents related to the research phenomenon. This research was conducted in Indonesia, focusing on the limitations of Joko Widodo's presidential term. It was carried out over three months, from January 2025 to June 2025.

RESULT AND DISCUSSION

Historically, before the 1945 Constitution was amended, presidential power in Indonesia was based on a model of no re-election limitation. This was implemented during the reign of President Suharto (New Order), who ruled continuously for 32 years, which in practice gave rise to authoritarian power. Based on this historical experience, many argue that presidential power needs to be limited to prevent such events from recurring. To address this, in 1998, the People's Consultative Assembly (MPR) issued MPR Resolution No. XIII of 1998 on the Limitation of the Term of Office of the President and Vice President of the Republic of Indonesia. Substantively, the MPR Decree only regulates one article, which states that the President and Vice President of the Republic of Indonesia shall hold office for five years and may be re-elected to the same position for only one additional term.



It was not enough to have the MPR Decree. In 1999, the MPR carried out the first amendment to the 1945 Constitution and gave special priority to discussing the matter of limiting the presidential term of office. The author summarises the importance of regulating presidential term limits from the proceedings of the People's Consultative Assembly of the Republic of Indonesia (MPR RI), specifically the Third Ad Hoc Committee Meeting of the MPR RI Working Body on 7 October 1999, as follows:

First, Gregorius Seto Harianto, a representative of the Fraksi-Demokrasi Kasih Bangsa (F-PDKB) faction, argued that the amendment to Article 7 was mandated by MPR RI Decree XIII/1998 on Term Limits for the President and Vice President of the Republic of Indonesia. This approach views the limitation of presidential power as a legal implication of the MPR Decree. Therefore, the agenda needs to be included in the substance of the first amendment to the Indonesian constitution.

Secondly, the term limits for the president and vice president were also due to the view expressed at the Ad Hoc Committee III meeting that the 1945 Constitution was too executive-heavy, giving the president almost absolute power and negating the role of other state institutions, particularly in the trias politica approach, namely the parliament and the Supreme Court. A similar view was expressed by Surya Darma Ali and Chodijah H. M. Soleh, representatives of the Unity and Development Faction (F-PPP), who stated that the 1945 Constitution (pre-amendment) had granted absolute power to the president as the executive branch, leading to the emergence of two dictatorial-authoritarian leaders (Soekarno and Soeharto). The unrestricted presidential power in the pre-amendment 1945 Constitution proved to be easily abused by those in power. For example, abuse of power occurred when President Soekarno issued a decree in 1959 that dissolved the Constituent Assembly and implemented Guided Democracy, as well as making Soekarno president for life. Abuse also occurred during the New Order era when Suharto was always elected president for 32 years, even though general elections were formally and procedurally implemented.

Third, this executive-heavy view is reinforced by the opinion of Patrialis Akbar from the Reform Faction, who stated that limiting the presidential term of office can be seen as a starting point for the refunctionalisation and strengthening of other state institutions in the trias politica to carry out checks and balances and control and oversight mechanisms over executive power. Given that the pre-amendment 1945 Constitution tended to strengthen the executive branch and weaken the legislative branch, revising Article 7 could limit the president's power and strengthen the legislative branch in accordance with its primary duties and functions. Thus, the demand for democratisation and the political dynamics occurring in society can align with the amendment agenda to create a truly democratic climate.

In addition to the discussions that led to the changes, another interesting issue that sparked controversy was the differing interpretations of MPR Decree XIII/1998 on Term Limits for the President and Vice President of the Republic of Indonesia, both in the meetings of Ad Hoc Committee III and in the plenary and lobby meetings of Commission C of the MPR RI, which was tasked with discussing the proposed amendments to the 1945 Constitution. The question that always arises in the proceedings, mainly from the Faction of Group Representatives (F-UG), is whether the limitation on the presidential term of office to a maximum of one re-election is calculated consecutively or can be intermittent. In the discussion, there are at least two interpretations in the proceedings. On one hand, the president and vice president can be re-elected for one term, either consecutively or with an interval, and can only hold office for a maximum of two terms. This means that after each has served two terms, they cannot be elected to the same position again for the rest of their lives. On the other hand, the interpretation of MPR Decree XIII/1998 can be understood to mean that the president and vice president can be re-elected for a maximum of one term and may



be re-elected provided there is a minimum interval of one term. These two interpretations were presented by the representative of the Golkar Party Faction, Slamet Effendy Yusuf, at the Ad Hoc Committee III meeting on 9 October 1999.

The emergence of a second interpretation of MPR Decree XIII/1998 sparked debate and controversy in the courtroom at the time. Amin Aryoso raised an interesting point from the Indonesian Democratic Party of Struggle (FPDIP) faction, who stated that former presidents or vice presidents who had been elected for two terms still had the political right to be elected as leaders. This primarily takes into account the quality of human resources available and the post-reform conditions in Indonesia, which are still in the development stage and therefore require stability. However, the process of unlimited re-election remains subject to the condition that there must be a minimum interval of one term.

However, interpretations that tended to advocate human rights issues and the demands of the people were very minor in the proceedings, with negative responses from all factions. The democratisation approach had a greater influence on the first constitutional amendment process. This was evident from the consistent opinions of the majority of factions in the MPR, who stated that MPR Decree XIII/1998 already had a clear interpretation that the president and vice president, in the name of democratisation, were limited to a maximum of one re-election term, either consecutively or intermittently. As stated by Khofifah Indar Parawangsa, representative of the National Awakening Faction (F-KB), at the Ad Hoc Committee III meeting, limiting the president's term of office to a maximum of two terms can ensure the circulation of elites in the future and is in line with what democracy desires. Therefore, the 1945 Constitution post-amendment must be able to demystify the positions of president and vice president as ordinary roles and not sanctified. This aligns with the argument of Hatta Mustofa from the Golkar Party Faction (F-PG) that limiting the presidential term aligns with the wave of democratisation and also avoids the historical tendency that unrestricted presidential power, based on Indonesia's political experience, tends to oppress the people.

From a review of the discussion on presidential term limits in the MPR, several reasons were identified as to why presidential term limits in Indonesia are so important:

1. The 1945 Constitution (pre-amendment) gave absolute power to the president as the executor of power, which led to two dictatorial-authoritarian leaders (Sukarno and Suharto).
2. Limiting the presidential term of office is a starting point for the refunctionalisation and strengthening of other state institutions in the trias politica to carry out checks and balances and control and supervisory mechanisms over the executive branch. Given that the pre-amendment 1945 Constitution tended to strengthen the executive and weaken the legislature.

Furthermore, the debate regarding the interpretation of the material on term limits includes at least three ideas for regulating presidential term limits. First, the president and vice president can be re-elected for one term, either consecutively or intermittently, and can only serve a maximum of two terms (only one re-election). Second, the President and Vice President may be re-elected for a maximum of one term and may be re-elected provided there is a minimum interval of one term (no immediate re-election). Third, former presidents or former vice presidents who have been elected for two terms still have the political right to be elected as leaders. This primarily considers the quality of human resources they possess and the condition of Indonesia post-reform, which is still in the development stage, thus requiring stability. (No limitation on re-election). Although there were differing opinions on regulating term limits for the President and Vice President, the meeting participants ultimately agreed that the model to be implemented in Indonesia is 'only one re-

election,' where the President and Vice President may only be re-elected for one term, either consecutively or with an interval, and may only hold office for a maximum of two terms.

The implementation of this provision began when Abdurrahman Wahid (Gus Dur) came to power. However, the practice of term limits only became effective during the presidencies of Susilo Bambang Yudhoyono and Joko Widodo. Susilo Bambang Yudhoyono was the first president to be elected through a direct election process in 2004. After completing his first term, Susilo Bambang Yudhoyono ran again in 2009 and became president for a second term. Susilo Bambang Yudhoyono's second term ended in 2014, and in accordance with constitutional provisions, he was not eligible to run for president in the next election. Similarly, Joko Widodo was elected president for his first term in 2014 and served until 2019. In 2019, Joko Widodo ran for president again and successfully won the election for his second term, which will run until 2024.

Although constitutionally, there were no violations in the implementation of presidential term limits in Indonesia, the author feels it necessary to mention the political dynamics that developed during the implementation of these limits. The issue that arose, particularly during Joko Widodo's second term, was the discourse on extending the presidential term. One article entitled *Elite opposition and popular rejection: the failure of presidential term limit evasion in Widodo's Indonesia* written by Marcus Mietzner & Jun Honna, provides the following information:

When President Susilo Bambang Yudhoyono reached the end of his second term in 2014, he left office without fanfare. He had considered a number of options to have family members succeed him (including his wife), but none of these were seriously pursued. At the end, he seemed genuinely confused about whom to support for his succession, and he largely sat on the fence as the 2014 presidential elections determined the next holder of the office (Aspinall, Mietzner, and Tomsa 2015). It was only when Joko Widodo, Yudhoyono's successor, reached the end of his second term that systematic and forceful campaigns to let the president run for a third term, or to extend his second term automatically, were developed and executed. These attempts, and their eventual failure, were momentous for Indonesian democracy in two ways. First, the fact that the previously sacrosanct term limit was now open for debate signalled that Indonesia's democracy was increasingly volatile. Second, however, the lack of success of these efforts demonstrated the residual capacity of Indonesian democracy to resist full autocratization. (Mietzner & Honna, 2023, hlm. 116)

During President Susilo Bambang Yudhoyono's second term, there was virtually no discussion of extending the presidential term, even though the idea had been raised when Ruhut Sitompul, then an active member of the Democratic Party, proposed extending Susilo Bambang Yudhoyono's term to three terms, citing Soeharto's inspiration as someone who had led for more than two terms. Ruhut argued that this proposal was made out of concern over the political turmoil that always accompanied elections. 'There is always chaos, so it is better to extend the term,' he said. (Sandy Indra Pratama, 2010, hlm. 1) The idea of extending the term of office at that time was unpopular and even opposed by many parties, including a firm rejection from Susilo Bambang Yudhoyono himself, who was president at the time.

However, this situation changed when President Joko Widodo entered his second term. President Joko Widodo made systematic efforts to extend his term to three terms. Meizner and Honna describe how this idea, which was initially rejected, later became a serious discussion to extend Joko Widodo's term of office :

In Indonesia, the first serious proposals for a constitutional amendment to allow for a third Widodo term emerged in late 2019, just after he had been inaugurated for his second term. It is plausible that Widodo, at that time, was not the direct initiator of these suggestions. Indeed, he issued his strongest rejection of the idea at this early time (Yahya 2022). He described the attempts

as a 'slap in my face' and as designed to seek his attention. He also expressed support for the limit of two presidential terms and indicated that if notions of amending the constitution (which had been discussed for some time) focused on removing the limit, then the entire process of amendments should be abandoned. However, over time, Widodo's language on the matter changed significantly. In March 2021, he stated that he was 'not interested' in a third term and that the constitution forbade such a practice, setting the tone for his future statements that left the door open for him to accept a third term should the constitution be amended. Subsequently, the campaign for a third term gained steam, climaxing in early 2022 with an all-out and systematic action plan launched by his loyalists. Responding to these attempts, the president now vaguely said that he was 'loyal' to the current constitution (again evading the question of what he would do if the constitution changed), and that calls for his third term were allowable in a democracy. (Mietzner & Honna, 2023, hlm. 121)

In some media outlets, we can also find this information, such as in a post by Tempo.co (2023) regarding the emergence of various ideas to extend the presidential term during Joko Widodo's tenure to add a third term to the presidential term. Nyoman Pasek, a volunteer with the Policy Development Companion Network (JPKP), hopes that Joko Widodo can return as President after 2024 or serve a third term. In addition to Nyoman Pasek in March 2022, Surta Wijaya, the Chairman of the Indonesian Village Government Association (APDESI), called for support for President Jokowi's third term. This proposal was made during an event at Istora Senayan on Tuesday, 29 March 2022. He argued that support for Jokowi should be backed because village heads feel assisted by Jokowi's administration. (Danar Trivasya Fikri, 2023, p. 1). As reported by Kumparan.com, Investment Minister Bahlil Lahadalia, Economy Minister Airlangga Hartarto, Chairman of the National Awakening Party Muhaimin Iskandar, and Luhut are among those who have expressed this idea.

It is not merely a matter of discussion; formally, the limitation on the presidential term has also been challenged before the Constitutional Court by Herifuddin Daulay, a contractual teacher, and the case is registered under No. 4/PUU-XXI/2023, according to MKRI. Id, Herifuddin Daulay, filed the lawsuit because he felt his constitutional rights had been violated due to the implementation of Article 7 of the 1945 Constitution, which limits the presidential term to two consecutive terms. "The harm is based on the petitioner's assumption that there are few competent individuals for the position of President so that the restriction will result in an unqualified leader being elected,". Furthermore, the petitioner argues that there is an error in the text of Article 7 of the 1945 Constitution regarding the position of President, whether due to a textual error or a misunderstanding of the text. The error implicitly contains the meaning "if," which implies a "conditional" meaning. According to the Petitioner, the error in question is due to the text being ambiguous in its meaning. With the meaning of 'conditional requirement,' additional regulations are needed to reinforce the intent of the norm in question, so that the overall meaning of Article 7 of the 1945 Constitution is only to be established for two terms and, if desired, through acquiescence or a constitutional court decision, namely by the Constitutional Court. (Mahkamah Konstitusi, 2022, hlm. 1)

Of course, the emergence of these ideas, discussions, and demands has sparked opposition among both practitioners and academics and has been quoted from time to time. Co, Deputy Speaker of the People's Consultative Assembly, Hidayat Nur Wahid, stated his position to abide by the constitution. There is no presidential term limit of three terms. Hidayat believes that if a discussion is not in line with the constitution, it is better not to discuss it. In line with Hidayat's statement, Chairman of the Democratic Party Agus Harimurti Yudhoyono stated that the constitution already limits the term of office to two terms. If the three-term agenda is approved, there will be a four-term



president. Agus is concerned that this discourse will perpetuate power. Researcher at the Association for Elections and Democracy (Perludem), Fadli Ramadhanil, as quoted from perludem.org, said that extending the presidential term to three terms is unconstitutional. According to him, this would violate Article 7 of the 1945 Constitution, which clearly states that the president and vice president serve for five years and can only be re-elected once.

Furthermore, Dr. Abdul Gaffar Karim, a political science expert from UGM, as quoted from gm.ac.id, noted that a three-term presidential term constitutes a violation of power limitations. He explained that in the modern democratic world, it has been agreed that the executive branch can only be elected a maximum of two times. This restriction is based on the fundamental moral principle of democracy, which states that power should not be concentrated in one hand but should be spread as widely as possible. He mentioned that this would create new problems. Indonesia will face significant risks. The longer a government remains in power, the stronger its ability to accumulate resources becomes. As a result, power becomes more absolute.

The pros and cons surrounding the idea of extending President Joko Widodo's term of office naturally raise the question of whether attempts to change the presidential term limit are contrary to democracy.

To answer this question, the author revisits the theoretical study of presidential term limits. In theory, the presidential term limits adopted by each country have different characteristics and models. There are at least five models of presidential term limits used by countries that adopt a presidential or semi-presidential system, namely: first, the no re-election model adopted by South Africa, Brazil, the Philippines, Guatemala, South Korea, Mexico and Turkey; second, the no immediate re-election model adopted by Peru and Venezuela; third, the 'only one re-election' model adopted by the United States, Argentina, Bolivia, Belarus, Madagascar, Malawi, the Democratic Republic of the Congo, Zambia (including Indonesia), fourth, the 'no limitation on re-election' model adopted by Benin and Nicaragua, and fifth, the 'only two re-elections' model adopted by Angola. Among the five models, there are still differences of opinion regarding the relationship between presidential term limits and democracy. According to Cheibub and Medina, supported by Bueno de Mesquita et al., the democratic model of presidential term limits is the 'no limitation re-election' model, as countries that adopt the 'no re-election,' 'no immediate re-election,' 'only one re-election,' and 'only two re-elections' models are deemed to disregard the will of the people. On the other hand, according to Baturo, presidential term limits are necessary because they are one of the indicators of a democratic country and a component in preventing the emergence of dictatorial rulers.

To answer this question, it is necessary to fully understand the democratic process related to term limits in Indonesia. Since the 1945 Constitution was amended, both Susilo Bambang Yudhoyono and Joko Widodo were elected by the people through direct elections. This means that the power of the elected president is obtained through democratic mechanisms and based on the legitimacy of the people. Based on an assessment of the general elections held to elect the president and vice president of Indonesia since 2004, the author considers that the election process has been democratic. This also means that every candidate running for the presidency has the opportunity to be elected or not elected in every general election contest. Similarly, the incumbent has the same chance as other candidates to either retain power or lose in the general election. Thus, based on the implementation of presidential elections in Indonesia, the direct election of the president by the people has been conducted democratically.

However, to determine whether a country's efforts to extend presidential term limits are democratic or not, it is certainly not based solely on the will of the people. Other factors, such as the party system, the functioning of representative institutions, and the guarantee of judicial

independence, also influence whether the implementation of presidential term limits in a country is democratic or not. If these aspects fail to meet the criteria for democratisation, the concern arising from the extension of the presidential term limit is the emergence of authoritarian dictatorial power.

CONCLUSION

The idea or discourse of extending the presidential term, especially during Joko Widodo's second term, has sparked pros and cons among practitioners and academics. Those in favour of extending the term believe that it is necessary due to concerns about instability during the election, perceived performance, continuity of development, and the president's competence. Those who oppose it consider that extending the presidential term is unconstitutional, encourages absolute power, and contradicts democracy. Based on the author's analysis using a democratic perspective, the author believes that the discourse or idea of changing the presidential term limit is not contrary to democracy when viewed from the will of the people in general elections. However, suppose other factors such as the party system, the functioning of representative institutions, and the independence of the judiciary do not support democratisation. In that case, there is concern that extending the presidential term could lead to the emergence of a dictatorial leader exercising authoritarian power.

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