

Urgency of Term Limitation of Political Party Chairman in Indonesia



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ABSTRACT: The chairman of political party have an important position in determining the function of parties. However, the limitation of term position for political party leaders has not been regulated in Indonesian regulations. This is certainly not in line with the principle of checks and balances and control mechanisms within parties. There is no limitation for political party's chairman will cause damage to the internal democratic system, abuse of power by leaders against members, and prevent participation of members in the decision-making process. Thus, it is necessary to limit the term of position for political party's chairman. The concept of no immediate re-election can be a concept to limit the term of position of political party chairman. Through this concept, a person can be re-elected as a political party's chairman after his successor has served at least one term. By implementing this concept, it can minimize the possibility of abuse of authority and can create a good concept of term of position and periodization.

KEYWORDS: A Chairman; Limitation; Term of Position; Political Party.

A. INTRODUCTION

In a democratic country, political parties have a very crucial position and role. Although political parties are part of political infrastructure institutions, political parties have a function as a strategic liaison between the government and citizens. This is in line with what Schattschneider said that "Political parties created democracy" (Romli, 2011). Political parties have an influence on a democratic system that will be increasingly apparent when looking at the functions of political parties. As an organization, political parties are ideally intended to activate and mobilize the people, represent certain interests, provide a compromise for competing opinions, and provide a means of peaceful succession of political leadership. (Ichlasul, n.d.).

The structure of a position as general chairman of a political party has an essential role in the political party organization, because the general chairman of a political party has the authority and power to determine the direction and function of the party, in addition, the general chairman will easily gain power or even be proposed for certain positions, therefore, it is important to have strength within the political party to become a democratic function owned by the political party itself. (Pratiwi, et.al, 2023).

However, the term limit of the general chairman of a political party has not been regulated in the Law, so it is still a problem until now. There are no regulations on the term of office of the chairman of a political party, so a chairman of a political party can serve for years, either consecutively or not consecutively, it often happens that the chairman of a political party will end if the chairman of the political party dies, this affects the assessment of democracy, political parties as one of the wheels of democracy in this country but at this time do not reflect democracy within the internal political party itself.

A political party leader who is too dominant can hinder the cadre formation process in the party. There is a view that states that a leader who is too strong is often considered a unifier, whereas this actually creates ongoing dependency within the party. As a result, cadres who have equal qualifications are never prepared as replacement candidates (Baharuddin, et.al, 2023). There is no limitation on the term of position of the General Chairperson of a Political Party is certainly not in line with the principle of constitutionalism which requires limitations on power so that it is not arbitrary. Power should be limited by separating power into branches that are 'checks and balances' in an equal position, in this case it is necessary to have restrictions on state power vertically and horizontally. Thus, power is not centralized and concentrated in one organ or one hand which allows for arbitrary action.

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Based on this paper will examine the following problems: (1) what is the urgency of limiting the term of position of the general chairman of a political party? (2) What is the best future concept for limiting the term of position of the general chairman of a political party?

B. RESEARCH METHOD

The research method used in this study is the normative legal method. This method focuses on the analysis of legal regulations, legal documents, constitutional court decisions and other legal documents that underlie legal principles, which are collected through literature studies, and then deductively taken as an answer to problems related to the urgency of limiting the term of position of political party chairmen and future concepts to limit the term of office.

C. RESULTS AND DISCUSSION

1. Urgency of Limiting the Term of Position of Political Party General Chairmen.

The meaning of "term of position" is a certain period of time during which a person holds an official position or title in an organization, government, or other institution. Terms of position are often determined by law or internal regulations, and may include limits on the length of position, opportunities for renewal or re-election, and provisions regarding dismissal or resignation.

The position of the general chairman of a political party has an important role in the organization of the political party, because the general chairman of the political party has the authority and power to determine the function of the party, because the role and power held by the general chairman of the political party are not misused and abused, then the term of office of the general chairman of the political party should be regulated and limited. Considering that political parties are important pillars in realizing a productive democracy, it is important to limit the term of position of party leaders in order to build a healthy and ideal democracy.

In its development, Law Number 2 of 2008 concerning Political Parties does not regulate the term of position of the general chairman of a political party. In addition, the Indonesian Constitutional Court did not accept a judicial review application regarding the limitation of the term of position of the general chairman of a political party through Decision Number 69/PUU-XXI/2023. There is no limitation on the term of position of the general chairman of a political party will certainly have legal and non-legal implications.

Philosophically, there is no limitation on the term of position of the general chairman of a political party certainly does not realize the principle of checks and balances and control mechanisms within the political party through the interpretation of Article 23 paragraph (1) of the political party law. The absence of a check and balances mechanism in the political party law can lead to arbitrariness in the internal management of the party. Therefore, it is important to determine a limit on the term of position of the leader/general chairman of a political party for a certain period as well as a maximum limit on the term of position as a form of check and balances mechanism and prevention against potential abuse of power.

In addition, the problems that may arise are also more internal, such as leadership conflicts or loss of member support, not legal issues that can be tried (Arianto, 2020). Without term limits for party leaders, there will be potential abuse of power that is contrary to the principles of constitutionalism, the rule of law, and constitutional democracy within political parties.

There is no term limits for the general chairman of a political party will be caused in political personalization. The causes of political party personalization are term of position, finances, and the weakness of the role of political parties. Changes are needed to the arrangement of political parties, and all the consequences of personalization are in the Political Party Law. Therefore, changes are needed to the Political Party Law (Herna, 2018). Political parties in Indonesia during the reform era have become a significant phenomenon. The majority of political parties in Indonesia during the reform era have been trapped in the issue of political personalization. Elite party individuals often become the image of the party and have a major influence in making party policies.

The personalization of political parties itself can be interpreted as where the condition of individual existence is more important than the existence of the party or other collective identities. The phenomenon of personalization of political parties in Indonesia is now increasing. Various views have emerged accompanying this phenomenon. Some consider that the personalization of political parties can sometimes provide an injection of enthusiasm to a political party, so that the political party can survive because of the existence of a glorified figure. While on the other hand, consider that the personalization of political parties is actually an anomaly because it is considered contrary to the government's efforts to re-institutionalize political parties.(Faturrachman, et.al, 2023)

There is no term limits for political party leaders will be damage to the internal democratic system, abuse of power by leaders over members, and prevent the participation and aspirations of members in the policy or decision-making process, as regulated in Article 28 Paragraph (3) of the 1945 Constitution. Without term limits for political party leaders will cause in unlimited

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power in the hands of one individual or a particular group, which can lead to abuse or misuse of power. This will also close all channels or means for party members to convey criticism, suggestions, input, or opinions for the progress of the party.

Officials who continue to hold public office have more opportunities to abuse their power. In the words of Lord Acton, "power tends to corrupt, but absolute power corrupts absolutely" (Suriadinata, 2017). Without term limits for political party leaders, member participation will be manipulative and passive, which will not have a significant impact on the decision-making process in the party. This is caused by the leader's overly dominant power, which creates a situation of stability and authoritarianism and ignores or even eliminates the voices of vocal and critical members.

In addition, the limitation of the term of position of political party leaders will give birth to leadership regeneration, where incumbent leaders cannot run again, will create a fairer regeneration process. This provides an opportunity for other party members to compete and contribute to the progress of the party. Thus, the limitation of the term of office of the general chairman of a political party will encourage the creation of a healthy democracy within the party, because there will be a process of leadership regeneration every period. With this regeneration, younger and more competent members will have the opportunity to fill the position, thus ensuring renewal in the party leadership. Political parties are actions that do not depict acts of coercion of will, and actions in accordance with the principles of democracy and the rule of law.

2. The Concept of Limiting the Term of Position of the General Chairperson of Political Parties in the Future.

Since the reformation, the Indonesian nation has agreed that the term of office of the President, Governor, Regent and Mayor is limited to two terms. This has been regulated in Article 7 of the 1945 Constitution concerning the term of office of the President and Vice President, and Article 162 of Law Number 10 of 2016 concerning the term of position of the Governor, Regent and Mayor. However, in relation to political parties, there are no regulations regarding the limitation of the term of office of the general chairman of a political party. Indeed, there are regulations in the internal of political parties that the term of position of the general chairman is five years. That means, every five years a Congress must be held to elect a new general chairman and administrators. However, how many terms a person can serve as general chairman, some political parties do not regulate it at all (Ghafur, 2024). Thus, limiting the term of position of the general chairman of a political party must be an agenda that needs to be considered in the Indonesian state system.

In countries that adopt a presidential system, there are 4 concepts of terms of office, namely:

- a. No re-election: There is no possibility to run again as leaders after the first term is over. Examples of countries that use this system are South Africa, Brazil, the Philippines, Guatemala, South Korea, Mexico and Turkey.
- b. No Immediate re-election: A leader is not allowed to run for re-election while he is still in position, but a former chairperson can run for re-election at least after one term of his successor as leaders. Examples of countries that use this system are Peru and Venezuela.
- c. Only one re-election: A leader can run for re-election one more time in the next term, this system is the one most widely used in countries with a presidential system of government, namely the United States, Argentina, Bolivia, Belarus, Madagascar, Malawi, the Republic of Congo, Zambia and Indonesia.
- d. No Limitation re-election: A leader can run again as President without any term limits. Countries that use this concept are Benin and Nicaragua. (Yudhistira, 2020).

Based on 4 concepts above, the concept of no immediate re-election can be a concept to limit the term of position of the general chairman of a political party. This concept is considered the right step to implement, because it can democratize the internal structure of a political party and prevent personalization. The position of the general chairman of a political party is different from the position of government. However, in implementing the "No Immediate Re-election" mechanism, it is necessary to consider several aspects, namely:

- a. Requires the right timing of wait;
- b. Requires a nomination process, gathering support, and internal party elections.;
- c. Requires the development of objective criteria to evaluate the performance of outgoing leaders.

The concept of No Immediate re-election is a loose concept of limitation, so that someone can be re-elected as a general chairman of a political party after his/her successor has served at least one term. By implementing this concept, it can minimize the possibility of abuse of authority and should be able to create a good concept of term of position and periodization by aligning the regulations on the term of position and periodization of the term of position of the general chairman of a political party in accordance with the highest constitution of the Republic of Indonesia. Therefore, in terms of limiting the term of position of political parties, it is necessary to add new norms to the Political Party Law.

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D. CONCLUSION

Political parties have a strategic role in a democratic country. The chairman of a political party greatly determines the functioning of the political party itself. Given that political parties are important pillars in realizing a productive democracy, it is important to limit the term of position of party leaders in order to build an ideal democracy. In addition, the absence of a term limit for the chairman of a political party certainly does not realize the principle of checks and balances and control mechanisms within the political party. The absence of a term limit for political party leaders results in damage to the internal democratic system, abuse of power by leaders against members, and hinders the participation and aspirations of members in the policy or decision-making process.

The concept of no immediate re-election can be a concept to limit the term of position of the chairman of a political party. Through this concept, someone can be re-elected as a chairman of a political party after his successor has served at least one term. By implementing this concept, it can minimize the possibility of abuse of authority and should be able to create a good concept of term of position and periodization by aligning the regulations on the term of office and periodization of the term of office of the chairman of a political party in accordance with the highest constitution of the Republic of Indonesia.

REFERENCES

- 1) Arianto, H. (2020). Polemik Pembatasan Masa Jabatan Untuk Publik di Indonesia terkait Demokrasi dan Pancasila. *Lex Jurnalica*, 17(3), 278.
- 2) Baharuddin, et.al, B. (2023). Pembatasan Masa Jabatan Ketua Umum Parpol dalam Prespektif Demikrasi. *Jurnal Mengkaji Indonesia*, 1(1), 8.
- 3) Faturrachman, et.al, M. (2023). Pembatasan Masa Jabatan Ketua Umum Partai Politik Dalam Rangka Meredam Fenomena Personalisasi Partai Politik. *Jurnal Nomokrasi*, 1(2), 71.
- 4) Ghafur, J. (2024). Pembatasan Masa Jabatan Ketua Umum Partai Politik: Tinjauan Negara Hukum dan Demokrasi. *Jurnal LITIGASI*, 25(2), 410.
- 5) Herna, M., Susanti. (2018). Dinasti Politik Dalam Pilkada Di Indonesia. *Journal of Government and Civil Society*, 1(2), 56.
- 6) Ichlasul, A. (n.d.). *Teori-Teori Mutakhir Partai Politik*. Tiara Wacana.
- 7) Pratiwi, et.al, J. I. (2023). *Pembatasan Masa Jabatan Presiden Di Indonesia*. 3(1), 5.
- 8) Romli, L. (2011). Reformasi Parpol Dan Sistem Kepartaian Di Indonesia. *Jurnal Politika*, 2(2), 3.
- 9) Suriadinata, S. (2017). Pembatasan Periodisasi Keanggotaan Lembaga Perwakilan Rakyat Di Indonesia. *Jurnal Ilmu Hukum: ALETHEA*, 1(1), 78.
- 10) Yudhistira, E. (2020). Pembatasan Masa Jabatan Presiden Sebagai Upaya Menghindari Terjadinya Abuse Of Power. *AL-ISHLAH: Jurnal Ilmiah Hukum*, 23(2), 146.



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