

**THE PRESIDENT'S TERM OF OFFICE IS THREE PERIOD IN  
THE IMPLEMENTATION OF THE GOVERNMENT SYSTEM IN  
INDONESIA**

***MASA JABATAN PRESIDEN TIGA PERIODE DALAM  
PENERAPAN SISTEM PEMERINTAHAN DI INDONESIA***

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Received: June 24, 2023 Accepted: June 29, 2023 Online Published: September 30, 2023.

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**ABSTRACT**

The provisions of Article 4 of the 1945 Constitution of the Republic of Indonesia explain that government power in Indonesia is held by the President who is assisted by 1 (one) Vice President in carrying out his obligations in carrying out government duties. Then it is also regulated in the Indonesian constitution regarding the term limits for a person's term of office as President which is regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia that "The President and Vice President hold office for 5 (five) years, and after that they can be re-elected in office. the same term, only for one term of office. Based on the background above, the problem that will be studied is formulated, namely related to the analysis of the implementation of a 3 (three) term presidential term in the government system in Indonesia. Normatively, holding general elections and the President can only serve for 2 (two) terms is a constitutional obligation that must not be violated. These term limits ensure that people have equal opportunities to participate in government. Limiting the President's term of office to 2 (two) terms is part of maintaining Indonesia as a democratic country where such limitations are accepted in universal human rights practice and are not considered as restrictions on human rights. As a consensus has been unanimously agreed upon, limiting the presidential term to only two terms, brings several consequences. On the other hand, those who are not willing to guard and maintain this consensus will no longer agree with the consensus that has been made by the Indonesian nation that the limitation of the President's office to 2 (two) terms is to prevent arbitrariness.

**Keywords: Term of Office, General Elections, President and Vice President.**

**ABSTRAK**

*Ketentuan Pasal 4 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dijelaskan bahwa kekuasaan pemerintahan di Indonesia dipegang oleh Presiden yang dibantu oleh 1 (satu) orang Wakil Presiden dalam melakukan kewajibannya dalam melakukan tugas pemerintahan. Kemudian diatur pula dalam konstitusi Indonesia mengenai batasan periode masa jabatan seorang sebagai Presiden yang diatur dalam Pasal 7 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 bahwa "Presiden dan Wakil Presiden memegang jabatan selama 5 (lima) tahun, dan sesudahnya dapat dipilih kembali dalam jabatan yang sama, hanya untuk satu kali masa jabatan. Berdasarkan latar belakang tersebut di atas, maka dirumuskan permasalahan yang akan dikaji yaitu terkait analisis penerapan masa jabatan Presiden 3 (tiga) periode dalam sistem pemerintahan di Indonesia. Secara normatif, penyelenggaraan pemilihan umum dan Presiden hanya dapat menjabat selama 2 (dua) periode itu merupakan kewajiban konstitusional yang tidak boleh dilanggar. Pembatasan masa jabatan tersebut memastikan bahwa orang mempunyai kesempatan yang sama untuk berpartisipasi dalam pemerintahan. Pembatasan masa jabatan Presiden 2 (dua) periode tersebut adalah bagian dari menjaga negara Indonesia sebagai negara demokrasi dimana pembatasan yang demikian tersebut diterima dalam praktik Hak Asasi Manusia secara universal dan bukan dianggap sebagai pembatasan Hak Asasi Manusia. Sebagai konsensus yang telah secara bulat disepakati, pembatasan masa jabatan presiden yang hanya dua kali periode, membawa beberapa konsekuensi. Sebaliknya yang tidak bersedia mengawal dan menjaga konsensus tersebut maka sudah tidak sepakat dengan konsensus yang pernah dibuat oleh Bangsa Indonesia bahwa pembatasan jabatan Presiden 2 (dua) periode untuk mencegah terjadinya kesewenang-wenangan.*

**Keywords: Masa Jabatan, Pemilihan Umum, Presiden dan Wakil Presiden.**

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**I. INTRODUCTION**

Based on the provisions of Article 4 of the 1945 Constitution of the Republic of Indonesia, it is explained that government power in Indonesia is held by the President who is assisted by 1 (one) Vice President in carrying out his obligations in carrying out government duties.

Then it is also regulated in the Indonesian constitution regarding the term limits for a person's term of office as President which is regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia that "The President and Vice President hold office for 5 (five) years, and after that they can be re-elected in office. the same term, only for one term of office. This means that the President's term of office is set at a maximum of 2 (two) terms. And in this case, the President who has served for 2 (two) terms cannot be re-elected or have his term of office extended unless there are changes to the

constitution, namely the 1945 Basic Laws of the Republic of Indonesia which regulate government powers, especially the term of office of the President.

In terms of limiting the term of office as President as regulated in the Indonesian constitution, there are several countries that implement a presidential system of government with 3 (three) consecutive terms of office. And there are also those who allow someone to become President 3 (three) times with the condition that there must be a new leader between the second and third terms.

Based on the background above, the problem that will be studied is formulated, namely related to the analysis of the implementation of a 3 (three) term presidential term in the government system in Indonesia.

## **II. METHOD**

This type of research is normative legal or normative juridical research, as explained in the book entitled *Legal Research Methods*. Normative legal research is legal research that places law as principles, rules of statutory regulations.

## **III. ANALYSIS AND DISCUSSION**

### **a. Development of the Government System in Indonesia**

#### **1. Government System Before Amendments to the 1945 Constitution of the Republic of Indonesia**

As regulated in the 1945 Constitution of the Republic of Indonesia before it was changed through 4 (four) amendments. Existing state institutions include the People's Consultative Assembly, the President (and Vice President), the People's Representative Council, the Supreme Advisory Council, the Supreme Audit Agency and the Supreme Court.

The People's Consultative Assembly consists of members of the People's Representative Council plus delegates from the regions and representatives from groups. According to the 1945 Constitution of the Republic of Indonesia, popular sovereignty is in the hands of the people and is exercised entirely by the People's Consultative Assembly. According to the 1945 Constitution of the Republic of Indonesia, which in this case was before the amendment, the People's Consultative Assembly was said to be the incarnation of all the Indonesian people.<sup>1</sup>

As the incarnation of the Indonesian people, the People's Consultative Assembly has a number of powers, namely establishing and amending the constitution, determining the Outlines of State Policy and electing the President and Vice President. The President is elected by the People's Consultative Assembly with the majority of votes and is subject to and responsible to People's Consultative Assembly.<sup>2</sup>

At that time, according to the constitution, the President held the power of the government. In exercising his powers, the President is assisted by state ministers who are appointed and dismissed by the President. Thus, the holder

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<sup>1</sup> H.R.T. Sri Soemantri, 2014, *Hukum Tata Negara Indonesia Pemikiran dan Pandangan*, Bandung: Remaja Rosdakarya, hlm.167.

<sup>2</sup> *Ibid.*

and implementer of executive power is the President. The term of office of the President is 5 (five) years.<sup>3</sup>

In the history of Indonesian constitutional affairs, there have been 2 (two) terminations of the President's term of office carried out by the People's Consultative Assembly, which occurred during the term of President Soekarno who was dismissed by the Provisional People's Consultative Assembly of the Republic of Indonesia through Decree of the People's Consultative Assembly of the Republic of Indonesia Number. XXXIII/MPRS/1967 concerning the Revocation of State Government Powers from President Soekarno, and the second occurred during the term of office of President K. H. Abdurahman Wahid through the Decree of the People's Consultative Assembly of the Republic of Indonesia Number. II/MPR/2001 concerning Accountability of the President of the Republic of Indonesia K. H. Abdurahman Wahid.<sup>4</sup>

According to Sri Soemantri, the 1945 Constitution of the Republic of Indonesia before the amendment adopted a mixed system of government, because it contained elements of a parliamentary system and elements of a presidential system of government.<sup>5</sup> Several factors caused the 1945 Constitution of the Republic of Indonesia to be considered to adopt a mixed system, namely:

- 1) The President is elected and appointed by the People's Consultative Assembly.
- 2) The People's Consultative Assembly holds the highest state power.
- 3) The President is a mandate member of the People's Consultative Assembly.
- 4) The President is subject to and responsible to the People's Consultative Assembly.
- 5) President undergeordnet to the assembly.

## **2. Government System After Amendments to the 1945 Constitution of the Republic of Indonesia**

Indonesia as a sovereign country, namely since the Proclamation of 17 August 1945 until now, 3 (three) types of Basic Laws (constitutions) have been in force in 4 (four) periods, namely:<sup>6</sup>

- 1) Period 18 August 1945-27 December 1949.
- 2) Period 27 December 1949-17 August 1950.
- 3) Period 17 August 1950-5 July 1959.
- 4) Period 5 July 1959 until now.

The 1945 Constitution of the Republic of Indonesia as the state constitution has undergone 4 (four) changes from 1999 to 2002.

- 1) First Amendment to the 1945 Constitution of the Republic of Indonesia

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Sri Soemantri. 1976. *Sistem-Sistem Pemerintahan Negara-Neagra ASEAN*. Bandung: Penerbit Tarsito, hlm. 37.

<sup>6</sup> Sirajudin dan Winardi. 2015. *Dasar-Dasar Hukum Tata Negara Indonesia*. Malang: Setara Press, hlm. 72-73.

Changes to the 1945 Constitution of the Republic of Indonesia occurred after calls for reform emerged, including those relating to constitutional reform. As we know, before the changes to the 1945 Constitution of the Republic of Indonesia, the position and power of the President was very dominant, especially in the practice of state administration. In the period from 1959 to 1967 and the period from 1967 to 1998, the People's Consultative Assembly, which according to the 1945 Constitution of the Republic of Indonesia was the highest state institution, could actually be controlled by the President. Then, during the New Order period, the House of Representatives, which according to the 1945 Constitution of the Republic of Indonesia could submit initiative proposals for draft laws, was unable to exercise its rights. All draft laws come from the government. In the first change, efforts were made to:<sup>7</sup>

- a) Reduce/control the power of the President.
  - b) The right to form laws rests with the House of Representatives, while the President has the right to submit draft laws to the House of Representatives.
- 2) Second Amendment to the 1945 Constitution of the Republic of Indonesia

The second amendment to the 1945 Constitution of the Republic of Indonesia was carried out with more articles being changed. In essence, the second change includes:<sup>8</sup>

- a) Local government.
  - b) People's Representative Council, both regarding membership, functions, rights, and how to fill it.
  - c) Country territory.
  - d) Citizens and residents.
  - e) Human rights.
  - f) National defense and security.
  - g) Flag, Language, National Emblem and National Anthem.
- 3) Third Amendment to the 1945 Constitution of the Republic of Indonesia

The third change was carried out according to constitutional theory regarding the basic constitutional structure. There is an explanatory substance of a normative nature included in the body of the 1945 Constitution of the Republic of Indonesia. The third amendment includes:<sup>9</sup>

- a) Position and powers of the People's Consultative Assembly.
- b) Indonesia is a country of law.
- c) Position of President and Vice President. With respect to:
  - (1) Selection procedure.
  - (2) Direct election of the President and Vice President by the people.

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<sup>7</sup> *Op Cit*, hlm. 169.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

- d) Establishment of new state institutions, such as the Constitutional Court, Regional Representative Council, Judicial Commission.
- e) Additional arrangements for the Financial Audit Agency.
- f) General elections.
- 4) Fourth Amendment to the 1945 Constitution of the Republic of Indonesia

The fourth amendment to the 1945 Constitution of the Republic of Indonesia was the last amendment to use Article 37 (before it was amended) and was carried out by the People's Consultative Assembly for the 1999-2004 period. This fourth change includes:<sup>10</sup>

- a) Membership of the People's Consultative Assembly.
- b) Second stage election of President and Vice President.
- c) The possibility of the President and Vice President being absent remains.
- d) Regarding the authority of the President.
- e) Matters of state finance and central banking.
- f) Education and culture.
- g) National economy and social welfare.
- h) Additional rules and transition rules.
- i) Position of explanation of the 1945 Constitution of the Republic of Indonesia.

Observing the various provisions in the 1945 Constitution of the Republic of Indonesia and its amendments, the system of government adopted is a pure presidential system of government, modeled on the United States.<sup>11</sup> The similarities between the presidential institutions of the United States and Indonesia lie in:<sup>12</sup>

- 1) Single executive system.
- 2) The president is the administrator of government.
- 3) The President and Vice President are elected directly by the people.
- 4) The President is no longer responsible to the People's Consultative Assembly but is directly responsible to the people.
- 5) The President and/or Vice President can be dismissed during their term of office by the People's Consultative Assembly on the recommendation of the People's Representative Council, either if they are proven to have committed a legal violation in the form of treason against the state, corruption, bribery, other serious criminal acts or disgraceful acts or if they are proven to no longer comply requirements as President and/or Vice President.

According to Jimly Asshidiqie, the advantage of a presidential government system is to ensure government stability. However, this system also has a weakness, namely that it tends to place the executive as a very influential part of power because its power is large. For this reason, constitutional arrangements are needed to reduce the negative impacts or weaknesses inherent in the presidential system of government.<sup>13</sup>

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<sup>10</sup> *Ibid*, hlm. 170.

<sup>11</sup> *Ibid*.

<sup>12</sup> Bagir Manan. 2003. *Lembaga Kepresidenan*. Yogyakarta: FH UII Press, hlm. 48.

<sup>13</sup> *Op Cit*, hlm. 69-70.

## **b. President's Power in the Government System**

One of the important changes to the 1945 Constitution of the Republic of Indonesia is that the President and Vice President in one pair are directly elected by the people in general elections.<sup>14</sup> Therefore, the President being elected directly by the people raises problems regarding the President's accountability system. This is one of the characteristics of a presidential government system. Another characteristic is the position of the President in government as determined in the 1945 Constitution of the Republic of Indonesia, that the President holds governmental powers according to the constitution.

Based on the 1945 Constitution of the Republic of Indonesia, the President has the following powers:<sup>15</sup>

- 1) Supreme power over the Army, Navy and Air Force.
- 2) With the approval of the House of Representatives declare war, make peace and treaties with other countries.
- 3) Declare a state of danger.
- 4) Appoint ambassadors and consuls.
- 5) Providing clemency and rehabilitation by taking into account the considerations of the Supreme Court.
- 6) Providing amnesty and abolition by taking into account the considerations of the House of Representatives.
- 7) Giving titles, decorations and other signs of honor.

The powers of the President have a broad meaning as regulated in Article 4 of the 1945 Constitution of the Republic of Indonesia which states that "The President of the Republic of Indonesia holds governmental powers according to the constitution".

Then in Article 7 of the 1945 Constitution of the Republic of Indonesia, which has been amended, it is stipulated that the President and Vice President hold office for 5 (five) years, and after that they can be re-elected in the same position, only for 1 (one) term. position. Which means that a person can become President for 2 (two) terms of office. This means that if someone has held the position of President for the first 5 (five) years, the person concerned can nominate for the following five years.

Based on the provisions of Article 6A of the 1945 Constitution of the Republic of Indonesia, the President and Vice President are elected directly by the people from pairs of Presidential and Vice Presidential Candidates proposed by Political Parties or combinations of Political Parties. The election is carried out in 2 (two) stages, if no candidate obtains more than 50% (fifty percent) in the first stage of the election. However, if in the first stage of the election there is a candidate who obtains more than 50% (fifty percent) of the votes, then the election is sufficient to be carried out in 1 (one) election stage.<sup>16</sup>

## **c. Implementation of a Three-Term Presidential Term in Other Countries**

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<sup>14</sup> *Ibid*, hlm. 171.

<sup>15</sup> *Ibid*, hlm. 172-173.

<sup>16</sup> *Op Cit*, hlm. 75.

The implementation of a presidential system of government with 3 (three) consecutive terms of office is implemented in several countries.<sup>17</sup>

1) Kongo

The Democratic Republic of the Congo is a country in Central Africa. This country, which has its capital in Kinshasa, allows a President to serve for 3 (three) terms. The rule that the President of the Congo may serve 3 (three) terms is based on the 2015 Constitutional Referendum. Which means that the President may rule for 15 (fifteen) consecutive years.

2) Kribati

Countries in the Oceania Region also allow the President to serve for 3 (three) terms in Kribati. Where the country elects the President through candidates determined by the Assembly Council.

The House of Assembly is a body elected by the people. The determination of the President is by determining the Presidential candidate and then the citizens of Kribati can directly elect the Presidential candidates, totaling 3 (three) or 4 (four) candidates. Once elected, the President may rule for 3 (three) consecutive terms with each term lasting 4 (four) years.

3) Vietnam

Vietnam is a neighboring country to Indonesia in the Southeast Asia region. This country allows the President to serve 3 (three) terms with a term of 5 (five) years per term.

In this case, to become President in Vietnam you must be a member of the Vietnamese National Assembly. The task of the President of Vietnam is to represent the country at home and abroad and to maintain national stability and safeguard the independence and territorial integrity of his country.

However, Vietnam has a single party system so the position of President is still less than the position of General Secretary of the Communist Party of Vietnam.

4) Cape Verde

This country on the west coast of Africa allows the President to serve for 2 (two) consecutive terms with each term lasting 5 (five) years. Then the person concerned is allowed to serve again for a third term by waiting 5 (five) years after leaving his term of office.

5) Iran

The country of Iran in the Middle East also allows the President to rule for 3 (three) terms with 2 (two) consecutive terms plus 1 (one) more

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<sup>17</sup> <https://www.kompas.tv/article/155666/5-negara-dengan-jabatan-presiden-3-periode-mana-saja>



term, but not consecutively. Each term of office of the President in Iran lasts for 4 (four) years.

**d. Presidential Term of Office: Three Periods in the Government System in Indonesia**

Constitutionally, in Article 7 of the 1945 Constitution of the Republic of Indonesia, the President holds office for 5 (five) years and can only be re-elected for 1 (one) term of office and as regulated in Article 6A of the Constitution of the Republic of Indonesia In 1945, the President and Vice President were elected as a pair directly by the people.

Then it is regulated in the provisions of Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia which strictly stipulates that “General Elections are carried out directly, publicly, freely, secretly, honestly and fairly every 5 (five) years”.

Normatively, holding general elections and the President can only serve for 2 (two) terms is a constitutional obligation that must not be violated.<sup>18</sup>

This limitative provision for the term of office of the president is the result of reforms resulting from amendments to the 1945 1999 Constitution of the Republic of Indonesia after previously containing the provision that the President and his deputy had a term of office of 5 (five) years. Once completed, they can be re-elected without any limit on the number of terms they are allowed to serve.<sup>19</sup>

The limitation of 2 (two) presidential terms in office was initially intended to prevent the tendency of centralizing power to reoccur due to someone being in charge for too long. It is common for a leader who has been in power for too long to end up feeling too comfortable using power for his personal and cronies' interests rather than for the interests of the people.<sup>20</sup>

One of the purposes of limiting power is to prevent arbitrariness in the president's exercise of office. Remember Lord Acton's very famous statement, namely "power tends to corrupt, and absolute power corrupts absolutely". The existence of limitations on power through term limits is expected to eliminate and minimize acts of arbitrariness or corrupt acts in carrying out office. Imagine if the president's term of office was not limited, there would be the potential for abuse of power or arbitrariness over a long period of time. Therefore, it is appropriate to limit the presidential term of office. As a result, this was successfully realized through amendments to the 1945 Constitution of the Republic of Indonesia.<sup>21</sup>

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<sup>18</sup> <https://www.lpwntb.or.id/atraksi-tiga-periode-dan-runtuhnya-konstitusi/>

<sup>19</sup> <https://waspada.id/headlines/tren-periode-presiden/>

<sup>20</sup> *Ibid.*

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<https://rechtsvinding.bphn.go.id/?page=artikel&berita=417#:~:text=Setelah%20adanya%20amandemen%20UUD%20NRI,dipilih%20kembali%20satu%20kali%20saja.>

These term limits ensure that people have equal opportunities to participate in government. Limiting the President's term of office to 2 (two) terms is part of maintaining Indonesia as a democratic country where such limitations are accepted in universal human rights practice and are not considered as restrictions on human rights.<sup>22</sup>

A characteristic of the presidential system of government in general is that the positions of head of state and head of government are held by the President. Then the President is elected directly by the people for a certain, fixed term of office. In addition, the President is not responsible to parliament and conversely the President cannot dissolve parliament, and the president directly leads the government he forms.<sup>23</sup>

As a consensus has been unanimously agreed upon, limiting the presidential term to only two terms, brings several consequences. One of the consequences that occurs is that the consensus must be guarded and maintained so that it remains valid as part of upholding togetherness. On the other hand, those who are not willing to guard and maintain this consensus will no longer agree with the consensus that has been made by the Indonesian nation that the limitation of the President's office to 2 (two) terms is to prevent arbitrariness.<sup>24</sup>

#### **IV. CONCLUSION**

The 1945 Constitution of the Republic of Indonesia which was ratified as the constitution of the Indonesian state regarding provisions regarding limitations on the term of office of the President can be made through amendments by the People's Consultative Assembly, taking into account the interests of the people because changes can be made if conditions and situations permit in the interests of the people. However, as a democratic country, it is necessary to limit the use of power as President to avoid authoritarian and arbitrary government.

#### **REFERENCE**

- Bagir Manan. 2003. *Lembaga Kepresidenan*. Yogyakarta: FH UII Press.
- H.R.T. Sri Soemantri, 2014, *Hukum Tata Negara Indonesia Pemikiran dan Pandangan*, Bandung: Remaja Rosdakarya.
- <https://news.detik.com/berita/d-4796202/3-alasan-tegas-menolak-wacana-presiden-3-periode>
- <https://rechtsvinding.bphn.go.id/?page=artikel&berita=417#:~:text=Setelah%20adanya%20amandemen%20UUD%20NRI,dipilih%20kembali%20satu%20kali%20saja.>
- <https://waspada.id/headlines/tren-periode-presiden/>
- <https://www.kompas.tv/article/155666/5-negara-dengan-jabatan-presiden-3-periode-mana-saja>

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<sup>22</sup> <https://news.detik.com/berita/d-4796202/3-alasan-tegas-menolak-wacana-presiden-3-periode>

<sup>23</sup> *Ibid.*

<sup>24</sup> *Op Cit.*

<https://www.lpwntb.or.id/atraksi-tiga-periode-dan-runtuhnya-konstitusi/>  
Sirajudin dan Winardi. 2015. *Dasar-Dasar Hukum Tata Negara Indonesia*.  
Malang: Setara Press.  
Sri Soemantri. 1976. *Sistem-Sistem Pemerintahan Negara-Negara ASEAN*.  
Bandung: Penerbit Tarsito.  
Undang-Undang Dasar Negara Republik Indonesia Tahun 1945