



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 164/PUU-XXII/2024**

Concerning

Constitutionality of the Term of Office of Legislative Members

Petitioners	: Indri Hafsari and Amul Hikmah
Type of Case	: Judicial review of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional Legislative Council (hereinafter, Law 17/2014) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of UU 17/2014, which regulate the terms of office period of the members of the DPR (the House of Representatives), DPD (Regional Representatives Council), Provincial DPRD (Regional Legislative Council), and Regency/Municipal DPRD (Regional Legislative Council), are contrary to the 1945 Constitution
Verdict	: To dismiss the Petitioners' petition entirely
Date of Decision	: Thursday, January 2, 2025
Overview of Decision	:

The Petitioners are individual Indonesian citizens who feel prejudiced by the enactment of Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of Law 17/2014 since these articles hinder the Petitioners from becoming legislative members because they must contend with incumbents, resulting in their being consistently not prioritized when compared to senior politicians who have served as legislative members for more than 2 (two) terms. Therefore, in the Petitioners' opinion, the articles petitioned for review are contrary to Article 28D paragraph (1) and paragraph (3), Article 28H paragraph (2), Article 28J paragraph (1) and paragraph (2) of the 1945 Constitution.

Regarding the Court's authority, since the Petitioners' petition is about the constitutionality of statutory norms, *in casu* Law 17/2014 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding the Petitioners' legal standing, after the Court carefully examines and reads the Petitioners' description in explaining their legal standing and the submitted evidence, regarding the review of the norms of Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of Law 17/2014, in the Court's opinion, Petitioner I who wishes to nominate himself as a candidate for legislative member (in this case, a candidate for the Bandung City DPRD member) and Petitioner II, a political party cadre who needs a clear political career path, have clearly explained their constitutional rights guaranteed by the 1945 Constitution deemed to be violated by the enactment of the norms of the articles being petitioned for review. Petitioner I and Petitioner II can also explain the existence of a causal relationship (*causal verband*) between the alleged constitutional loss that has the potential to occur with the enactment of the statutory norms being petitioned for review, which causes their rights to become legislative candidates and to have the opportunity to pursue their political careers to be hindered because there is no limitation on the term of office of legislative members. Thus, pursuant to these legal considerations, regardless of whether the argument of Petitioner I and Petitioner II is proven or not, in the Court's opinion, Petitioner I and Petitioner II (hereinafter referred to as the Petitioners) have the legal standing to submit the petition *a quo*.

Regarding the subject matter of the petition, the Petitioners argue that, in essence, the norms of Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of Law 17/2014 have caused a deadlock in the cadre development of political parties so that they are unable to introduce other cadres to become legislative members, thereby opening up opportunities for corruption, collusion, and nepotism in legislative institutions. Moreover, the absence of a term limit for members of the DPR, DPD, Provincial DPRD, or Regency/Municipal DPRD has limited citizens' opportunities to become legislative members.

After the Court carefully examines the Petitioners' argument *a quo*, it has been proven that the norms of Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of Law 17/2014 which are being challenged are the same as those decided by the Court in Constitutional Court Decision Number 157/PUU-XXII/2024 previously pronounced in a plenary session open to the public on January 3, 2025. In Decision Number 157/PUU-XXII/2024, in essence, the Court is of the view that, in terms of nature, the office of the president and that of legislative members have different decision-making authority structures. The office of the President is a single office with full authority to exercise government power. Likewise, the office of the regional head is also a single office with independent executive decisions. Likewise, the regional head is a single position through which executive decisions are made independently. Meanwhile, legislative offices, *in casu*, DPR members, DPD members, Provincial DPRD members, and Regency/Municipal DPRD members, are collective offices, where every decision-making in the context of carrying out duties and authorities is carried out using a collective work mechanism. This means that every decision-making process should prioritize deliberation and consensus to the extent possible. Therefore, decisions are made collectively. Even though the offices of the President and regional head are the same as the offices of legislative members elected through a general election process (elected officials), the provisions regarding the term of office and the period limitation cannot be equated with those attached to the offices of the president and regional head since each office has different characteristics and nature. Moreover, the provisions regarding limitations on the term of office period of legislative members are not regulated in the 1945 Constitution or in laws.

In addition, in Decision Number 157/PUU-XXII/2024, the Court is also of the view that the issue regarding legislative members potentially utilizing any means to win legislative election contests to maintain their power is actually more due to its structural nature, and not simply due to the absence of limitation on the term of office period of legislative members. Therefore, it is necessary to strengthen political party institutions through cooperation among political parties and stakeholders to ensure the implementation of elections in line with democratic principles. Thus, the issue of potential legislative members using any means to win legislative election contests to maintain their power cannot serve as a basis for accusing this of being due to the absence of term limits for legislative members. The Court

is of the opinion that the provisions of the norms of Article 76 paragraph (4), Article 252 paragraph (5), Article 318 paragraph (4), and Article 367 paragraph (4) of Law 17/2014 have provided legal certainty and are not contrary to Article 1 paragraph (3), Article 28D paragraph (1), and Article 28D paragraph (3) of the 1945 Constitution, so in the Court's opinion, the Petitioners' argument is legally unjustifiable entirely.

Pursuant to the considerations in Decision Number 157/PUU-XXII/2024 as mentioned above, since the substance challenged by the Petitioners is essentially the same as that has been decided in Constitutional Court Decision Number 157/PUU-XXII/2024, even though the basis for review and the constitutional reasons are different, the essence petitioned in the case *a quo* is the same, namely challenging the term of office of legislative members, where the Petitioners petition the Court to limit the term of office period of legislative members. Regarding this matter, the Court does not have a fundamental reason to change its stance. Thus, pursuant to these legal facts, the legal considerations in Constitutional Court Decision Number 157/PUU-XXII/2024 apply in a *mutatis mutandis* manner as the legal considerations in responding to the petition argument *a quo*. Accordingly, the Court is of the opinion that the Petitioners' petition is entirely legally unjustifiable.

Thus, the Court subsequently passes down a decision in which the verdict is to dismiss the Petitioners' petition entirely.