



Constitutionalism of Presidential and Vice-Presidential Terms in a Presidential System

Dian Herlambang; Raesitha Zildjianda

Faculty of Law, Mitra Indonesia University, Indonesia

<http://dx.doi.org/10.18415/ijmmu.v11i3.5518>

Abstract

The existence of a three-year presidential discourse through the 5th Amendment Bill to the 1945 Constitution does have advantages and losses, considering the considerable implications of a president who serves three terms. This study has two objectives, namely first to find out how the presidential system reacts to proposed changes, and second, how the debate around the 5th Constitution of 1945 affects changes in presidential mandates in 3 terms. This study is a standard legal research that uses three approaches, namely the legal approach, the historical constitutional approach, and the conceptual approach. There are two conclusions in this study, first, the presidential term of office more than 2 terms can be unconstitutional if it is not on the path of change, but if you want to make changes by extending the presidential term to 3 terms of change principle. may violate the principles of constitutional democracy and the constitutional presidential system. Second, because of the term of office of president.

Keywords: *Constitutionalism; Presidential System; President*

Introduction

Indonesia as a nation, has a basic law called the Constitution of the Unitary State of the Republic of Indonesia 1945 which was drafted by the founding fathers. The 1945 Constitution has been amended four times by the People's Consultative Assembly (MPR), however, judging from the results of the changes it does not fully guarantee better constitutional administration, because it is not yet complete and systematic as a comprehensive basic law.^[1] "Complete" means that the constitution is able to regulate and protect the fundamental rights of the people, regulate clearly and firmly the functions, authority of state administrators (executive, legislative, and judicial) not (containing the interests of certain groups. Systematically means that the constitution must have a clear paradigm, the formulation of the articles is arranged in a sequential manner that does not conflict with each other, so as not to cause multi-interpretation that can trigger problems in the future.

There is a discourse on the fifth amendment to the 1945 Constitution with the aim of bringing back the State Guidelines (GBHN) and one of the discourses is to increase the term of office of the President to three terms. This is as conveyed by Amien Rais regarding on Saturday, March 13, 2021, where according to Amien, the plan to change the provisions of the President's term of office to three

terms will be carried out by holding a Special Session through the MPR, in order to amend or amend the 1945 Constitution of the Republic of Indonesia, where maybe 1 or 2 articles are sought to be improved, continued Amien Rais in a Kompas TV broadcast on Monday, March 15, 2021. Making the president have power from two terms to three terms is by amending the constitution in article 7, the constitutional amendment is the authority of the MPR consisting of the DPR and DPD, amendments are not impossible, but may as long as they meet the conditions stipulated in Article 36 of the 1945 Constitution, in that article it is clearly told how the amendment must be carried out, must be attended by 2/3 (members of the DPR and DPD), then approved in a plenary meeting, if the amendment has been reached and agreed by the MPR, otherwise it will be unconstitutional because it is clearly stated that the president and his deputy can only serve 2 terms.^[2]

Changes to the 1945 Constitution can be done comprehensively, but can also be done by amending certain articles as needed through MPR provisions as MPR Tap Number VII / MPR / 1973 amends it. Article 9 of the 1945 Constitution states that before assuming office, the President and Vice President swear an oath according to their respective religions before the MPR/DPR. Tap MPR Number VII / MPR / 1973 amended the article for the swearing in of the Vice President who replaced the President because he was permanently absent, the oath can be taken before the Supreme Court if the DPR cannot hold a meeting for it. In an effort to expedite the process of changing the 1945 Constitution, according to H.M. Buang Law Number 5 of 1985 concerning Referendums (*Referendum Law*) which complicates the mechanism of change must be repealed. The Referendum Law has defeated Article 37 of the 1945 Constitution which gives the MPR the authority to make changes to the 1945 Constitution. Since the level of legislation is actually below the Constitution, the Referendum Law must be null and void. Among the articles in the 1945 Constitution that must be amended and detailed more clearly so that they are not easily interpreted according to their respective interests is Article 7 relating to the term of office of the President whose limitations are not affirmed.^[3]

On August 10, 2002 the fourth amendment to Article 7 of the 1945 Constitution was amended to "The President and Vice-President shall hold office for five years, and thereafter may be re-elected to the same office, for one term only". The term of office of the President and Vice President is then also regulated in Article 6 letter n of Law No. 23 of 2003 concerning the General Election of the President and Vice President which reads "Has never served as President or Vice President for two terms in the same office", which is meant by the article as explained in the explanation of Law No. 23 of 2003 concerning the General Election of the President and Vice President is that the person concerned has never served in office the same for two terms, both consecutive and non-consecutive, even if the term of office is less than five (5) years. With the limitation of the term of office of the President and Vice President, of course, there are restrictions on power on the position of Vice President, so it is hoped that later there will not be an arbitrary, authoritative or authoritarian government because the power that continues to tend to be misused.

The amendment to Article 7 of the 1945 Constitution is intended so that the government does not run the government authoritatively and arbitrarily with restrictions on the term and term of office of the President and Vice President. Meanwhile, there was a discourse on the fifth amendment to the 1945 Constitution regarding the extension of the periodization of the office of president and vice president. In its development, the presidential term of office which is only 2 terms is considered by some to have not met the criteria of something ideal in leading the country until, the discourse emerged. In fact, the 4th amendment to the 1945 Constitution which has covered a term of office of only 2 terms for the president and vice president is considered sufficient and in accordance with democratic principles with an extension to 3 periods, this can certainly hurt democratic principles.

For decades, these principles have only been used as a symbol of the Indonesian government with the 4th amendment, especially article 7 of the 1945 Constitution, democracy is not only a symbol and political tool for the ruling government. With the amendment of article 7 to make the president into 3

terms, this will open authoritarian loopholes and dictatorships to return to governance in Indonesia. From the problems described above, the formulation of the problem in this study is: How is the constitutionalism of the term of office of the President and Vice President in the Presidential System of Government? and What is the Principle of Legal Certainty and its Implications for changes in the term and periodization of the office of the president and Vice President on the administration of government?

Method

The approaches used in this study are Conceptual Approach (Conceptual Approach), Statutory Approach (Statue Approach) and Historical Approach (Historical Approach), namely:

Conceptual approach (Conceptual Approach), which is a method of approach through an approach by referring to views and doctrines that develop in legal science.^[4]

The Statue Approach is usually used to examine laws and regulations in which there are still shortcomings or even fostering deviant practices either at the technical level or in their implementation in the field.

Historical approach is an approach used to find out the historical values that are the background and that affect the values contained in a law.^[5]

Results and Discussion

A. Constitutionalism of the Term of Office of the President and Vice President in the Presidential System of Government

According to Article 7 of the 1945 Constitution, the term of office of the President and Vice President has been limited to 2 terms and cannot be re-elected. This is in line with Law No. 7 of 2017 concerning General Elections. On January 31, 2023, the Constitutional Court (MK) decided on the requirements for presidential candidacy in the Law. 7 of 2017. With the result of the decision, the Constitutional Court (MK) decided to reject all applications for material review of Article 169 letter n and Article 227 letter i of Law Number 7 of 2017 concerning General Elections (Election Law) against the Constitution of the Republic of Indonesia Year 1945 (1945 Constitution). The application for examination of the Election Law was submitted by the Working Party.

In a legal consideration submitted by Constitutional Judge Saldi Isra said, with regard to the Petitioner's application, the constitutional issue that must be answered by the Court is whether the regulation of the requirements for Presidential and Vice Presidential candidates as contained in Article 169 point n and Article 227 letter i of Law 7/2017 does not provide fair legal certainty as guaranteed and protected by Article 22E paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution.

With regard to this issue, the Court's consideration will be based on the provisions of the 1945 Constitution, especially Article 7 of the 1945 Constitution. Not only that, Article 169 letter n and Article 227 letter i of Law 7/2017 are also closely related to the requirements to become a candidate for President and Vice Presidential candidate, the legal considerations of the Court will also touch the provisions of Article 6 of the 1945 Constitution, in casu Article 6 paragraph (2) of the 1945 Constitution. All of these constitutions are the result of changes to the 1945 Constitution made by the MPR. It is known that the main objectives of changing the 1945 Constitution during the 1999-2002 constitutional reform, among others, were to improve the basic rules regarding guaranteeing the exercise of people's sovereignty and expand people's participation to be in accordance with the development of democratic understanding.

When placed in the context of the system of government, the system or understanding of democracy chosen by the amend of the 1945 Constitution is presidential democracy.

The provisions of Article 7 of the 1945 Constitution are one of the 1945 Constitutions that were amended for the first time in the constitutional reform agenda in 1999. As is known, before the amendment, Article 7 of the 1945 Constitution stated, "The President and Vice-President hold office for a period of five years, and thereafter may be re-elected". Normatively, Article 7 of the 1945 Constitution prior to the amendment did not regulate for the number of periods a person could be President or Vice President. In fact, the phrase "may be re-elected thereafter" opens or gives an opportunity for a person to become President or Vice President without a clear period restriction.^[6] In the history of Indonesian statehood, the flexible formulation of Article 7 of the 1945 Constitution is used as a basis or basis for argumentation to appoint the President without period limits during the Old Order and New Order eras. After the amendment, Article 7 of the 1945 Constitution became, the President and Vice-President held a term of office for five years, and thereafter could be re-elected to the same office, for one term only.

The hallmark of constitutional democracy is that governments are limited in power and not allowed to act arbitrarily.^[7] Therefore, Constitutional Law Expert, Andy Omara, stated that it is impossible for a 3-term presidency. Because, in Article 7 of the 1945 Constitution, the term of office of the President and Vice President has been regulated for a maximum of 2 periods. Previously, the old Constitution stated that the President and Vice President held office for 5 years and thereafter could be elected. This can be interpreted if you have been elected to be re-elected many times because there is no limit on the number of times the period is allowed to take office. After the amendment of Article 7 of 1999, it is stated that the President and Vice President hold office for five years, and thereafter can be re-elected to the same office, only once.^[8]

Term limits for the President and Vice President are certainly very important in this democratic country of Indonesia, these restrictions are certainly also included in the main principles of the rule of law. There are twelve (12) basic principles of the rule of law (*rechtstaat*) that apply today. These twelve main principles are the main pillars that support the establishment of a modern state so that it can be called the rule of law, or *rechtsstaat*) The 12 main principles include:

- 1) Supremacy of Law
- 2) Equality before the Law
- 3) Due Process of Law
- 4) Limitation of Power
- 5) Independent Executive Organs
- 6) Free and Impartial Judiciary
- 7) State Administrative Court
- 8) Constitutional Court
- 9) Protection of Human Rights
- 10) Democratic (*Democratische Rechtsstaat*)
- 11) Serves as a Means of Realizing State Goals (*Welfare Rechtsstaat*)
- 12) Transparency and Social Control.^[9]

Article 7 of the 1945 Constitution is not allowed to be amended, this is certainly allowed but by amending and increasing the term of office of the president and vice president to 3 terms, of course this violates the principles of the democratic rule of law described above. Namely the limitation of power and transparency. The extension of the term of office to 3 terms is the beginning for the extension of the term of office to others, there may be amendments for the 4th period later.^[10] Not only that, the administration of government can also be affected by the length of tenure up to the district, city and village levels,

because there is no change of leadership, of course, the reins of power in each region do not change as well and this causes no transparency in the process of democratic law administration.

Article 7 of the 1945 Constitution clearly stipulates that "the President and Vice-President shall hold office for five years, and thereafter may be re-elected to the same office, for one term only". There are two ways to understand the text, namely reading it textually and historically which includes the spiritual atmosphere (*geistlitchen hintergrund*) when Article 7 is formulated.^[11] Textually, article 7 of the Constitution is clear and not multiinterpretive. The assertion that "thereafter can be re-elected only for one term" has broken the debate regarding whether or not consecutive terms of office. The vice president may only serve a maximum of two terms. Historically, the birth of Article 7 was precisely desired by the framers of the constitution. It is clearly recorded in the Comprehensive Text of the minutes of the discussion session of the Constitution at that time which required that the formulation of article 7 should refer to Tap XIII / MPR / 1998, where the president and vice president can be re-elected to the same office for one term, either elected consecutively or intermittently.

Article 7 of the 1945 Constitution is closely related to the principle of limitation of power. In a country that bases itself on constitutional democracy, the Constitution has a distinctive function, namely to limit the power of the government. Loewenstein in his book *Political Power and the Governmental Process* says that the constitution is a basic means of overseeing power processes by limiting and controlling political power.^[12] In the theory of limitation of power, Padmo Wahjono divides it into two parts, namely restrictions that include the content of his power and restrictions regarding the time of exercise of power.

The term of office of the vice president that has been determined in Article 7 of the 1945 Constitution and Article 169 letter n of the Election Law is a reflection of the limitation of power with respect to time. Thus, both rules do limit and order the realization of changes or renewals to the position of vice president if they have served twice.^[13] So why should there be a time limit? Of course, to ensure that power is not abused by those who rule. The iron law of power outlines that power tends to be abused, so it must be limited.

The periodic term of office of the President and Vice President is in line with one of the objectives of the election, namely the change of officials carried out periodically. In comparison, in the 1987 Philippine Constitution, a President is only entitled to serve for 1 term with a term of 6 years, while for his vice president it is regulated that he is not entitled to serve more than two consecutive terms in the same office.^[14] This means that the Vice President in the Philippines can serve for 2 terms, with a term of 6 years each term. Although it is different from Indonesia which regulates the term of office for 5 years each period, the essence is the same, namely there must be a change of power.

B. Implications and Principles of Legal Certainty for Term Limits of the President and Vice President

Article 7 of the 1945 Constitution is the spirit of reform with the discourse of the 3-term President whose issues are currently developing, there are various opinions.^[15] One thing is certain, article 7 of the 1945 Constitution cannot be amended because article 7 is absolutely necessary in the current Indonesian constitution to secure Indonesia from the New Order-like dream. In addition, 4 major parties in Indonesia, namely PDIP (Indonesian Democratic Party of Struggle), Golkar (Working Group), Gerindra (Great Indonesia Movement), and PKB (National Awakening Party) disagree with the extension of the presidential term to 3 terms, each party already has its own candidate for the 2024 presidential election.

Democracy without Limits of Power is not democracy, because it tends to be arbitrary to fight against the iron of power it is necessary for the rotation and change of power from new people. The issue

of these 3 periods is not a new thing to be discussed, all countries in the world have felt the existence of these 3 periods, often referred to as "Thirdism". According to Christine McKey, of the 221 incumbent world presidents out of 69, she is seeking to extend her term. In other words, Presidents who have served 2 terms tend not to want to continue into 3 terms for various reasons, one of which is that this is not in line with the constitution of his country.

The extension of the presidential term to 3 terms according to legal expert Jimly Asshidiqie can give rise to oligarchs in political parties, this is as happened during the New Order period where at that time around 1977-1997 the Golkar Party always ranked first in the results of general elections during the New Order period. These victories were partly due to the imposition of a floating period and excessive intervention of the state apparatus.

In authoritarian countries such as communists in the past, mass participation is generally recognized as normal, because formally power is in the hands of the people. However, the main objective of mass participation in the short period of society is to transform a backward society into a modern, productive, strong, and ideologically strong society. This requires strict discipline and direction from the monopoly of political parties.^[6] A high percentage of participation in elections is considered to strengthen the legitimacy of a regime in the eyes of the world, therefore authoritarian regimes always strive for a high percentage of voters.

Within the party, Suharto as the sole presidential candidate for many years, this is not something surprising, of course this is predictable, where in the body of Golkar has been filled with Suharto supporters, especially his family in the Golkar Party. With this phenomenon, of course, the extension of the president to 3 terms is not impossible to cause such effects in the party body in the reform era.

Table 3.1 New Order General Election Results 1977-1997

Faction Parties	1977	1982	1987	1992	1997
Golkar	232	242	299	282	325
PPP	99	94	61	62	89
PDI	29	24	40	50	11
Total	360	360	400	425	425

Even the phenomenon of oligarchy in the body of political parties can be seen today in parties in Indonesia, we take for example President Jokowi against his 6 supporting parties. Each of the party members gained power from Jokowi. PDIP as the winner received four ministers; followed by Golkar Party (minus Luhut Panjaitan), PKB, and Nasdem Party with three ministers; then the Gerindra Party two ministers, and the PPP one minister. Jokowi also distributed the position of state officials to successful teams including volunteers who joined the winner of the 2019 presidential election.^[17]

With this power oligarchy, of course, both during the New Order and post-reform period, there was no leadership regeneration and stagnant rotation of national leadership. This can be seen from Suharto and his crocos who always filled the same position for many years. Not only leadership at the center, leadership in the regions will also be affected. In other words, if someone serves for 15 years, it means there is a 15-year stagnation, regeneration, we will lose the momentum of 15 years, a new political leader will be born nationally and it will also disrupt political leadership in the region such as governors, regents, mayors will follow suit if the president is 3 terms. The regeneration of political leaders at the regional level will have an impact and most importantly power will arise in all lines of the country from the executive to the legislature.

During the New Order era, the role of the military increased in strength, giving rise to an authoritarian regime. Suharto used ABRI, which at that time was dominated by the Indonesian Army, to

protect his power from various threats that wanted to interfere.^[12] ABRI at that time was used by Suharto as a tool of power not for the benefit of the state, the most important Pancasila Democracy at that time was Dwifungsi ABRI. He used Golkar as a political force and ABRI as a tool to protect power.

The military domination that led to Suharto's centralization eventually did produce a unified Indonesian state but was also feared by its people. This inward-looking military has resulted in setbacks for the Indonesian military, because in other countries, the military is intended to be outward-looking, by preparing to face enemies from outside the country (outward-looking) instead of 'hostile' to their own people.

In line with this, authoritarian regimes have emerged in the reform era, especially the Jokowi era, which has been detected by legal experts. This was clarified by Leonard C. Sebastian and friends in "Civil-Military Relations in Indonesia after the Reform Period" assessed Jokowi as a president with a civilian background to maintain his power. His choice eventually rested on the military group.

President Jokowi embraces the police which he uses as a tool of repression and approaches the military and gives them strategic positions. When the Minister of Health was considered incompetent in handling the COVID-19 pandemic throughout 2020, Jokowi still maintained Terawan despite many parties urging that the military doctor be replaced immediately. While Moeldoko is one of three special people whose speech can be considered to represent Jokowi and Luhut Binsar Panjaitan, everyone knows who he is. Luhut is one of the ministers who has known Jokowi the longest. Their relationship is not limited to government, but also business. Thus, it can be seen that Jokowi is a person who values closeness and loyalty, including the military group. Jokowi's attitude perpetuates the military's habit of being familiar with civilian politicians to be able to get certain positions.

The existence of authoritarian regimes during the New Order period clearly gave rise to dictatorial leadership, this type of leadership is usually obtained from oppression and violence. Petrus was one of Suharto's dictatorships during his reign. Petrus or the mysterious shooter was Suharto's hidden agent in eradicating rebellion or chaos in society that could affect his power.

In addition, the source said that there will be massive and massive demonstration movements throughout Indonesia to reject the extension of power. Not to mention, the President must amend article 7 of the 1945 Constitution to change the term of office. Of course this is very difficult, many obstacles and obstacles must be passed. The extension of the presidential term in addition to having a domino effect can result in the decline of democracy, we will return to the way it was during the New Order era if this can happen.

From the results of the description above along with a comparison of examples of things that happened during the New Order and the Reformation period, we can all smell the seeds of the New Order at this time, even though now is the reform era. The decline from democracy is increasingly evident if the extension of the president to 3 terms continues, it is not impossible that these seeds can continue to grow and make the future of Indonesia's reform and democracy at stake. Where will return again during the New Order "New Chapter" in the 20th century.

Legal certainty refers to the clear, fixed and consistent application of laws where their implementation cannot be influenced by subjective circumstances. Quoting Lawrence M. Wriedman, a Professor at Stanford University, argues that to realize "legal certainty" must at least be supported by the following elements, namely: legal substance, legal apparatus, and legal culture. Sudikno Mertokusumo stated that legal certainty is one of the conditions that must be met in law enforcement, which is a judiciary against arbitrary actions, which means that someone will be able to obtain something expected under certain circumstances. Theoretically, the principle of legal certainty has two aspects, namely:

- a. In the material legal aspect, this principle requires respect for the rights that a person has acquired by virtue of a government decision, even if the decision is wrong. Thus, for the sake of legal certainty, the decision that has been issued by the government will continue to apply until it is decided by the court.
- b. The formal legal aspect requires that both burdensome and favorable government decisions be worded in clear words. Interested parties have the right to know exactly what the intent or will of the decision is. ^[17]

A regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not cause doubts (multiinterpretation) and logical so that it becomes a system of norms with other norms that do not clash or cause norm conflicts. Norm conflicts arising from uncertainty of rules can take the form of norm contentation, norm reduction or norm distortion. The real legal certainty is if laws and regulations can be carried out in accordance with legal principles and norms. It is clear about the term limitation of the term of office of the president and vice president contained in article 7 of the 1945 Constitution can only have 2 terms of office. With this legal certainty, we as citizens based on the law should be able to obey these rules in order to create good government and avoid us from some consequences that can have an impact on the continuity of government.

We have agreed that the presidential term from five years with several terms (indefinite) to five years with two terms is an attempt to limit the term of office of the president. Amendments made by a State show that the State follows developments that the present will certainly not be the same in the future. Indonesia, which has undergone the replacement of the Constitution and changes in the Law, designates Indonesia as a country to be better than in the past.

Conclusion

1. In the Constitution, according to Article 7 of the 1945 Constitution the term of office of the President and Vice President has been limited to 2 terms and cannot be re-elected. In the presidential system, limiting the term of office of the president and vice president is a must, on the other hand Indonesia is a republic with a democratic system where in the absence of presidential term limits can eliminate the principle of a democratic rule of law.
2. The implication of extending the presidential term to 3 terms can be contrary to democracy, can give rise to political oligarchy, authoritarian power, dictatorial leadership, the absence of regeneration of national leadership. With this legal certainty, we as citizens based on the law should be able to obey these rules in order to create good government.

References

1. Lili Romli, Format Baru Dewan Perwakilan Rakyat Pasca Amandemen UUD 1945, *Politica*, Vol. 3 No. 2, 2012, hlm. 220.
2. Haposan Siallagan, Penerapan Prinsip Negara Hukum di Indonesia, *Sosiohumaniora*, Vol. 18 No. 2, 2016, hlm. 131.
3. "Dian Erika, 04 Maret 2020, *Masa Jabatan Presiden 3 Periode Inkonstitusional*, nasional.kompas.com/read/2021/04/14/17562011/perludem-masa-jabatan-presiden-3-periode-inkonstitusional?page=all, dikutip tanggal 13 Desember 2022.
4. Tim Penyusun Naskah Komprehensif Proses dan Hasil Perubahan UUD 1945 Buku 3 Jilid 1 dan 2, 2010, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, (Bandung: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi), hlm. 75.

5. Imam Ahmad Saputra, 2019, *Pengaturan dan Pembatasan Masa Jabatan Wakil Presiden dalam Sistem Ketatanegaraan Indonesia Pasca Amandemen UUD NRI 1945*, (Skripsi Sarjana Hukum Tata Negara Fakultas Syariah UII), hlm.5.
6. Peter Mahmud Marzuki, 2015, *Penelitian Hukum*, (Bandung : PT Kharisma Putra Utama), hlm. 133.
7. Soerjono Soekanto, 1983, *Pengantar Penelitian Hukum*, (Jakarta: Rineka Cipta), hlm. 27.
8. MK Tolak Permohonan Partai Berkarya Ihwal Masa Jabatan Presiden, Utami Argawati, <https://www.mkri.id/index.php?page=web.Berita&id=18877>, Diakses 27 Februari 2023.
9. Ni'matul Huda, 2018, *Hukum Tata Negara Indonesia*, (Depok: PT Raja Grafindo Persada), hlm. 264.
10. Ika, 16 Maret 2021, *Jabatan Presiden 3 Periode Langgar Pembatasan Kekuasaan*, <https://ugm.ac.id/id/berita/20881-jabatan-presiden-3-periode-langgar-pembatasan-kekuasaan>, Diakses pada 15 November 2022.
11. A.S. Imam, 2019, *Pengaturan dan Pembatasan Masa Jabatan Wakil Presiden dalam Sistem Ketatanegaraan Indonesia Pasca Amandemen UUD NRI 1945*, (Skripsi Sarjana Huku Fakultas Hukum UII), hlm. 115.
12. Jimly Asshidiqie, Diskusi: “Syarah Konstitusi, Ngaji Pasal 7 UUD NRI Tahun 1945”, Jimly School Law Government, <https://www.youtube.com/watch?v=TtZ3JIBcKl0>, Diakses pada 26 Februari 2023.
13. R. Tony Prayogo, “Penerapan Asas Kepastian Hukum Dalam Peraturan Mahkamah Agung Nomor 1 Tahun 2011 Tentang Hak Uji Materiil Dan Dalam Peraturan Mahkamah Konstitusi Nomor 06/PMK/2005 Tentang Pedoman Beracara Dalam Pengujian Undang-Undang”, *Jurnal Legislasi* Vol. 13 No.02, h.194.
14. Nafiatul Munawaroh, <https://www.hukumonline.com/klinik/a/17-asas-asas-umum-pemerintahan-yang-baik-dan-penjelarasannya-lt62d8f9bedcda1>, diakses 21 Desember 2023, Pukul 12.10 wib.
15. Miriam budiarjo, 2017, *Dasar-dasar Ilmu Politik*, (Jakarta: Gramedia Pustaka Utama), hlm. 379.
16. Aulia Adam, Felix Nathaniel, Irwan Syambudi, Reja Hidayat, Zakki Amali, 2020, *Dinasti Politik Keluarga Presiden Jokowi*, Tirta & Kurawal Foundation, hlm. 52.
17. Soeharto Gunakan ABRI untuk Lindungi Kekuasannya, Feri Agus Setyawan, <https://nasional.okezone.com/read/2015/05/20/337/1152824/soeharto-gunakan-abri-untuk-lindungi-kekuasannya>, Diakses pada 28 Februari 2023.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).