



Term Limits for Political Party Chairpersons as an Instrument of Intra-Party Democracy: A *Fiqh Siyasah* Perspective

Fachrul Naufal ^{a,1,*}, Muhammad Ramadhan ^{b,2}

^a Universitas Islam Negeri Sumatera Utara , Indonesia

^b Universitas Islam Negeri Sumatera Utara , Indonesia

¹ fachrul0203203104@uinsu.ac.id *; ² muhammadramadhan@uinsu.ac.id

* corresponding author

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ABSTRACT

This study examines the absence of explicit term limits for political party chairpersons in Indonesia and its implications for internal party democracy. Although Article 23 paragraph (1) of Law No. 2 of 2011 on Political Parties grants political parties autonomy to regulate leadership succession through their Articles of Association and Bylaws, it does not provide minimum standards regarding leadership tenure, periodization, or elite circulation. This study employs normative legal research using statutory, case, conceptual, and fiqh siyasah approaches. The primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law No. 2 of 2008 as amended by Law No. 2 of 2011, Constitutional Court Decision No. 69/PUU-XXI/2023, and relevant internal party regulations. This study finds that the absence of minimum standards for chairperson tenure may weaken leadership regeneration, reinforce the personalization of party leadership, and enable elite domination within political parties. It argues that term limits for political party chairpersons should be regulated in the Political Party Law as a minimum standard of internal democracy, while technical mechanisms concerning nomination, election, dismissal, and deliberative forums should remain within each party's internal rules. A five-year term renewable only once is proposed as a proportional model that balances party autonomy and internal democratic accountability. From a fiqh siyasah perspective, term limitation is justified as an ethical-normative instrument to preserve amānah, promote shūrā, uphold justice, realize public benefit, and prevent istibdād in political party governance.

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1. Introduction

Constitutional democracy cannot be measured solely by the periodic conduct of general elections; it must also be assessed by the quality of political institutions that enable the will of the people to be translated into state decision-making through accountable processes.¹ Within this framework, political parties occupy a central position because they serve as linkage institutions between citizens and public authority.² Political parties are not merely electoral contestants or instruments for securing elective office. They also serve as arenas for political education,³ leadership recruitment,⁴ interest aggregation, the articulation of public aspirations, and the cultivation of ethical standards governing the exercise of power.⁵ Accordingly, the quality of a country's democracy is substantially influenced by the quality of democracy within its political parties. Where political parties are governed through closed and elitist structures and remain heavily dependent on particular individuals, electoral democracy risks operating only at the procedural level, while the circulation of power within political institutions remains concentrated in a narrow circle of elites.⁶

From a normative standpoint, political parties enjoy a strong constitutional foundation within Indonesia's constitutional system. Article 1(2) of the 1945 Constitution of the Republic of Indonesia stipulates that sovereignty is vested in the people and exercised in accordance with the Constitution, while Article 1(3) declares that Indonesia is a state governed by the rule of law.⁷ These two provisions entail that the exercise of political power must conform to the principles of popular sovereignty, limitations on governmental power,

¹ S Adejumobi, "Unbundling liberal democracy: Institutions, participation and accountability," in *Voice and Power in Africa's Democracy: Institutions, Participation and Accountability*, 2017, 1–14, <https://doi.org/10.4324/9781315566092>; I Palacios, "The relationship between views and evaluations of democracy," in *How Europeans View and Evaluate Democracy Revisited: Ten Years Later*, 2025, 206–29, <https://doi.org/10.1093/oso/9780198883319.003.0009>.

² M Bonotti, "Party Linkage, Public Justification and Mixed Electoral Systems," *Political Studies* 70, no. 3 (2022): 586–602, <https://doi.org/10.1177/0032321720978339>; W B Heller dan C Mershon, "Introduction: Legislative party switching, parties, and party systems," in *Political Parties and Legislative Party Switching*, 2009, 3–28, https://doi.org/10.1057/9780230622555_1.

³ Heller dan Mershon, "Introduction: Legislative party switching, parties, and party systems."

⁴ P Peres dan A Machado, "A typology of party recruitment," *Opinio Publica* 23, no. 1 (2017): 126–67, <https://doi.org/10.1590/1807-01912017231126>.

⁵ B F Lima dan G Silotto, "Political parties' functions in Latin America: Assessing the gap between expectations and reality," in *De Gruyter Contemporary Social Sciences Handbooks*, vol. 7, 2026, 249–74, <https://doi.org/10.1515/978311170015-014>; M Morlok, "The function of Political Parties and the Parliament," *Teoria y Realidad Constitucional*, no. 44 (2019): 375–82, <https://doi.org/10.5944/trc.44.2019.26009>.

⁶ I Amundsen, "Democratic dynasties? Internal party democracy in Bangladesh," *Party Politics* 22, no. 1 (2016): 49–58, <https://doi.org/10.1177/1354068813511378>.

⁷ Ayu Annisa Akmaliah et al., "Affirmatif Action Terhadap Perempuan dalam Bidang Politik ; Sebuah Tinjauan di Negara Hukum Pancasila," *Constitutional Law Review* 1, no. 2 (2022): 57–77, <https://jurnal.iain-bone.ac.id/index.php/colrev/article/view/3972/1567>.

legal certainty, and institutional accountability.⁸ The position of political parties is further reinforced by Article 6A(2) of the 1945 Constitution, which provides that pairs of candidates for President and Vice-President shall be nominated by political parties or coalitions of political parties participating in the general election,⁹ Article 22E(3) of the Constitution further stipulates that the participants in general elections for members of the House of Representatives and the Regional Houses of Representatives are political parties.¹⁰ Political parties are therefore not ordinary private entities; rather, they are democratic institutions that perform public functions in the recruitment of political officeholders and the allocation of state power.

This constitutional position is further affirmed by Law No. 2 of 2008 on Political Parties, as amended by Law No. 2 of 2011. Article 1, point 1, of the Political Parties Law defines a political party as a national organization voluntarily established by a group of Indonesian citizens based on shared intentions and ideals to pursue and defend the political interests of its members, society, the nation, and the state, as well as to preserve the integrity of the Unitary State of the Republic of Indonesia on the basis of Pancasila and the 1945 Constitution.¹¹ Furthermore, Article 11(1) identifies political parties as a means of providing political education, creating a climate conducive to national unity and integrity, receiving and channeling the political aspirations of society, promoting citizens' political participation, and undertaking political recruitment in the process of filling political offices.¹² These provisions demonstrate that political parties exercise a democratic mandate derived not merely from their organizational autonomy but also from their constitutional role in ensuring political participation, representation, and the development of future political leadership.

Nevertheless, the statutory framework governing the internal administration of political parties leaves a significant normative issue unresolved, particularly regarding the term of office of a party chairperson, or any equivalent title used for the highest leadership position within a political party. Article 23(1) of the Political Parties Law stipulates that changes in the leadership and management of political parties at every organizational level

⁸ Ismail Aris, Irfan Amir, dan Septian Amrianto, "Konstitusionalitas Hak Angket Dewan Perwakilan Rakyat (DPR) Terhadap Komisi Pemberantasan Korupsi (KPK)," *Al-Adalah: Jurnal Hukum dan Politik Islam* 4, no. 2 (2019): 135–58, <https://doi.org/10.35673/ajmpi.v4i2.436>.

⁹ Mubarika Rahmayanty dan Irfan Amir, "Juridical Analysis of Implementing the Presidential Threshold in the Presidential Election Of Indonesia," *Jurnal Al-Dustur* 4, no. 1 (2021): 83–107, <https://doi.org/doi.org/10.30863/jad.v4i1.1477>.

¹⁰ Kiki Wulandari et al., "Deparpolisasi Keanggotaan Dewan Perwakilan Daerah (Tela'ah Atas Hasrat Partai Politik Dalam Mengokupasi DPD)," n.d., 42–56.

¹¹ F Putra, D Subekti, dan Z A Ayub, "LEGAL ASPECTS OF POLITICAL PARTY INTERNAL CONFLICT RESOLUTION: A Case Study in Indonesia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 1 (2025): 53–69, <https://doi.org/10.30631/alrisalah.v25i1.1842>.

¹² Cipto Prayitno, Magister Ilmu, dan Hukum Universitas, "Analisis Konstitusionalitas Batasan Kewenangan Presiden dalam Penetapan Peraturan Pemerintah Pengganti Constitutionality Analysis Limitation," *Jurnal Konstitusi* 17, no. 2 (2020), <https://doi.org/https://doi.org/10.31078/jk17210>.

shall be carried out in accordance with their Articles of Association and Bylaws (Anggaran Dasar dan Anggaran Rumah Tangga, hereinafter “AD/ART”).¹³ This provision grants political parties organizational autonomy to determine their own leadership-succession mechanisms. However, it does not establish minimum standards concerning term limits, the periodic renewal of leadership, mechanisms to prevent the accumulation of power, or guarantees for the circulation of elites at the highest level of party organization. Consequently, rules governing the terms of office of political party chairpersons are entirely left to the AD/ART of each party. This gives rise to a fundamental question: to what extent can political party autonomy be justified when the absence of minimum standards may weaken intra-party democracy, impede leadership regeneration, and reinforce the personalization of power within political parties?

This problem is not merely normative; it is also reflected in Indonesian party practice, where the absence of rules limiting the terms of office of political party chairpersons has coincided with a tendency toward prolonged leadership extending across several national electoral cycles. This phenomenon is evident in the prolonged tenures of Megawati Soekarnoputri as chairperson of Partai Demokrasi Indonesia Perjuangan (PDI-P; Indonesian Democratic Party of Struggle), Muhaimin Iskandar as chairperson of Partai Kebangkitan Bangsa (PKB; National Awakening Party), Surya Paloh as chairperson of Partai NasDem (NasDem Party), and Prabowo Subianto as chairperson of Partai Gerakan Indonesia Raya (Gerindra; Great Indonesia Movement Party), each of whom has repeatedly secured a renewed mandate through internal party mechanisms.¹⁴ The experience of Yusril Ihza Mahendra, who led Partai Bulan Bintang (PBB; Crescent Star Party) from the early Reformasi period until his resignation in 2024, further demonstrates that prolonged party leadership is not an isolated phenomenon in Indonesian party politics.¹⁵

Formally, such leadership arrangements may be regarded as lawful insofar as they comply with the party’s AD/ART and receive authorization through its internal decision-making forums. Institutionally and substantively, however, excessively long leadership tenures continue to raise questions concerning the quality of internal competition, the effectiveness of cadre development, the openness of elite circulation, and the capacity of political parties to prevent the personalization of power. Prolonged leadership may indicate that elite circulation within political parties remains restricted and does not fully reflect open and competitive internal processes. Such a condition may narrow opportunities for cadre

¹³ Republik Indonesia, “Undang-Undang No. 2 Tahun 2011 Tentang Perubahan Atas Undang-Undang no. 2 Tahun 2008 tentang Partai Politik,” *Lembaran Negara Republik Indonesia Tahun 2011 Nomor 8. Tambahan Lembaran Negara Republik Indonesia Nomor 5189*, 2011.

¹⁴ Yefta Christopher Asia Sanjaya, “5 Ketua Umum Partai Terlama di Indonesia: Megawati , Prabowo , hingga Cak Imin,” *Kompas.Com*, 2025.

¹⁵ Denty Piawai Nastitie, “Yusril Ihza Mahendra Mundur Jadi Tantangan Baru PBB,” *Kompas.id*, 2024.

development, impede leadership renewal, reduce political opportunities for alternative party cadres, and strengthen organizational dependence on a particular individual. Contemporary scholarship on party organization demonstrates that intra-party democracy concerns not only the existence of formal procedures but also the capacity of party institutions to constrain the discretionary control exercised by top leaders, expand members' participation, and prevent a narrow group of elites from capturing the party's agenda.¹⁶ The issue of term limits for political party chairpersons must therefore be understood as a matter of institutional design affecting the quality of intra-party democracy, rather than merely as a personal issue or an internal organizational conflict.

The issue of term limits for political party chairpersons entered the realm of constitutional adjudication through Constitutional Court Decision No. 69/PUU-XXI/2023. In that case, the petitioners challenged the constitutionality of Article 23(1) of Law No. 2 of 2011 on Political Parties on the ground that it failed to provide legal certainty regarding term limits for political party chairpersons. The petitioners requested that the provision be construed as requiring the AD/ART of every political party to prescribe a five-year term of office for the chairperson, or any equivalent office, with the officeholder eligible for reelection only once to the same position. However, the Constitutional Court did not proceed to an examination of the merits because the petitioners were deemed to lack legal standing. The petition was consequently declared inadmissible (*niet ontvankelijk verklaard*).¹⁷ As a result, the Constitutional Court has yet to determine whether term limits for political party chairpersons are constitutionally necessary to safeguard intra-party democracy or whether such limits would constitute excessive state interference with political party autonomy. In a separate concurring opinion, Constitutional Justice Arief Hidayat maintained that regulating the terms of office of political party chairpersons through legislation could diminish the organizational sovereignty of political parties because their Articles of Association and Bylaws essentially constitute a "party constitution" that falls within the party's internal domain.¹⁸ This debate demonstrates that the issue of term limits for political party chairpersons concerns not only the institutional design of political parties but also a constitutional tension between the principle of political party autonomy and the need to guarantee minimum standards of intra-party democracy within a democratic system.

This debate corresponds with developments in the international literature on intra-party democracy. Borz and Janda (2020) demonstrate that contemporary studies of party organization must distinguish between party organization "on paper" and the actual practice

¹⁶ Gabriela Borz dan Kenneth Janda, "Contemporary trends in party organization: Revisiting intra-party democracy," *Party Politics* 26, no. 1 (1 Januari 2020): 3–8, <https://doi.org/10.1177/1354068818754605>; Samuel Bagg dan Udit Bhatia, "Intra-party Democracy: A Functionalist Account," *Journal of Political Philosophy* 30, no. 3 (1 September 2022): 347–69, <https://doi.org/https://doi.org/10.1111/jopp.12270>.

¹⁷ Mahkamah Konstitusi RI, Putusan Mahkamah Konstitusi Nomor 69/PUU-XXI/2023 (2023).

¹⁸ Konstitusi RI, pada 53.

of internal decision-making.¹⁹ Bagg and Bhatia (2022) develop a functional approach to intra-party democracy, emphasizing that internal democratization should be evaluated according to its capacity to prevent domination and agenda capture by elites or particular interests.²⁰ Wolkenstein (2018) similarly argues that intra-party democracy cannot be adequately understood solely through aggregative mechanisms such as membership ballots; it must be complemented by deliberative spaces that allow party members to participate in the formation of political reasons, orientations, and decisions.²¹ Meanwhile, Böhmelt, Ezrow, and Lehrer (2022) demonstrate that populist parties tend to develop personalized forms of leadership, which correlate with lower levels of intra-party democracy.²² These findings are important in the Indonesian context because they demonstrate that term limits for political party chairpersons cannot be reduced to an administrative matter. Instead, the issue concerns the distribution of power, members' access to participation, and the institutional resilience of political parties against elite domination.

Nevertheless, term limits for political party chairpersons cannot be formulated simplistically. Such limitations must be situated within a proportionality framework that balances two equally legitimate considerations. The first is the need to protect the autonomy of political parties as organizations entitled to regulate their internal affairs. The second is the need to ensure that such autonomy does not become a justification for leadership stagnation, party personalization, or the closure of opportunities for cadre and elite circulation. Within a democratic state governed by the rule of law, state intervention in the internal affairs of political parties can be justified only where it is formulated as a minimum institutional standard, applies generally, is non-discriminatory, is not directed at weakening any particular party, and pursues a legitimate constitutional objective, namely strengthening participation, accountability, cadre development, and leadership circulation. The relevant academic question is therefore not merely whether the terms of office of political party chairpersons should be limited, but how such limitations should be designed so that they do not eliminate political party autonomy and remain consistent with the principles of constitutional democracy.

Against this background, *fiqh siyasah*, or Islamic political jurisprudence, offers a relevant ethical and normative framework through which issues of power, leadership, and the governance of political organizations may be examined. *Fiqh siyasah* does not concern only the form of the state or the structure of governmental institutions. It also addresses the

¹⁹ Borz dan Janda, "Contemporary trends in party organization: Revisiting intra-party democracy."

²⁰ Bagg dan Bhatia, "Intra-party Democracy: A Functionalist Account."

²¹ Fabio Wolkenstein, "Intra-party democracy beyond aggregation," *Party Politics* 24, no. 4 (1 Juli 2018): 323–34, <https://doi.org/10.1177/1354068816655563>.

²² TOBIAS BÖHMELT, LAWRENCE EZROW, dan RONI LEHRER, "Populism and intra-party democracy," *European Journal of Political Research* 61, no. 4 (1 November 2022): 1143–54, <https://doi.org/https://doi.org/10.1111/1475-6765.12509>.

principles governing the exercise of power so that it remains consistent with trust and responsibility (*amanah*), justice (*adl*'), consultation (*shura*), public welfare (*maslahah*), and the prevention of harm.²³ From the perspective of *siyasah*, an office is not understood as a personal entitlement that may be retained indefinitely, but as a public trust that must be exercised responsibly, accountably, and in pursuit of the public good.²⁴ The principle of consultation requires the existence of participatory spaces within decision-making processes. The principle of justice rejects the monopolization of political opportunities by particular elites. The principle of *maslahah* requires institutional arrangements capable of preventing long-term harm, while the principle of preventing the concentration of power may be employed to assess whether excessively long terms of office risk producing unhealthy forms of domination within political organizations.²⁵ *Fiqh siyasah* may therefore function as an analytical framework that enriches the discourse of positive law by incorporating an ethical dimension into the limitation and regulation of political power.

A number of previous studies have examined term limits for political party chairpersons from the perspectives of constitutional law, intra-party democracy, and political party regulatory reform. Mukhlis, Tajuddin, and Rahman (2024) emphasize the importance of term limits as an instrument for preventing oligarchic practices and strengthening the regeneration of party leadership,²⁶ Ghafur (2024), meanwhile, argues that the absence of rules governing term limits may undermine the principles of the rule of law and democracy.²⁷ At the international level, Croissant and Chambers (2010), Chambers and Waitoolkiat (2020), and Sandri and Amjahad (2015) demonstrate that problems of intra-party democracy are closely associated with the concentration of power among party elites, weak organizational institutionalization, and unequal distributions of power within political parties.²⁸ Nevertheless, these studies tend to examine term limits separately within the

²³ M A Dzar et al., "Sharī'ah-Based Governance as a Contextual Normative Framework: Relevance and Reconstruction in Modern State Governance," *Jurnal Ilmiah Mizani* 13, no. 1 (2026): 512–29, <https://doi.org/10.29300/mzn.v13i1.10569>.

²⁴ A Ultanbayev et al., "PUBLIC PERCEPTIONS OF THE ROLE OF PARLIAMENTS IN MODERN DEMOCRACIES: ACCOUNTABILITY AND TRUST IN PARLIAMENT IN KAZAKHSTAN," *Access to Justice in Eastern Europe* 8, no. 3 (2025), <https://doi.org/10.33327/AJEE-18-8.3-a000102>.

²⁵ Lukman Arake, "Agama dan Negara Perspektif Fiqh Siyasah," *Al-Adalah: Jurnal Hukum dan Politik Islam* 3, no. 2 (2018): 79–116, <https://doi.org/10.35673/ajmpi.v3i2.200>.

²⁶ M M Mukhlis, M S Tajuddin, dan A Rahman, "Democratization or Extra-Constitutionalism: Ideas for Limiting the Term of Office for Chairmen of Political Parties in Indonesia," *Jambura Law Review* 6, no. 2 (2024): 367–402, <https://doi.org/10.33756/jlr.v6i2.24116>.

²⁷ J Ghafur, "PEMBATASAN MASA JABATAN KETUA UMUM PARTAI POLITIK: TINJAUAN NEGARA HUKUM DAN DEMOKRASI," *Jurnal Litigasi* 25, no. 2 (2024): 407–39, <https://doi.org/10.23969/litigasi.v25i2.19327>.

²⁸ A Croissant dan P Chambers, "Unravelling intra-party democracy in Thailand," *Asian Journal of Political Science* 18, no. 2 (2010): 195–223, <https://doi.org/10.1080/02185377.2010.492990>; P Chambers dan N Waitoolkiat, "Faction Politics in an Interrupted Democracy: the Case of Thailand," *Journal of Current Southeast Asian Affairs* 39, no. 1 (2020): 144–66, <https://doi.org/10.1177/1868103420906020>; G Sandri dan A Amjahad, "Party membership and intra-party democracy: How do members react to organizational change

frameworks of positive law, intra-party democracy, or party institutionalization. An important academic gap therefore, remains concerning how the normative lacuna in Article 23(1) of Law No. 2 of 2011 on Political Parties, the problems of intra-party democracy, Constitutional Court Decision No. 69/PUU-XXI/2023, and the principles of *fiqh siyasah* may be analyzed within a single integrated argumentative framework. The original contribution of this study lies in its integration of Indonesian political party law, theories of intra-party democracy, and *fiqh siyasah* to assess term limits for political party chairpersons as both an institutional and an ethical mechanism for preventing the concentration of power, strengthening leadership regeneration, and realizing the public good in political party governance.

Based on the foregoing discussion, this article argues that term limits for political party chairpersons may be understood as an instrument of intra-party democracy, provided that they are formulated proportionately as a minimum institutional standard, do not eliminate political party autonomy, and are directed toward strengthening cadre development, leadership circulation, organizational accountability, and the prevention of personalized power. From the perspective of *fiqh siyasah*, such limitations may be understood as a mechanism for safeguarding the entrusted nature of political office, strengthening consultation, upholding justice in access to political opportunities, and realizing *maslahah* in political party governance. Accordingly, this study aims to analyze the rationale for and appropriate legal and institutional design of term limits for political party chairpersons within the framework of the rule of law and intra-party democracy in Indonesia. It also examines such term limits through the principles of *fiqh siyasah*. The study addresses the following research questions: (1) What is the rationale for, and what constitutes the appropriate legal and institutional design of, term limits for political party chairpersons within the framework of the rule of law and intra-party democracy in Indonesia? (2) How can term limits for political party chairpersons be analyzed through the principles of *fiqh siyasah*?

2. Legal Materials and Methods

This study employs a doctrinal legal research method. This method was selected because the inquiry focuses on the analysis of legal norms, the principles of constitutional democracy, and the concepts of *fiqh siyasah* relevant to term limits for political party chairpersons. Rather than empirically measuring political behaviour, the study evaluates whether the absence of express legal provisions governing the terms of office of political party chairpersons is normatively justifiable or, conversely, open to criticism within the

within political parties?: The case of Belgium,” *Partecipazione e Conflitto* 8, no. 1 (2015): 190–214, <https://doi.org/10.1285/i20356609v8i1p190>.

frameworks of the rule of law, intra-party democracy, political party autonomy, and the ethics of limiting power under *fiqh siyasah*.

The primary legal materials examined in this study include the 1945 Constitution of the Republic of Indonesia, particularly Article 1(2), Article 1(3), Article 6A(2), and Article 22E(3); Law No. 2 of 2008 on Political Parties; Law No. 2 of 2011 amending Law No. 2 of 2008 on Political Parties; Constitutional Court Decision No. 69/PUU-XXI/2023; and the relevant Articles of Association and Bylaws (AD/ART) of political parties. The secondary legal materials comprise books, journal articles, research reports, and legal scholarship concerning the rule of law, intra-party democracy, limitations on power, political party autonomy, the personalization of leadership, intra-party oligarchy, and *fiqh siyasah*. Tertiary legal materials are used on a limited basis to clarify particular legal terms and concepts.

This study applies four approaches: the statute approach, the case approach, the conceptual approach, and the *fiqh siyasah* approach. The statute approach is used to examine the legal framework governing the status, organization, and management of political parties, with particular emphasis on Article 23(1) of the Political Parties Law, which provides that changes in party leadership and management shall be conducted in accordance with the party's AD/ART. The case approach is used to analyze Constitutional Court Decision No. 69/PUU-XXI/2023 as a point of departure for delineating the constitutional space between political party autonomy and the need to establish minimum standards of intra-party democracy. The conceptual approach is employed to develop an analytical framework concerning intra-party democracy, elite circulation, limitations on power, party personalization, and intra-party oligarchy.

The *fiqh siyasah* approach is used to assess term limits for political party chairpersons through the principles of *amanah*, *shura*, justice (*adl*'), *maslahah*, and the prevention of harm. The principle of *amanah* is employed to conceptualize political office as an entrusted mandate that must not be personalized. The principle of *shura* is used to assess the openness and inclusiveness of internal participatory processes. The principle of justice is applied to evaluate equality of opportunity among party cadres. The principle of *maslahah* is used to assess the objectives and public benefits of limiting power, while the principle of preventing harm is employed to evaluate the institutional risks arising from an excessively prolonged concentration of leadership.

Legal materials were collected through library-based and documentary research covering legislation, judicial decisions, political party legal documents, books, journal articles, and other relevant scholarly literature. The materials were analyzed qualitatively using grammatical, systematic, and teleological methods of legal interpretation. Grammatical interpretation was employed to ascertain the textual meaning of Article 23(1) of the Political Parties Law. Systematic interpretation was used to situate that provision within the broader framework of the rule of law and constitutional democracy. Teleological interpretation was applied to assess the purposes underlying political party regulation, particularly its role in strengthening intra-party democracy and preventing the concentration of power. The results of this analysis were subsequently used to formulate normative

arguments concerning the necessity and ideal legal design of term limits for political party chairpersons from the perspectives of Indonesian positive law and *fiqh siyasah*.

3. Results and Discussion

3.1. The Normative Lacuna in Term-Limit Regulation and Its Implications for Intra-Party Democracy

The absence of explicit provisions governing the terms of office for political party chairpersons reveals a lacuna in the minimum standards set by Indonesian political party law. Although the Political Parties Law regulates various aspects of party institutions—including party organization and management, amendments to the Articles of Association and Bylaws, political recruitment, political education, financial management, and party autonomy—it does not prescribe specific rules concerning term limits, the periodicity of leadership tenure, or mechanisms for preventing the accumulation of power in the office of party chairperson or any equivalent position within the party's highest organizational structure. Accordingly, the principal problem does not lie in the absence of rules governing party management as a whole, but in the lack of minimum standards capable of ensuring open, periodic, and accountable leadership succession.

Article 23(1) of the Political Parties Law provides that changes in the leadership and management of political parties at every organizational level shall be conducted in accordance with their Articles of Association and Bylaws (AD/ART). On the one hand, this provision reflects respect for political party autonomy as an expression of freedom of association. On the other hand, leaving leadership-succession mechanisms entirely to the AD/ART, without prescribing minimum statutory standards, creates normative uncertainty. From a rule-of-law perspective, legal certainty requires not only the existence of written rules but also safeguards capable of preventing dominant organizational actors from opportunistically altering those rules.²⁹ Where the term of office of a party chairperson depends entirely on the party's internal institutional design, the limits imposed on power may change in accordance with the configuration of elites controlling the party's internal decision-making forums.

An analysis of the AD/ART of several political parties indicates that the selection of party chairpersons is generally entrusted to the parties' highest decision-making forums, which are convened periodically. Under NasDem's AD/ART, Article 28(2) provides that the Kongres (Congress) is convened every five years, while Article 28(4) authorizes the Kongres to submit a nominee for party chairperson to the Majelis Tinggi (High Council) for appointment.³⁰ Under PDI-P's AD/ART, Article 70(3)(d) likewise provides that the Kongres

²⁹ I Lifante-Vidal, "Is legal certainty a formal value?," in *Jurisprudence*, 2020, 456–67, <https://doi.org/10.1080/20403313.2020.1778289>.

³⁰ Dewan Pimpinan Pusat, "Anggaran Dasar Anggaran RT Partai NasDem Hasil Kongres II Tahun 2019," *Partai NasDem*, 2019.

is convened every five years and is authorized to appoint the party chairperson.³¹ Under PKB's AD/ART, Article 72(3) provides that the Mukhtar (National Congress) is convened every five years, while Article 72(2)(f) authorizes the Mukhtar to elect and appoint the chairperson of the Dewan Pengurus Pusat (DPP; Central Executive Board) as the holder of the Mukhtar's mandate.³² These provisions demonstrate that the parties' internal rules formally provide for periodic forums in which leadership selection or succession may take place

Nevertheless, the existence of a five-year forum is not, in itself, equivalent to the imposition of term limits on the party chairperson. The provisions examined primarily regulate the forum through which a chairperson is elected or appointed, while failing to prescribe expressly the maximum number of terms that the chairperson may serve. The principal problem, therefore, is not the absence of internal party forums, but the lack of minimum standards capable of ensuring that such forums genuinely operate as mechanisms for leadership circulation and for limiting the accumulation of power.

This condition is reflected in the leadership practices of several political parties whose AD/ART were examined in this study. Long-term leadership can be observed, among others, in the tenures of Megawati Soekarnoputri in PDI-P,³³ Muhaimin Iskandar in the PKB Party,³⁴ and Surya Paloh in the NasDem Party,³⁵ each of whom has led their respective party for an extended period spanning several national electoral cycles. This evidence does not, in itself, establish any violation of law, because such leadership may have obtained legitimacy through internal party forums and in accordance with the relevant AD/ART. Institutionally, however, the pattern of prolonged leadership indicates that the absence of term limits may permit the concentration of leadership power without uniform limiting standards.

The implications of this normative lacuna cannot be understood merely as an internal administrative matter for political parties. In a democratic system, political parties perform public functions because they constitute the principal channels through which political recruitment,³⁶ interest aggregation,³⁷ and the formation of national political leadership take

³¹ PDI Perjuangan, "Anggaran Dasar dan Anggaran Rumah Tangga Partai Demokrasi Indonesia Perjuangan Masa Bakti 2019-2024," *PDI Perjuangan*, 2024.

³² Dewan Pengurus Pusat PKB, "Anggaran Dasar Anggaran Rumah Tangga Partai Kebangkitan Bangsa hasil Mukhtar PKB Nusa Dua, Bali 20-22 Agustus 2019," *SEKRETARIAT JENDERAL DPP PKB*, 2019.

³³ Ervana Trikarinaputri, "Perjalanan Megawati Memimpin PDIP Sejak 1993," *Tempo.co*, 2025.

³⁴ Aujana Mahalia, "3 Ketua Umum PKB Sejak Berdiri pada 1998," <https://www.detik.com/>, 2023.

³⁵ Dwi Erianto, "Ketua Umum Partai Nasional Demokrat (Nasdem) Surya Dharma Paloh," *Kompas.id*, 2022.

³⁶ Peres dan Machado, "A typology of party recruitment."

³⁷ L Rødland, "Some policies matter more: party salience and interest group access to political parties in Western democracies," *Journal of European Public Policy* 32, no. 7 (2025): 1780–1803, <https://doi.org/10.1080/13501763.2024.2387641>.

place.³⁸ Consequently, when party leadership remains concentrated in a particular individual for an extended period, the effects may extend beyond the party's internal organizational sphere. Elite domination may narrow opportunities for party cadres to compete fairly, weaken leadership regeneration, reduce internal accountability, and reinforce party personalization.³⁹ International scholarship demonstrates that political personalization is associated with the increasing role of individual leaders in controlling internal party affairs, including candidate selection, policy-agenda setting, and organizational control. Marino, Martocchia Diodati, and Verzichelli, for example, demonstrate that party personalization can be assessed by examining the scope of a leader's discretion in candidate selection, policy-agenda determination, and intra-party control.⁴⁰

From the perspective of intra-party democracy, the central issue is not simply whether party members have access to formal forums such as congresses, national congresses, or national deliberative assemblies. The more fundamental question is whether those forums can function effectively as mechanisms for constraining power. Vicentini and Pritoni emphasize that the processes through which party leaders are selected, reselected, and removed are essential to understanding the continuation or termination of party leadership. Within this framework, leadership that is repeatedly renewed without effective competition may undermine the function of internal forums as arenas for leadership evaluation and circulation. Intra-party democracy must therefore be assessed not merely by the existence of internal electoral procedures but also by the capacity of those procedures to prevent the excessive concentration of power.⁴¹

This issue is also connected to the relationship between intra-party democracy and institutional control over elite power. Chiru demonstrates that party organizational structures tightly controlled by their leaders may leave little room for ordinary members or mid-level elites to influence political promotion and nominations for public office. This finding is relevant to assessing the risks associated with excessively centralized party leadership. Where access to political careers, nominations, and cadre promotion is strongly influenced by a dominant actor, a political party may shift from being a democratic organization to becoming a patronage-based organization. In the Indonesian context, Berenschot has similarly demonstrated that clientelism and patronage constitute important elements in understanding the dynamics of Indonesian politics. Term limits for political party

³⁸ M M Mukhlis, D Rahadian, dan G O Lohalo, "Narrating Recruitment Model for Legislator Candidates: Is It Fair?," *Jambe Law Journal* 7, no. 1 (2024): 91–126, <https://doi.org/10.22437/home.v7i1.345>.

³⁹ M M Caverly, "Iron Law of Oligarchy," in *The Encyclopedia of Political Thought*, 2014, 1–2, <https://doi.org/10.1002/9781118474396.wbep0540>.

⁴⁰ Bruno Marino, Nicola Martocchia Diodati, dan Luca Verzichelli, "The personalization of party politics in Western Europe (1985–2016): evidence from an expert survey," *Acta Politica* 57, no. 3 (2022): 571–96, <https://doi.org/10.1057/s41269-021-00210-x>.

⁴¹ Giulia Vicentini dan Andrea Pritoni, "The rise and fall of party leaders: exploring leadership selection, re-selection, and de-selection using qualitative comparative analysis," *Italian Political Science Review/Rivista Italiana di Scienza Politica* 51, no. 3 (2021): 373–88, <https://doi.org/DOI: 10.1017/ipo.2021.6>.

chairpersons may therefore be understood as one institutional mechanism for reducing the risk that personal influence will accumulate within the internal distribution of political careers.⁴²

Constitutional Court Decision No. 69/PUU-XXI/2023 should not be understood merely as a case in which the petition was declared inadmissible. It should also be regarded as an indication that the issue of term limits for political party chairpersons has entered the domain of constitutional debate. Although the Court did not examine the merits of the petition, the case reveals an unresolved normative question: whether the absence of standards governing the terms of office of party chairpersons under Article 23(1) of the Political Parties Law remains justifiable as an expression of respect for political party autonomy, or whether it should be corrected because it may undermine legal certainty and intra-party democracy.

The absence of a substantive ruling by the Constitutional Court leaves the issue of term limits for political party chairpersons open to further academic analysis. On the one hand, a party's AD/ART may be understood as a manifestation of organizational autonomy that must be respected within the framework of freedom of association. On the other hand, because political parties perform public functions in recruiting national political leaders, their autonomy cannot be entirely detached from the need to guarantee minimum standards of intra-party democracy. Constitutional Court Decision No. 69/PUU-XXI/2023 therefore provides an argumentative basis for formulating term limits that do not eliminate the internal autonomy of political parties but are nevertheless capable of preventing the accumulation of power in the parties' highest leadership offices.

The tension between political party autonomy and minimum standards of intra-party democracy must be situated within a proportionality framework. Under international standards, political parties must be protected as an integral component of freedom of association. Accordingly, state-imposed restrictions on political parties must be formulated cautiously, prescribed by law, directed toward a legitimate aim, necessary in a democratic society, and non-discriminatory. The principle of political party autonomy, however, does not mean that the state is entirely precluded from establishing minimum standards, particularly because political parties perform public functions within a democratic system. The regulation of term limits for political party chairpersons should therefore not necessarily be regarded as excessive state intervention, provided that it is formulated as a general and proportionate standard, is directed toward preventing the concentration of power, and continues to allow political parties to determine the technical mechanisms for leadership elections through their respective AD/ART.⁴³

⁴² Mihail Chiru, "Clientelism, Party Organization and Intra-party Democracy," *Comparative Political Studies* 58, no. 4 (2025): 680–713, <https://doi.org/10.1177/00104140241252082>.

⁴³ OSCE dan Venice Commission, "Guidelines on Political Party Regulation," *OSCE Office for Democratic Institutions and Human Rights*, Second Edi (Poland, 2020).

Accordingly, the normative finding of this subsection is that the absence of rules governing the terms of office of political party chairpersons creates a lacuna in the minimum standards of Indonesian political party law. This lacuna arises because the Political Parties Law does not provide a normative benchmark for the periodicity and maximum duration of party leadership, while the AD/ART of individual political parties may not always be sufficient to ensure the consistent limitation of power. As a consequence, intra-party democracy may be weakened because leadership regeneration can be obstructed, elite circulation can become restricted, party personalization can intensify, and elite domination can become increasingly difficult to correct through internal mechanisms. The issue of term limits for political party chairpersons therefore cannot be reduced to a private matter falling exclusively within the internal domain of political parties. Rather, it must be understood as a matter of public law concerning the rule of law, legal certainty, intra-party democracy, and the protection of equal political opportunities for party cadres.

3.2. An Ideal Regulatory Design for Term Limits: Balancing Political Party Autonomy and Minimum Democratic Standards

Term limits for political party chairpersons need not be construed as an excessive form of state intervention in the internal affairs of political parties. In a democratic state, political parties enjoy organizational autonomy as a corollary of freedom of association. Such autonomy, however, is not absolute, particularly because political parties perform public functions within the constitutional system, including political recruitment, interest aggregation, leadership development, and the filling of public offices through electoral processes. International IDEA regards political parties as institutions that may be both constitutionally recognized and regulated. Such regulation may encompass constitutional recognition, the protection of political parties' rights, regulatory mechanisms, intra-party democracy, political party financing, the prohibition of anti-democratic parties, and rules concerning party discipline and party switching.⁴⁴ Legal regulation of political parties may therefore be justified insofar as it is directed toward safeguarding their democratic functions and does not extinguish their fundamental freedoms as political organizations.⁴⁵

The balance between political party autonomy and minimum democratic standards must be grounded in the principle of proportionality. The OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation emphasize that any regulation of political parties must be based on freedom of association, legality, necessity in a democratic society, and the proportionality of the restrictions imposed. Under these principles, the state

⁴⁴ Jordi Barrat et al., *Certification of ICTs in Elections* (Stockholm, Sweden: International IDEA, 2015).

⁴⁵ W Elliot Bulmer dan Sujit Choudhry, *POLITICAL PARTIES: CONSTITUTIONAL ROLES, RECOGNITION, RIGHTS AND POLITICAL PARTIES: CONSTITUTIONAL ROLES, RECOGNITION, RIGHTS AND REGULATIONS*, *International IDEA Stromsborg* (Stockholm, Sweden, 2025), <https://doi.org/https://doi.org/10.31752/idea.2025.54>.

is required to respect the autonomy of political parties and may intervene only where there is a clear legal basis, a legitimate aim, and a restriction that is genuinely necessary and proportionate in a democratic society. The state may not, therefore, interfere disproportionately with a party's political orientation or internal governance. Within this framework, the establishment of minimum procedural standards—such as transparency in leadership-selection mechanisms, accountability in decision-making, and guarantees of member participation—may be justified where it is intended to protect democratic values and does not eliminate a party's substantive autonomy to determine its ideology, programs, and political direction.⁴⁶

In the Indonesian context, Article 23(1) of the Political Parties Law, as amended by Law No. 2 of 2011, provides that changes in the leadership and management of political parties at every organizational level shall be conducted in accordance with their Articles of Association and Bylaws (AD/ART). This provision is appropriate insofar as it is understood as recognizing the autonomy of political parties to regulate the technical mechanisms of their organizations. It is insufficient, however, if every aspect of the terms of office of political party chairpersons is left entirely to the parties' AD/ART without any minimum statutory standards. The ideal regulatory design should therefore not entail the state's assumption of complete control over the internal mechanisms of political parties. Rather, it should clearly distinguish between minimum standards prescribed by legislation and technical mechanisms that remain governed by each party's AD/ART.

The minimum standards prescribed by legislation should encompass the length of the term of office and the maximum number of terms that a political party chairperson may serve. The AD/ART of each party should continue to regulate nomination procedures, candidate-eligibility requirements, internal campaign mechanisms, electoral forums, decision-making procedures, objection or appeal mechanisms, and procedures for removal from office or interim replacement. Under such a design, the state would neither determine who must lead a political party nor regulate the party's internal political preferences. It would merely establish an institutional limit to prevent the indefinite accumulation of power. This model is consistent with the view that the legal regulation of political parties may be justified where it is intended to disperse decision-making power and prevent authority from becoming concentrated in the hands of a limited number of actors within the party organization.⁴⁷

This regulatory design also finds support in comparative legal experience. The German experience demonstrates that recognition of political party autonomy does not preclude the state from establishing minimum standards of intra-party democracy. Although German law does not specifically prescribe term limits for party chairpersons, the requirement of intra-party democracy under Article 21 of the Basic Law demonstrates that

⁴⁶ OSCE dan Venice Commission, "Guidelines on Political Party Regulation."

⁴⁷ U Bhatia, "What's the Party Like? The Status of the Political Party in Anti-Defection Jurisdictions," *Law and Philosophy* 40, no. 3 (2021): 305–34, <https://doi.org/10.1007/s10982-020-09399-y>.

the state may establish procedural requirements to guarantee organizational accountability, member participation, and leadership circulation, provided that such requirements are proportionate and do not eliminate the substantive autonomy of political parties.⁴⁸ From this perspective, term limits for political party chairpersons should be understood as one possible policy option rather than as a measure directly required by the German model.⁴⁹

Within this framework, rules governing the terms of office of political party chairpersons should be incorporated into the Political Parties Law rather than being contained exclusively in the AD/ART of each political party. Statutory regulation is necessary because the terms of office of political party chairpersons concern a standard of intra-party democracy that should apply equally to all political parties. If term limits are left exclusively to the AD/ART, the applicable standards may vary between parties and may be altered according to shifts in the configuration of their internal elites. By contrast, establishing a statutory baseline would provide stronger legal certainty regarding leadership cycles without eliminating the authority of political parties to regulate the technical procedures governing leadership elections. This approach also addresses the tension reflected in Constitutional Court Decision No. 69/PUU-XXI/2023, particularly between the position emphasizing the internal autonomy of political parties and the need to treat term limits as an issue of intra-party democracy with a public-law dimension.

An appropriate regulatory formulation would be to prescribe a five-year term of office for political party chairpersons, renewable only once. A five-year term would be systemically coherent with the national political cycle because the 1945 Constitution of the Republic of Indonesia provides that general elections shall be held once every five years.⁵⁰ The leadership cycle of political parties could thus be aligned with the national cycle of political evaluation without requiring the standardization of every aspect of party organization. A maximum of two terms would also strike an appropriate balance between the need for leadership continuity and the imperative of regeneration. The first term would allow a chairperson to implement the party's organizational agenda, while a second term would provide an opportunity to continue programs that had not yet been completed. Following the completion of two terms, leadership rotation would be necessary to ensure that cadre development and internal competition were not obstructed by the prolonged dominance of the same individual.

⁴⁸ J Ulrich, *Intra-Party Competitive Democracy. A Study of Party Organisation from the Perspective of Law and Economics Against the Backdrop of the Requirement of Intra-Party Democracy in Article 21 Paragraph 1 Sentence 3 of the German Basic Law*, *Beiträge zum Organisationsverfassungsrecht*, vol. 18, 2025, <https://doi.org/10.1628/978-3-16-163893-0>.

⁴⁹ Federal Ministry of the Interior and Community (Germany), "Founding Political Parties," Federal Ministry of the Interior and Community, n.d.

⁵⁰ Irfan Amir dan Mustafa, *Aspek Hukum dan Dinamika Pemilihan Umum di Indonesia* (Jakarta Selatan: Kreasi Cendekia Pustaka (KCP), 2021).

Normatively, the following provision may be considered for inclusion in an amendment to the Political Parties Law: *“The chairperson, or any other designation for the highest-ranking leader of a political party, shall hold office for a term of five years and may be re-elected for one further term. Further provisions concerning nomination, election, removal from office, interim replacement, and the deliberative forums of political parties shall be stipulated in the Articles of Association and Bylaws of each political party, provided that such provisions do not conflict with this Law.”* This formulation would position legislation as the source of minimum standards while retaining the AD/ART as the principal instruments governing the technical organization of political parties.

This model offers three normative advantages. First, it would strengthen legal certainty by subjecting all political parties to the same minimum standard concerning term limits. Second, it would continue to respect political party autonomy because the state would not prescribe detailed nomination procedures, electoral forums, or the design of internal deliberative mechanisms. Third, it would strengthen intra-party democracy by limiting the accumulation of power, creating greater opportunities for leadership regeneration, and encouraging more equitable competition among party cadres. Term limits would therefore function not as an instrument of state control over political parties, but as an institutional mechanism for ensuring that political parties, as pillars of democracy, are themselves governed in accordance with the principle of limited power.

Based on the foregoing analysis, the normative finding of this subsection is that the ideal regulation of term limits for political party chairpersons should be incorporated into the Political Parties Law as a minimum standard of intra-party democracy rather than being left exclusively to the AD/ART of individual political parties. The law could prescribe a five-year term, renewable only once, while continuing to authorize political parties to regulate nomination, election, removal from office, interim replacement, and deliberative forums through their respective AD/ART. Under this model, state law would establish a basic limitation on the accumulation of power, while political parties would retain their autonomy in managing their internal organizational dynamics.

3.3. Term Limits as a Means of Upholding Amanah, Shura, and Maslahah in Fiqh Siyasah

From the perspective of *fiqh siyasah*, power is not understood as a personal entitlement that may be retained indefinitely, but as an *amanah*—an entrusted responsibility—that must be exercised to realize justice and public welfare.⁵¹ From the perspective of *fiqh siyasah*, power is not understood as a personal entitlement that may be retained indefinitely, but as an *amanah*—an entrusted responsibility—that must be exercised

⁵¹ M R Qosim et al., “The Politicization of Religion and Law Enforcement in Indonesia’s Democratic Elections: An Islamic Legal Perspective,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025): 313–34, <https://doi.org/10.24090/mnh.v19i2.15244>.

to realize justice and public welfare.⁵² Party leadership cannot, therefore, be regarded entirely as a private organizational matter, because internal party decisions affect the quality of political representation and the circulation of public leadership.

The concept of *amanah* in *fiqh siyasah* treats power as an entrusted mandate constrained by moral, legal, and social responsibilities.⁵³ Within this framework, the office of political party chairperson should not be construed as conferring personal ownership or control over the organization, but as a temporary institutional mandate that remains subject to evaluation. Excessively prolonged leadership may transform an office from a collective trust into an instrument of personal domination, particularly where internal party forums are unable to function as effective mechanisms of control.⁵⁴ The literature on Islamic governance similarly emphasizes *amanah* and accountability as foundational principles in the exercise of power. The principle of *amanah* requires responsibility, transparency, and an orientation toward the broader public interest rather than merely toward the interests of the officeholder.⁵⁵

Term limits may also be examined through the principle of *shura*, or consultative deliberation. In *fiqh siyasah*, *shura* is not merely a formal consultative procedure; it is also a mechanism for preventing the monopolization of decision-making by a single individual or a narrow group. It requires meaningful opportunities for participation, the exchange of views, and the evaluation of those who exercise power.⁵⁶ Accordingly, where the same individual retains party leadership for an excessively long period, *shura* risks being reduced to a procedure for legitimating an incumbent leader rather than operating as a genuinely deliberative mechanism that creates meaningful opportunities for competition, evaluation, and correction.⁵⁷ Scholarship on *shura* in Islamic political thought demonstrates that consultation has a practical function in public decision-making and may operate as a mechanism for constraining tendencies toward centralized power.

The principle of justice provides an additional basis for evaluating the necessity of term limits. Justice in political party governance entails not merely the absence of formal discrimination, but also the availability of equal opportunities for party cadres to compete,

⁵² S Salmah et al., "The reality behind the accountability of the XYZ political party," *Journal of Advanced Research in Dynamical and Control Systems* 12, no. 2 (2020): 1546–61, <https://doi.org/10.5373/JARDCS/V12I2/S20201196>.

⁵³ R Lubis et al., "Reconstruction of the Principle of People's Sovereignty Based on the Perspective of Fiqh Siyasah," *KARSA* 33, no. 2 (2025): 770–802, <https://doi.org/10.19105/karsa.v33i2.20852>.

⁵⁴ M Lisi, "Conceptualising and Measuring Leadership Autonomy in Contemporary Party Organisations," *Political Studies* 72, no. 1 (2024): 398–418, <https://doi.org/10.1177/00323217221117381>.

⁵⁵ M Tekke et al., "Amanah and Muslim Identity: Relationships with Religious and Psychological Adjustment in Malaysia," *Journal of Religion and Health* 59, no. 2 (2020): 891–904, <https://doi.org/10.1007/s10943-018-0690-3>.

⁵⁶ B A Rahman, "Debating *shura* and democracy among British Muslim organizations," *Indonesian Journal of Islam and Muslim Societies* 1, no. 2 (2011): 229–52, <https://doi.org/10.18326/ijims.v1i2.229-252>.

⁵⁷ K Pócsa dan D Oross, "From Deliberation to Pure Mobilisation? the Case of National Consultations in Hungary," *Politics in Central Europe* 18, no. 1 (2022): 79–109, <https://doi.org/10.2478/pce-2022-0004>.

be elected, and participate in the party's leadership. Where the office of party chairperson remains occupied by the same individual without a clearly defined term limit, the internal structure of political opportunity may become unequal.⁵⁸ Party cadres possessing organizational capacity and legitimacy may be deprived of opportunities for advancement because leadership circulation is obstructed by the continuing dominance of the incumbent. From this perspective, term limits function as an institutional mechanism for safeguarding procedural justice and preventing strategic offices from becoming the exclusive preserve of particular elites. This argument is further supported by studies of dominant-party systems, which demonstrate that the persistence of political dominance is not determined solely by electoral victories. It may also result from the cumulative interaction of organizational, political, economic, and communicative resources that reinforce one another and create structural advantages for incumbent elites.⁵⁹ In the context of intra-party democracy, this finding indicates that the prolonged concentration of leadership may generate a comparable accumulation of advantages, thereby reducing equality of opportunity among party cadres and impeding competitive leadership regeneration.

In addition to *amanah*, *shura*, and justice, term limits may be justified through the principle of *maslahah*, or public welfare. *Fiqh siyasah* permits the formulation of policies that are not expressly prescribed in normative texts, provided that such policies are directed toward securing the public good and preventing harm.⁶⁰ In this context, term limits for political party chairpersons may be understood as a measure of *siyasah shar'iyah* intended to protect both the institutional welfare of political parties and the broader public interest. Contemporary scholarship on *maqasid al-shari'ah* similarly emphasizes that the objectives of Islamic law are not confined to textual compliance, but also encompass the realization of social good, collective welfare, and the prevention of harm in communal life.⁶¹

The relevant *maslahah* operates at two levels. At the internal party level, term limits promote leadership regeneration, broaden opportunities for cadre development, and reduce organizational dependence on a single individual. At the public level, such limits may improve the quality of political recruitment because more open and competitive political parties are better positioned to produce diverse and accountable candidates for public leadership. Conversely, excessively prolonged leadership without effective limits may generate *mafsadah*, or institutional harm, in the form of restricted elite circulation, weakened evaluative mechanisms, and the elevation of personal loyalty above institutional loyalty.

⁵⁸ A Ristyawati et al., "RETHINKING LEGISLATIVE TERM LIMITS: SAFEGUARDING DEMOCRATIC RENEWAL IN CONSTITUTIONAL STATE OF INDONESIA," *Diponegoro Law Review* 10, no. 1 (2025): 16–28, <https://doi.org/10.14710/dilrev.10.1.2025.16-28>.

⁵⁹ D V Streltsov, "Dominant party systems: Some approaches to the methodology of the study," *Polis (Russian Federation)*, no. 3 (2017): 105–18, <https://doi.org/10.17976/jpps/2017.03.07>.

⁶⁰ M A Dzar, M A Zaim, dan M Amanullah, "Conceptualizing Siyasah in the Four Sunni Schools: Classical Juristic Debates and the Juristic Logic of Political Flexibility," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (2026): 292–316, <https://doi.org/10.29240/jhi.v11i1.16245>.

⁶¹ Arman Mergaliyev et al., "Higher Ethical Objective (Maqasid al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants," *Journal of Business Ethics* 170, no. 4 (2021): 797–834, <https://doi.org/10.1007/s10551-019-04331-4>.

Term limits may therefore be positioned as a preventive mechanism against institutional deterioration before personal domination becomes entrenched as a pattern of power that is difficult to correct.⁶²

The imperative to prevent the concentration of power and *istibdad*—arbitrary or despotic rule—constitutes the strongest point of convergence between *fiqh siyasah* and the concept of intra-party democracy. Within the Islamic political tradition, uncontrolled power may lead to the abuse of authority and distance those exercising power from the principle of justice.⁶³ Limiting power may therefore be understood as both an ethical and an institutional necessity. In contemporary constitutional-democratic theory, term limits are similarly recognized as one mechanism for preventing the prolonged control of public office. Comparative scholarship on term limits demonstrates that they are frequently regarded as important safeguards of constitutional democracy, although their effectiveness ultimately depends on institutional design and political actors' compliance with the prescribed limitations.⁶⁴ Although comparative term-limit scholarship predominantly concerns constitutional and executive offices, its underlying rationale—the prevention of prolonged incumbency and the entrenchment of personal power—provides a relevant, albeit analogical, framework for assessing leadership tenure within political parties.

Nevertheless, the relationship between *fiqh siyasah* and intra-party democracy should not be understood simplistically, as though the two were conceptually identical. *Fiqh siyasah* is grounded in an Islamic normative framework that treats power as an *amanah* directed toward realizing *maslahah* and preventing harm. Intra-party democracy, by contrast, is grounded in the principles of participation, competition, accountability, and the limitation of power within modern political organizations. Although they differ in their normative sources and conceptual foundations, the two frameworks converge on several institutional objectives: preventing personal domination, expanding participation, and ensuring that power does not accumulate without effective control. The use of *fiqh siyasah* in this study is therefore not intended to equate Islamic political thought with modern democracy, but to construct a normative bridge through which limitations on power within political parties may be evaluated.

Within this framework, term limits for political party chairpersons may be understood as an ethical and normative instrument under *fiqh siyasah*. Such limits preserve

⁶² Dzar et al., “Sharī‘ah-Based Governance as a Contextual Normative Framework: Relevance and Reconstruction in Modern State Governance.”

⁶³ M Abdelaal, “Leadership Accountability in Islam: Islamic Standards for Holding the Executive Accountable for Official Misconduct,” *Global Journal of Comparative Law* 4, no. 2 (2015): 166–211, <https://doi.org/10.1163/2211906X-00402002>.

⁶⁴ T Maboudi, G P. Nadi, dan T A Eisenstadt, “Render unto Caesar Just a Little Bit Longer: The Relationship between Constitutional Reforms and Executive Survival,” *Government and Opposition* 58, no. 3 (2023): 576–97, <https://doi.org/10.1017/gov.2021.53>; Z Elkins, “Term-limit evasions and the non-compliance cycle,” *Constitutional Political Economy* 32, no. 3 (2021): 326–45, <https://doi.org/10.1007/s10602-021-09332-y>; C Heyl dan M Llanos, “Sequences of presidential-term-limit reforms: Latin America and sub-Saharan Africa,” *Democratization* 29, no. 1 (2022): 18–37, <https://doi.org/10.1080/13510347.2021.1980540>.

the entrusted character of political office by preventing it from being transformed into an object of personal control. They create space for *shura* by ensuring that internal party forums do not merely legitimate incumbent elites; uphold justice by providing party cadres with more equal political opportunities; and realize *maslahah* by preventing concentrations of power that may undermine leadership regeneration. Term limits are therefore grounded not only in constitutional-democratic principles but may also be justified through the principles governing the exercise of power in Islamic political jurisprudence.

The normative finding of this subsection is that *fiqh siyasah* provides a strong ethical foundation for limiting the terms of office of political party chairpersons. Power within a political party must be treated as a temporary *amanah*, remain open to evaluation, and be subject to the principles of *shura*, justice, *maslahah*, and the prevention of *istibdad*. Term limits are thus not merely procedural devices for replacing one group of elites with another. Rather, they constitute a normative mechanism for ensuring that political parties continue to function as healthy institutions of leadership development, political representation, and political recruitment.

4. Conclusion

This study concludes that the absence of explicit provisions governing the terms of office of political party chairpersons has created a regulatory gap in the minimum standards of Indonesian political party law. Article 23(1) of Law No. 2 of 2011 does grant political parties organizational autonomy to regulate changes in their leadership and management through their respective Articles of Association and Bylaws (AD/ART). However, it does not provide any normative benchmark concerning term limits, leadership cycles, or mechanisms for preventing the accumulation of power in the highest-ranking party office. Consequently, the tenure of a political party chairperson depends entirely on the internal institutional design of each party, thereby creating the possibility of prolonged leadership without uniform limiting standards. Although such leadership does not necessarily contravene positive law where it has been authorized through the party's internal decision-making forums, it may substantively weaken intra-party democracy, restrict leadership regeneration, reinforce the personalization of leadership, and intensify elite domination. Because political parties perform public functions in political recruitment, the selection of candidates for public office, political education, and the aggregation of societal interests, the issue of term limits for political party chairpersons cannot be reduced to a private organizational matter. Rather, it constitutes an issue of public law concerning the rule of law, legal certainty, intra-party democracy, and the quality of constitutional democracy.

From the perspective of *fiqh siyasah*, such limitations are justifiable because power constitutes an *amanah*—an entrusted responsibility—rather than a personal entitlement that may be retained indefinitely. The principles of *amanah*, *shura*, justice, *maslahah*, and the prevention of *istibdad* require political leadership to remain subject to evaluation, rotation, and accountability. Term limits therefore function not only as an instrument of positive law for strengthening intra-party democracy, but also as an ethical and normative mechanism for preventing the concentration of power and safeguarding *maslahah* in political party

governance. The principal limitation of this study lies in its doctrinal and normative character. Further research should therefore empirically examine leadership-succession practices, the institutional design of political parties' AD/ART, the conduct of party congresses or national congresses (*muktamar*), and comparative experiences in other jurisdictions. Such research is necessary to assess the practical effectiveness and proportionality of the proposed model of term limits for political party chairpersons.

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