



The Concept Of Term Of Office Limitation Of Regional Head In Indonesia

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Abstract

This study aims to determine the basic application of the regional head office limitation model in Indonesia and how the implementation of the regional head office limitation in various countries. The research method used is normative juridical which uses primary and secondary legal materials and uses the statutory approach, the historical approach, and the comparative approach. The results showed that the underlines of application of the model for limiting the term of office of regional heads are the policy of legislators who equate the model of limiting the position of the head of state government based on Article 7 of the 1945 Constitution also several Constitutional Court decisions which further clarify the technical limitations of the term of office of regional heads. A comparison of the model for limiting the term of office of regional heads in several countries shows that each country applies a different model for limiting the term of office. However, the four countries have one thing in common, namely that the limitation on the term of office of regional heads is a different model from the limitations applied to the positions of heads of state governments. Ideally, the limitation of the term of office of regional heads is a matter that should be decentralized to the regions so that regional regions can determine their policy of limiting their term of office depending on the will of their constituents in the region which is regulated by local provisions.

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I. INTRODUCTION

According to Jimly Asshiddiqie, there are twelve important characteristics of the rule of law. One of them is the limitation of power in the administration of state power. (Hamzani, A. I, 2014:137) The idea of limiting power is based on the idea that “*power tends to corrupt, but absolute power corrupts absolutely*” (Lazarski, C, 2012) as Lord Acton said. The limitation of power is carried out in such a way that the government does not use the power it has arbitrarily so that the rights of the people are protected. The thought referred to is known as the idea of constitutionalism.

Constitutionalism is defined as an understanding of limiting the power and guaranteeing people's rights through the constitution, (Rusdy, 2013:57) William G Andrews clearly said that “*under constitutionalism, two types of limitations impinge on government. Power proscribe and procedures prescribe*”. (Asshiddiqie, J, 2021:23) Based on the understanding of constitutionalism in

the administration of the state, there are special norms, one of which functions is to provide limits on power with rational principles and a state that understands this is a state of law that uses the concept of democracy. (Alfauzi, R dan Effendi, O, 2020:131) Limiting the power of state government is carried out in several ways, starting from dividing power into several branches of state government power both vertically and horizontally to limiting the term or period of office.

The limitations carried out by dividing power vertically give the authority to government institutions in the regions so that the regional rights are born to manage their households autonomously or known as decentralization. Phillip Mawhood explained that decentralization is the *devolution of power from central government to local government*. (Mawhood, P, 1983:23) Thus, the authority of regional heads was born to be able to manage their regions independently. The power possessed by the regional head is limited by a certain time to exercise his power in governing the region.

The limitations office of regional heads is carried out in 2 (two) ways, namely: First, through the attribution of statutory provisions that limit the term of office of regional heads to 5 (five) years following the cycle of direct election of regional heads and second, through the attribution of the provisions of laws and regulations that limit a person's political rights to be elected to a maximum of 2 (two) periods either in a row or with a time lag in the same position.

This can be seen in the provisions of Article 60 of Law Number 23 of 2014 (UU Pemda) stated: "The term of office of the regional head as referred to in Article 59 paragraph (1) is 5 (five) years as of the inauguration and thereafter can be re-elected in the same position only for one term of office." In the explanation section of Article 60, "phrase of the same position" in the provision is the position of the regent is the same as the position of the mayor".

More specifically, the limitation of the term of office of regional heads in Indonesia is regulated based on the provisions of Article 7 paragraph (2) letter n and o of Law no. 10 of 2016 concerning the Second Amendment to Law no. 1 of 2015 (UU Pilkada), reads: (2) Candidates for Governor and Deputy Governor, Candidates for Regents and Candidates for Deputy Regents, as well as Candidates for Mayor and Candidates for Deputy Mayors as referred to in paragraph (1) must meet the following requirements: n. have never served as Governor, Deputy Governor, Regent, Deputy Regent, Mayor and Deputy Mayor for 2 (two) terms of office for Governor Candidate, Deputy Governor Candidate, Regent Candidate, Deputy Regent Candidate, Mayor Candidate, and Deputy Mayor Candidate "; o. "He has never served as a Governor for a Deputy Governor candidate, or a Regent/Mayor for a Deputy Regent/Deputy Mayor candidate in the same area".

Based on the provisions of the Pilkada Law, the limitation of the term of office of regional heads is placed as part of the requirements that must be met as a candidate for the regional head, in a more specific sense the limitation of power is carried out by limiting a person's political rights to be elected to fill the position of the regional head and there is a prohibition on filling positions in the

same area in terms of filling positions that are lower than the positions held in the previous term of office. As it is known that the position of the regional head is a political position that is filled through an election mechanism, conceptually there are several models of position restrictions that are filled through an election mechanism, as follows: (Yudhistira, E, 2020:146).

1. *No re-election*: it is not possible to run for re-election after the completion of the first term. The concept of this restriction limits the power of political office to only one term of office.
2. *No Immediate re-election*; it is not allowed to re-run for re-election when a person in a political position is still in office (no incumbent candidate is allowed), but a former official can re-nominate himself after at least one period of his successor holding power in the same position. It means that the term of office can be more than one term, but it is required to be intermittent or it is not justified to have successive periods of office.
3. *Only one re-election*; the concept like this allows a person to be able to re-run for one more time for the next term of office, either successively (incumbent candidates are allowed) or intermittently. However, in essence, a person who can serve in political office is limited to 2 (two) terms of office, either successively or intermittently.
4. *Only two re-elections*: A person may re-run for a political office for 2 (two) terms after his first term of office. In the sense that this concept limits individuals to sit in certain positions for a maximum of 3 terms of office.
5. *No Limitation re-election*: This concept allows a person to serve without any limitation on the term of office so that someone can continue to serve as long as that person is elected in the general election.

Based on the limitation concept of term of office, it can be seen that Indonesia applies a model limitation of the term of office by emphasizing the limitation of a person's political right to be able to nominate himself as regional head, where the choice of model based on theory is Only one re-election. Thus, the problems that will be discussed in this research are as follows:

1. What is the basis for the application of the model for limiting the term of office of regional heads in Indonesia?
2. What is the model for limiting the term of office of regional heads in various countries?

II. RESEARCH METHODS

The method used in this research can be described as normative legal research which is synonymous with library research, (Soekanto, Mamudji, S, 2001:13) namely a legal research method that tends to image law as a prescriptive discipline by looking at the law from the point of view of its norms. (Sonata, D. L, 2014:25) The approaches used in this research include; the statutory approach namely reviewing the concept of limiting the term of office of regional heads based on the provisions of Law no. 23 of 2014 concerning Regional Government and Law and Law no. 10 of 2016 concerning the Second Amendment to Law No. 1 of 2015 concerning Stipulation of Government Regulation in Lieu of Law no. 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become Laws, a historical approach that examines the history of the birth of the norm of limiting the term of office of regional heads in Indonesia, a comparative approach that makes comparisons with models of limiting the term of office of regional heads in several countries. The materials used in this study are primary legal materials, which are authoritative legal materials (Marzuki, P. M. (2017:181) consisting of statutory provisions and judges' decisions, and secondary legal materials including textbooks and legal journals.

III. RESULT AND DISCUSSION

3.1. The Basic Application of the Regional Head Term Limitation Model in Indonesia

3.1.1. The History of the Regional Head Term Limitation in Indonesia

Based on observations from a historical point of view, it is known that the limitation of the term of office of regional heads in Indonesia is closely related to the model for filling regional head positions. In the period before the amendment to the 1945 Constitution, the position of the regional head was a position whose proposal and filling became the authority of the Regional People's Representative Council (DPRD), in practice, a paradigm was drawn as long as the DPRD still chose the incumbent candidate (incumbent), it was very possible to have an office. the regional head who is held continuously. (Aziz, N. M, 2009:43) At that time it was not surprising that the position of the regional head could be held many times as long as the DPRD still chose the candidate in question. (Aziz, N. M, 2009:43).

In the period before the amendment of the 1945 Constitution, precisely in the New Order era, a model was formulated to limit the term of office of regional heads through the provisions of Article 17 Paragraph (1) of Law Number 5 of 1974 concerning the Principles of Government in the Regions, which reads: "Regional heads are appointed for a term of office of 5 (five) years starting from the date of his inauguration and may be reappointed for the next 1 (one) term of office".

Regarding these provisions, in practice, it is interpreted that a regional head after serving for the first 5 (five) years can be reappointed for the next 1 (one) term of office. In this regard, there is no confirmation stating that regional heads may only serve 2 (two) consecutive terms of office. (Aziz, N.

M, 2009:43) Thus, if the DPRD elects and appoints a candidate with the right to vote, that candidate can still be re-elected for the next 1 (one) term of office. (Aziz, N. M, 2009:43).

Generally, the regional heads in the old order and new order served only 2 (two) periods, but it did not rule out the possibility of being re-elected. (Aziz, N. M, 2009:43) The situation as described is what is adopted in the constitutional system of the Republic of Indonesia regarding the tenure of regional heads in the past.

In the reform era related to the term of office of regional heads, some restrictions were directly proportional to the restrictions placed on positions above them. It can be understood that for example in the office of president, there is a limitation that the same person can only fill in a maximum of 2 (two) terms of office. This also applies to executive positions at the regional level either governors, regents, or mayors.

There are also differences in the application of the democratic model for regional head elections which are also applied to the office of president. At this time, the indirect or representative democracy model was abandoned to prevent the formation of a power oligarchy and turned into a direct election system (direct democracy). In the direct democracy pattern, the people can directly make their own choices regarding the candidates who will fill the position of regional head.

Constitutionally, Article 18 paragraph (3) of the 1945 Constitution of the Republic of Indonesia reads: "Provincial, district and city governments shall have a House of Representatives whose members are elected through general elections". Furthermore, in paragraph (4), it is regulated: "The governors, regents, and mayors respectively as heads of provincial, district and city governments are democratically elected".

This time, the regional heads can no longer be determined centrally from the center as in the previous period before the amendments to the 1945 Constitution were made. In the past, the centralistic pattern can be seen from the phenomenon that occurs where even though regional heads have been elected by the DPRD, they must also go through a selection process. and be determined by the central government.

Regarding the limitation period of office of regional heads, it is not directly regulated based on the constitution, but the model of limitation on the position of regional heads is carried out by referring to the model of limiting the position of heads of state as regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia which states: "The President and the Vice President hold office for as long as five years and thereafter may be re-elected in the same office, only for one term".

The norms contained in Article 7 limit the position of the head of state to 2 (two) terms of office. This has become the policy of lawmakers to apply the same model to the position of regional heads. The provisions governing this matter began to be contained since the entry into force of Law Number 22 of 1999 concerning Regional Government in Article 41, and then also regulated in

subsequent provisions through Article 58 letter o of Law Number 32 of 2004 concerning Regional Government which was subsequently amended based on Article 58 letter n of Law 12 of 2008.

Until now, the enactment of Law 23 of 2014 concerning the Regional Government of Jo. Law No. 9 of 2015 still contains the same restrictions as the previous law for the period of office of regional heads limiting the term of office of regional heads which is used as a requirement in the nomination of regional heads.

3.1.2. The Provisions for Limiting the Term of office of Regional Heads in the Regional Head Election Law

Since the enactment of Law No. 22 of 2007, Pilkada has been included in the electoral regime, but after the Constitutional Court Decision No. 97/PUU-XI/2013 Pilkada was declared a regional government regime. Law No. 22 of 2007 was later replaced with Law 15 of 2011 but related to the limitation of the term of office of regional heads, it is not specifically regulated in this provision.

The limitation of the term of office of new regional heads is regulated in the provisions of the election as a condition of candidacy since the replacement of Law No. 15 of 2001 by Law 22 of 2004 which is regulated in Article 13 letter n, which reads: "Citizens of the Republic of Indonesia who can be appointed as candidates for governor, candidate for regent, and candidates for mayor are meeting the following requirements: n. have never served as governor, regent, and/or mayor for 2 (two) terms of office in the same position".

The fact that Law 22/2014 was never implemented because it was a legal product that was rejected by the community, where the provision changed the construction of the regional head election mechanism by returning the regional head election to the DPRD. Until finally the problem was responded to by the issuance of Perpu No. 1 of 2014 concerning the Election of Governors, Regents, and Mayors. Furthermore, Perpu 1/2014 was accepted by the DPR which was subsequently ratified into Law Number 1 of 2015.

The Pilkada Law No. 1 of 2015 returns the mechanism of regional head elections to a direct democratic mechanism so that the right to vote for regional heads is returned to the people's vote through their voting rights, on the other hand, Pilkada Law No. 1 of 2015 mandates the implementation of the Pilkada held simultaneously in the same year.

Subsequent developments of the Pilkada Law No. 1 of 2015 underwent 4 (four) changes, namely: the first amendment through Law no. 8 of 2015, the second amendment through Law no. 10 of 2016, the third amendment was made through Perpu No. 2 of 2020, and subsequently the Perpu was promulgated as Law no. 6 of 2020 concerning the Stipulation of Perpu 2 of 2020 concerning the Third Amendment to Law No. 1 of 2015 concerning the Stipulation of Perpu. 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become a law (the 2020 Pilkada Law).

Specifically, the limitation period and term of office were based on the Pilkada Law, the last normalization was changed based on Law no. 10 of 2016 concerning the Second Amendment to Law no. 1 of 2015. In this provision, restrictions on the period and term of office of regional heads are carried out by formulating into requirements that are specifically regulated as requirements that must be met as a candidate for the regional head, namely having never served for 2 (two) terms of office in the same position.

3.1.3. Analysis of the basic application of the Regional Head Term Limitation Model in Indonesia

Constitutionally, the 1945 Constitution does not regulate the limitation of the term of office of regional heads, this arrangement is an open legal policy from lawmakers that equates the model of limiting the term of office of regional heads to the term of office of the head state government based on Article 7 of the 1945 Constitution of the Republic of Indonesia, so that the executive branch of power is good from the central and regional levels have the same restriction model, namely a maximum of 2 (two) terms office either in a row or with a certain time lag.

The period time for a regional head to serve in 1 (one) term of office is 5 (five) years following the cycle of regional head elections that are carried out, this is the same norm as the model for limiting the presidential term of office as regulated in Article 7 of the 1945 Constitution of the Republic of Indonesia. In addition, several decisions of the Constitutional Court clarify the norms for limiting the term of office of regional heads, including the Constitutional Court Decision Number 8/PUU-VI/2008 providing limits on the position of regional heads which are implemented through the law, among others: (Agang, M. I, 2018:177)

1. Restrictions twice in a row in the same position;
2. Restrictions of two non-consecutive times in the same position;
3. Restrictions of two times in the same position in different places.

Furthermore, based on the Constitutional Court Decision Number 22/PUU-VII/2009 it is understood that the limitation of 2 (two) terms of office also applies to terms of office covered by different laws, where the election mechanism carried out still applies to different indirect democracies. with the current regional head election mechanism using a direct election system. However, the indirect regional head election system does not mean that the system is not or less democratic than the current direct election system. Then through the Constitutional Court Decision Number 67/PUU-XVIII/2020 it is understood that the full term of office in one period is held at least for a period of 2 1/2 (two and a half) years.

The limitation of the term of office of regional heads is applied based on the aim of avoiding someone from being able to manage the power they have for a long time. The management of power for a long time has a great potential for abuse the power it has, giving rise to oligarchic practices that tend to maintain power for personal interests and injure the constitutional rights of the people to fulfill

welfare. This problem can be seen in the history of the Indonesian nation, which was led by Suharto for a long time, that's 32 (thirty-two) years of office or approximately $6 \frac{1}{3}$ of the term of office.

The provisions of Article 60 of the Regional Government Law Jo. Article 7 paragraph (2) letters n and o of the Regional Head Election Law provides an opportunity for regional heads to be able to re-nominate themselves for the same position to return to the office for one term of office either in a row or with a time lag, this is presumably based on considerations for a regional head who has succeeded in developing the region in the previous government period to be able to maximize, continue and improve related programs that have been implemented that bring benefits to the community. Of course, this opportunity is returned to the will of the people in an electoral district, so the model for limiting the term of office is known as the only one re-election model.

3.2. The Limitation Model on Regional Heads in Various Countries

3.2.1. The Limitation Model on Term of office of Regional Heads in the United States

The United States of America is a federation consisting of 50 states which are divided into counties, towns, municipalities, and special districts. With the complexity of the local government system implemented in the US, several samples of the area will be taken at the town, municipal and district levels related to the limitation of the power of the regional head (major term limit).

Provisions regarding the term and period of office of regional heads are regulated in local regulatory provisions so that in general they will differ from one administrative area to another. In general, mayors at the town level are almost 50% have a term of 4 years, but at the municipal level the term of the mayor is 2 years, this applies to 80% of the municipal cities and municipal towns in the US. (National League of Cities, 2022).

Regarding the limitation of periodization of office, it is also applied differently from one region to another based on local regulations. Generally, each region is not too strict in limiting the term of office of the regional head, where this limitation of the term of office is carried out by emphasizing continuing positions or continuity of office periods.

As a sample to clarify the limitation of the term of office of regional heads in the US, it can be described through a model of limitation of tenure in 10 (ten) major cities in the US, including:

1. New York, the term of office of the regional head in New York is limited by the following provisions: *"The mayor is limited to two consecutive four-year terms in office but may run again after a four-year break"*.
2. Los Angeles, the term of office of the regional head in Los Angeles is limited by provisions *"The mayor is elected to a four-year term, with a limit of two consecutive terms"*.
3. Chicago, the term of office of the regional head in Chicago is limited by provisions *"The mayor is elected to a four-year term and no period limit"*.

4. Houston, the term of office of the regional head in Houston is limited by provisions “*Mayor, City Controller, and City Councilmembers to four years (renewable once) while imposing a limit of two terms*”.
5. Phoenix, the term of office of the regional head in Phoenix is limited by provisions “*The Mayor is elected for a 4-year term and may serve up to two consecutive terms*”.
6. Philadelphia, the term of office of the regional head in Philadelphia is limited by provisions “*Limited to two 4-year terms, with a limit of two consecutive terms*”.
7. San Antonio, the term of office of the regional head in San Antonio is limited by provisions “*two-year term, with a four-term limit*”
8. San Diego, the term of office of the regional head in San Diego is limited by provisions “*The mayor is elected to a four-year term, with a limit of two consecutive terms*”.
9. Dallas, the term of office of the regional head in Dallas is limited by provisions “*The term for the Mayor is four (4) years. The Mayor can serve two (2) terms*”.
10. In San Jose, the term of office of the regional head in San Jose is limited by provisions “*The mayor serves a four-year term and is limited to two successive terms*”.

From the several samples that have been described, it is known that each region in the US applies different term restrictions, for example, New York City imposes a limitation on the term of office for 2 (two) consecutive terms, but regional heads can return to the election after not serving for 2 (two) consecutive terms. one period. The same applies to Los Angeles, Houston, Phoenix, San Diego, Philadelphia, Dallas, and San Jose. However, it is different from Chicago, which does not apply any restrictions on the term of office for its regional heads. San Antonio applies the most stringent period restrictions; namely regional heads can only serve for 4 (four) terms of office.

The paragraph before explains that each region has its model of limitation, either limitation of the term of office or limitation of the term of office which is regulated by local laws and regulations. Each region can regulate the limitations of the power of their respective regional heads depending on the style and climate of democracy in their respective regions, this is certainly a common thing considering the US is a strong country with a federation system, which provides opportunities for regions area to manage their household widely and independently.

3.2.2. The Limitation Model of the Position of Regional Heads in the Philippines

Based on the provisions of The 1987 Constitution of The Republic of the Philippines, its country is territorially divided into provinces, cities, municipalities, and barangays. However, some regions are given special autonomy, namely the Muslim Mindanao region and the Cordillera. Each of these regions is led by a regional head who is elected through direct elections by the people.

Constitutionally, the term of office of regional heads for each administrative region in the Philippines is directly limited by the provisions of Article X Section 8, which reads:

“The term of office of elective local officials, except barangay official, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected”.

Based on these provisions, it can be seen that constitutionally in general, the Philippines limits the term of office of regional heads to 3 (three) years for one term of office, besides that the continuity of the term of office is also limited so that each region can be held for 3 (three) consecutive terms, joined by the same person. Furthermore, the same person may return to the election after not serving for an alternate period calculated after the continuation of the term of office for 3 (three) consecutive periods.

Specifically, regarding the implementation of local government in the Philippines, it is regulated under Republic Act No. 7160 An Act Providing For A Local Government Code Of 1991. Based on these provisions, the limitation of the term of office of regional heads for all levels is specifically regulated under the provisions of Section 43 (b), which reads:

“Term of office. – (b) No local elective official shall serve for more than three (3) consecutive terms in the same position. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected”.

The normalization of these provisions illustrates that regional heads in the Philippines apply a different model of term limitation from the model of limiting the term of office of the head of the central government. It is implicitly regulated under the Philippine constitution that the President of the Philippines can only serve for a term of 5 (five) years and cannot be re-elected. The model for limiting the power of regional heads that is applied emphasizes restrictions in terms of the continuity of the term of office, where the term of office of regional heads for all levels of the administrative area is 3 (three) years in one period.

Normalization of the same provisions also limits continuity related to the period of office, where each regional head is only allowed to serve consecutively in the same position for 3 (three) terms of office. Based on this norm, it can also be interpreted that constitutionally the position of a regional head does not have a period limit, as long as it is not held consecutively for a maximum of 3 terms of office. If the regional head has served 3 (three) consecutive terms in the same position, he cannot participate in the election for the next term of office, but after the 3 (three) terms of office have been interspersed with one period of rest, then that person can re-run for the post of the regional head.

3.2.3. The Model for Restrictions on Periods and Positions of Regional Heads in Japan

The state of Japan is in the form of a unitary administrative area consisting of 47 (forty-seven) prefectures covering 43 (forty-three) prefectures (県 *ken*), 2 (two) urban prefecture (府 *fu*), 1 (one) district (道 *dō*), and 1 capital city (都 *to*). Although there are different names for the 47 (forty-seven) prefectures, each prefecture has the same function and role. The 47 (forty-seven) prefectures are then further subdivided into sub-prefectures (支庁 *shichō*). The sub-prefecture consists of 9 (nine) general sub-prefectures and 5 (five) sub-prefectures in Hokkaido Prefecture, 2 (two) sub-prefectures in Kogashima Prefecture, 1 (one) sub-prefecture in Miyazaki Prefecture, 1 (one) sub-prefecture in Shimane Prefecture and 4 (four) sub-prefectures within Shimane Prefecture. In addition to sub-prefectures, the levels under prefectures are also divided into urban or municipal administrative areas totaling 1777. (MIC, 2009:8).

The prefecture is headed by a governor ((知事, *chiji*) who is directly elected by the people for a term of 4 (four) years in 1 (one) term of office and at the municipal level is headed by a mayor (市町村長, *shichōsonchō*) who is also elected by election. directly by the people for a term of office of 4 (four) years in 1 (one) period. (Council of Local Authorities for International Relations, 2022).

Japan applies the same model of term limits for both regional heads at the prefecture and municipality levels, which is 4 (four) years in one term of office. However, the two positions did not apply a limitation model for the term of office. So that each candidate can continue to serve as long as the candidate is elected through a direct election mechanism. (City Mayor Research, 2021)

3.2.4. The Limitation Model on Regional Heads in South Korea

The Province is the highest administrative area in South Korea, there are 2 (two) types of the province, namely province (도 *do*) and special province (특별자치도 *teukbyeol-jachi-do*), in addition, there is a division of administrative area which is equal to Provinces are special cities (특별시 *teukbyeol-si*), metropolitan cities (광역시 *gwangyeok-si*) and autonomous special cities (특별자치시 *teukbyeol-jachi-si*). At this level, there are 8 (eight) provinces, 1 (one) special government province, 6 (six) metropolitan cities, and 1 (one) special city. At the municipal level (district/municipality) there are administrative area levels consisting of cities (시 *si*), regions (군 *gun*), districts (구 *gu*), cities (읍 *eup*), small towns (/*myeon*), settlements (동 *dong*) and villages ((리 *ri*).

At the provincial level, it is led by a governor, while at the municipality or district/city level it is led by a mayor. The limitation of the term of office between the government at the provincial and district city levels is limited equally, namely based on Local Autonomy Act No. 7128, Chapter VI Executive Organs, Section 1 Head Of Local Government, Article 87 (*term of office of Head of Local*

Government), stated: "(1) *the term of office of the head of the local government shall be four years, and he shall continue to hold office for the maximum three-term.* <Amended by Act No. 4789.

Based on these provisions, the term of office of regional heads in South Korea at the level I and level II regions is limited equally, namely a maximum of 3 (three) terms of office, where 1 (one) term of office is 4 (four) years. The limit of 3 (three) maximum periods in question can be run consecutively or intermittently. Regional head elections are carried out directly or using a direct democracy model.

South Korea applies a different model of limiting the term of office between the head of state government and the head of local government. Where the term of office of the President based on the constitution is limited to 5 (five) years and cannot be re-elected (no re-election).

IV. CONCLUSION

1. The limitation model of the term of office of regional heads in Indonesia is based on statutory regulations by referring to the provisions of Article 60 of the Regional Government Law Jo. Article 7 paragraph (2) letters n and o of the Pilkada Law uses a restriction model known as only one re-election. Where each regional head is limited in terms of office to a maximum of 2 (two) terms of office, either held continuously or with a time lag, and/or held at a different place for the same position. This is since the limitation of 2 (two) maximum terms of office is directly proportional to the model of limitation applied to the executive position of the head of state government based on Article 7 of the 1945 Constitution of the Republic of Indonesia. is an open legal policy from lawmakers that aims to reduce the potential for abuse of authority if a position is held for too long, as well as avoid the occurrence of oligarchic politics, and aims to provide opportunities for the creation of leadership regeneration in the regions. This term limitation model also provides an opportunity for a maximum of 1 term of office for a regional head to continue his leadership success in the previous period or improve and maximize programs that have been realized and have a real impact on the realization of the welfare of the people in the region for 1 term of office in next term of office.

2. From the fourth countries that were sampled regarding the limitation of the term office of regional heads, it can be seen that each country applies a different model of limiting the term of office from each other, where it is known that the US is a country that adheres to a very broad concept of decentralization to the local government. Regions can determine their policy of limiting their term of office depending on the will of their constituents in the region which is regulated by local provisions. However, the fourth countries have one thing in common, namely that the restrictions on the tenure of regional heads are a different model from those applied to the positions of heads of state governments, where the positions of heads of state governments are more strictly limited than those of regional heads. It can be concluded that the greater the authority or influence and legitimacy of a position, the

more stringent the model of power limitation applied to the position should be. However, for positions whose authority is smaller, such as the position of the regional head, it is quite limited in terms of their influence, or the continuity of the position, and ideally the limitation of the term of office is left to the will of the constituent voters in the region, not uniformed for all territorial territories in the region based on the will of the regional electorate of central government.

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