

Interpreting Two-Term Limits in Regional Elections: Analysis of Constitutional Court Decision 132/2025

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Abstract

This study examines the constitutional interpretation of the phrase “serving two terms of office” in local elections by analyzing the Constitutional Court Decision No. 132/PHPU.BUP-XXIII/2025 concerning the 2024 Tasikmalaya Regent Election Result Dispute. The research addresses the ambiguity in the application of term limits for regional heads resulting from formalistic administrative interpretations, which potentially undermine the principles of power limitation and electoral justice. This study employs normative legal research, drawing on statutory, case, and conceptual approaches. Legal materials are analyzed qualitatively through systematic and teleological interpretation to assess the consistency of the Constitutional Court’s reasoning with the principles of the rule of law and constitutional democracy. The findings indicate that the Constitutional Court adopts a substantive interpretation of the term “serving,” emphasizing the factual exercise of governmental authority rather than merely formal administrative status. This interpretation reinforces term limits as a constitutional mechanism to prevent the concentration of power and to ensure fair competition in local elections. The decision further affirms that the validity of candidacy constitutes an integral element of electoral justice. This study concludes that consistent implementation of the Constitutional Court’s interpretation by election management bodies is essential to strengthening local democracy and ensuring legal certainty in regional head elections.

Keywords: Constitutional interpretation; Term limits; Local elections; Constitutional court; Electoral justice

Abstrak

Penelitian ini mengkaji penafsiran konstitusional makna frasa “menjabat dua kali masa jabatan” dalam Pemilihan Kepala Daerah melalui analisis Putusan Mahkamah Konstitusi Nomor 132/PHPU.BUP-XXIII/2025 dalam perkara Perselisihan Hasil Pemilihan Umum Bupati Tasikmalaya Tahun 2024. Permasalahan utama penelitian ini berangkat dari ketidakjelasan penerapan pembatasan masa jabatan kepala daerah akibat penafsiran yang cenderung formal-administratif, sehingga berpotensi melemahkan prinsip pembatasan kekuasaan dan keadilan pemilu. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Bahan hukum dianalisis secara kualitatif

melalui interpretasi sistematis dan teleologis untuk menilai konsistensi penafsiran Mahkamah Konstitusi dengan prinsip negara hukum dan demokrasi konstitusional. Hasil penelitian menunjukkan bahwa Mahkamah Konstitusi menegaskan penafsiran substantif terhadap makna “menjabat”, dengan menitikberatkan pada realitas faktual pelaksanaan kewenangan pemerintahan, bukan semata-mata pada status administratif jabatan. Penafsiran tersebut memperkuat fungsi pembatasan masa jabatan sebagai instrumen pencegahan konsentrasi kekuasaan serta menjamin kesetaraan kompetisi dalam Pilkada. Putusan ini juga menegaskan bahwa keabsahan pencalonan merupakan bagian integral dari keadilan pemilu. Penelitian ini menyimpulkan bahwa konsistensi implementasi penafsiran Mahkamah Konstitusi oleh penyelenggara pemilu menjadi prasyarat penting bagi penguatan demokrasi lokal dan kepastian hukum dalam pemilihan kepala daerah.

Kata Kunci: Penafsiran konstitusional; Masa jabatan; Pemilihan kepala daerah; Mahkamah Konstitusi; Keadilan pemilu

INTRODUCTION

Regional Head Elections (Pilkada) are one of the main pillars of Indonesia's constitutional democratic system, serving as a means of realizing people's sovereignty at the local level. Constitutionally, Pilkada obtains normative legitimacy from Article 1 paragraph (2) and Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which emphasizes that sovereignty rests with the people and is implemented through a democratic election mechanism (Sumual, 2024). Within this framework, Pilkada is not only understood as an electoral procedure for electing regional leaders, but also as a constitutional instrument to ensure accountability of power, limit authority, and sustain local democracy (Riyanti & Firmanto, 2025).

One of the fundamental elements in the design of local democracy is the regulation regarding term limits for regional heads. This limitation is a manifestation of the principle of limited government, which aims to prevent excessive concentration of power in the hands of a single individual or group (von Borzyskowski & Kartal, 2023). In the context of positive law, this limitation is emphasized in Article 7, paragraph (2), letter n of Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors, which prohibits an individual from running for reelection if they have "served two terms" in the same position. This norm is intended to maintain the quality of local democracy, encourage leadership renewal, and foster fair and equal political competition (Singajuru, 2022).

However, in state practice, the norm of term limits is not always easy to apply consistently. Problems arise when the phrase "serving two terms" is confronted with the reality of regional head positions, which are not always linear and definitive. The phenomenon of filling positions through acting heads, acting heads, or replacements for regional heads who resign before the end of their

term gives rise to complex legal interpretation issues. This issue is not merely related to administrative aspects but also touches on constitutional areas directly related to citizens' political rights, both the right to be elected (the right to be a candidate) and the right of voters to obtain fair and integrity-based elections (Erita & Kunci, 2022; Jamilah et al., 2025).

In this context, the Constitutional Court (MK) plays a strategic role as the guardian of the constitution and the final interpreter of the 1945 Constitution of the Republic of Indonesia. Through its authority, the MK functions not only to resolve disputes over general election results but also to develop constitutional doctrine that has a broad impact on the practice of organizing elections and regional elections. Several previous MK decisions have emphasized that the meaning of "serving" cannot be understood narrowly as a definitive position obtained through formal inauguration, but must be interpreted substantively in light of the factual reality of the implementation of regional government authority. This interpretation emphasizes that the essence of the term of office lies in the actual exercise of power, not merely the administrative status of the position (Susanti et al., 2022).

This interpretation issue resurfaced significantly in the 2024 Tasikmalaya Regent and Vice Regent Election, leading to the filing of a General Election Dispute (PHPU) case with the Constitutional Court. In this case, one of the main issues debated was the validity of the candidacy of a regent candidate who was argued to have served two terms as a regional head, both as an acting and as a definitive regent. This issue concerns not only vote acquisition but also fundamental questions about fulfilling constitutional candidacy requirements (Fadzlina, 2024).

The Constitutional Court's Decision Number 132/PHPU.BUP-XXIII/2025 in the 2024 Tasikmalaya Regent Election Dispute (PHPU) case is significant because it demonstrates the development of the Constitutional Court's doctrine in assessing the legitimacy of the nomination process as an integral part of electoral justice (Constitution, 2025). In this decision, the Constitutional Court did not solely focus on the difference in vote counts but also examined whether the nomination process had been carried out in accordance with constitutional principles, particularly regarding the limitation of regional head terms of office. This approach emphasizes that violations of nomination requirements can directly impact the legitimacy of election results. This issue also reveals a gap between legal norms and the practice of regional elections. Although the Constitutional Court has provided a relatively consistent interpretation of the calculation of terms of office based on factual realities, its implementation by election organizers is often suboptimal. This inconsistency has the potential to create legal uncertainty, undermine the principle of electoral fairness, and undermine public trust in the integrity of local democracy.

From the perspective of constitutional democracy, allowing regional head candidacies that substantially exceed the statutory term limit can be viewed as a failure of the state to exercise its power-limiting function (Qamar, 2022; Tarigan, 2024). This situation has the potential to create unfair structural advantages for certain candidates, undermine the principle of equality in political competition, and ultimately erode the quality of local democracy. Therefore, the interpretation of the phrase "serving two terms" must be placed within the broader framework of protecting the public interest, not merely as a matter of individual political rights.

Given this background, an academic study of the constitutional interpretation of the meaning of "serving two terms" in Constitutional Court Decision Number 132/PHPU.BUP-XXIII/2025 is highly relevant and urgent. This research is important not only for understanding the Constitutional Court's legal argument in the 2024 Tasikmalaya Regent PHPU case, but also for assessing the extent to which this interpretation is consistent with the principles of the rule of law, constitutional democracy, and electoral justice. Furthermore, this research is expected to provide theoretical contributions to the development of constitutional law and election law, as well as practical contributions to election organizers in implementing the norm of term limits consistently and fairly.

Thus, this introduction emphasizes that the problematic interpretation of regional head terms of office is not merely a technical administrative issue but a constitutional one that directly affects the legitimacy of local democracy. The Constitutional Court's ruling in the 2024 Tasikmalaya Regent Election Dispute Settlement (PHPU) case is a crucial point for critical examination to ensure that term limits truly function as an instrument for limiting power and strengthening democracy, not merely a formal norm easily circumvented in Indonesian constitutional practice.

METHODS

This research employs a normative legal research method with a descriptive-analytical character (Suyanto, 2023). This approach was chosen because the study focuses on analyzing legal norms, doctrine, and the Constitutional Court's constitutional interpretation of regional head term limits, specifically the meaning of the phrase "serving two terms" in the context of regional head elections. Normative legal research positions law as a system of norms examined through relevant legislation, court decisions, and legal doctrines, rather than through empirical field data.

The approaches used in this study include statutory, case, and conceptual approaches (Arifuddin et al., 2025; Rizkia & Fardiansyah, 2023). The statutory approach is used to examine the legal provisions governing the term limits of regional heads, specifically the 1945 Constitution of the Republic of Indonesia and Law Number 10 of 2016 concerning the Election of Governors,

Regents, and Mayors. The case approach is used to analyze in depth Constitutional Court Decision Number 132/PHPU.BUP-XXIII/2025 in the Dispute over the Results of the 2024 Tasikmalaya Regent Election, which serves as the main object of the study. Meanwhile, the conceptual approach is used to build an analytical framework based on the theory of the rule of law, constitutional democracy, limitations of power (term limits), constitutional interpretation, and electoral justice.

The types of legal materials used in this study include primary, secondary, and tertiary legal materials (Ismoyo et al., 2025; Jurdi, 2018). Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 10 of 2016, and Constitutional Court Decision Number 132/PHPU.BUP-XXIII/2025 and other Constitutional Court decisions relevant to the limitation of regional head terms of office. Secondary legal materials include textbooks, national and international scientific journals, and academic articles discussing constitutional law, election law, and constitutional interpretation. Tertiary legal materials are used as supporting materials to clarify legal terminology and concepts.

The analysis of legal materials was conducted qualitatively using systematic and teleological interpretation techniques (Bakri & Jeddawi, 2022). The analysis aimed to assess the consistency of the Constitutional Court's interpretation of the meaning of "serving two terms" with the principles of the rule of law, constitutional democracy, and electoral justice, and to examine the constitutional implications of the ruling for the implementation of regional head elections in Indonesia.

RESULT AND DISCUSSION

Constitutional Interpretation of the Meaning of "Serving Two Terms"

Research results show that the Constitutional Court, in Decision Number 132/PHPU.BUP-XXIII/2025, affirmed a substantive approach to constitutional interpretation of the phrase "serving two terms." The Court did not interpret "serving" solely as an administrative formality but rather emphasized the factual reality of the implementation of the regional head's authority. Thus, the primary measure of tenure is not determined by the definitive position status or formal nomenclature, but by the fact that the person concerned has carried out the functions, authorities, and responsibilities of the regional head for a significant period (Nurbaeti et al., 2025).

This approach reinforces the consistency of the Constitutional Court's previous jurisprudence, which has rejected narrow and formalistic interpretations of the term limit norm. The Court emphasized that the two-term limit is a preventive constitutional norm designed to prevent the accumulation of power and maintain the circulation of political leadership at the regional level. Therefore, the interpretation of the phrase "serving" must be directed at the

substance of the power exercised, not at administrative manipulations that could potentially erode the meaning of the term limit itself (Asshiddiqie, 2022; Rinaldi et al., 2025).

In the context of the 2024 Tasikmalaya Regent Elections Dispute Resolution (PHPU), the Court held that the actual existence of a term of office, whether as an acting or as a definitive regional head, cannot be artificially separated if it has actually met or exceeded the time limit substantially equivalent to one term of office. This interpretation demonstrates the Court's consistent application of constitutional principles to uphold the normative purpose of limiting regional head terms.

The Constitutional Court's Legal Considerations and the Validity of Nominations

Further discussion shows that the Constitutional Court does not limit its PHPU examination solely to the quantitative aspects of vote acquisition but also assesses the qualitative aspects of the election process, particularly the validity of nominations. The Court emphasized that regional head nominations that do not meet constitutional requirements from the outset constitute a fundamental flaw (constitutional defect) that may affect the legitimacy of the election results (Rais, 2022; Sabadina, 2025).

In its deliberations, the Court considered the requirement of term limits an integral part of the principle of electoral fairness. The appointment of candidates who have substantially exceeded the two-term limit was deemed not only to violate statutory norms but also to undermine the principle of equal competition (level playing field) in regional elections. Thus, the Court emphasized that the right to be elected is not an absolute right but can be constitutionally limited to protect broader democratic interests (Suarlin & Fatmawati, 2022; Tarigan, 2024).

This ruling also corrected the practice of election organizers, who tended to adopt a formal, administrative approach to assessing candidacy requirements. The Court emphasized that election organizers are obliged to use the Constitutional Court's ruling as the primary reference in interpreting and applying the term limits norm, to ensure legal certainty and consistent application of election law.

Constitutional Implications for Local Democracy and Electoral Justice

From the perspective of constitutional democracy, Constitutional Court Decision No. 132/PHPU.BUP-XXIII/2025 has significant implications for strengthening the principles of power limitation and electoral justice. A substantive interpretation of the meaning of "serving two terms" serves as a corrective instrument against potential abuse of legal loopholes that could perpetuate excessive power of regional heads.

This ruling also reinforces the Constitutional Court's role as a guardian of the integrity of regional head elections. By assessing the validity of nominations as part of electoral fairness, the Court broadens the understanding that the quality of democracy is determined not only by the final election results, but also by the fairness and constitutionality of all stages of the process. This approach aligns with the principle of substantive justice, which requires that all election participants be subject to the same rules and their consistent application (Ismoyo et al., 2025; Rinaldi et al., 2025).

Furthermore, the implications of this ruling emphasize the importance of synchronizing legal norms, Constitutional Court jurisprudence, and the practice of regional head elections. If the Constitutional Court's interpretation is not consistently implemented by election organizers, the purpose of term limits as a mechanism to limit power could lose effectiveness. Therefore, this ruling has strong precedent value in strengthening the quality of local democracy and preventing the degradation of constitutional principles in regional head elections.

CONCLUSION

This study concludes that the Constitutional Court, through Decision Number 132/PHPU.BUP-XXIII/2025, affirms a substantive constitutional interpretation of the meaning of the phrase "serving two terms" in the Regional Head Election. The Court does not limit the meaning of "serving" to the formal-administrative aspect but rather emphasizes the factual reality of the implementation of government authority as the main benchmark for calculating the term of office. This interpretation emphasizes that term limits are a constitutional instrument to prevent the concentration of power, maintain the circulation of leadership, and ensure fair competition in the Regional Head Election. By making the validity of the nomination an integral part of electoral justice, the Court expands the scope of the PHPU examination not only to vote-count results but also to the constitutionality of the process from the nomination stage. This finding indicates that consistent application of the Constitutional Court's interpretation by election organizers is an important prerequisite for realizing legal certainty and strengthening local democracy, while also preventing the abuse of normative loopholes in term limits for regional heads.

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