

Term Limitations for State Power

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ABSTRACT

This study examines the fundamental concepts of authority and legitimacy within the framework of introductory legal studies, along with their practical implications in the operation of modern states. Authority is understood as legally grounded power exercised by state institutions within clearly defined limits, while legitimacy refers to the societal acceptance that justifies such power. The discussion highlights that authority cannot function effectively without legitimacy, and legitimacy itself depends on the lawful and responsible exercise of authority. Furthermore, the paper explores the limitations imposed on state administrators, emphasizing principles such as legality, the rule of law, separation of powers, human rights protection, accountability, and ethical considerations as essential safeguards against the abuse of power. In addition, it analyzes various sources of legitimacy, including legal procedures, public consent, cultural traditions, governmental performance, moral integrity, and international recognition. The study also underscores the importance of term limits as a mechanism to prevent the concentration of power, encourage leadership renewal, and strengthen accountability within governance systems. Overall, the findings demonstrate that a stable and just legal system requires a balanced relationship between authority, legitimacy, and institutional constraints, ensuring that power is exercised responsibly and in accordance with the public interest.

Keywords: Authority, Legitimacy, Rule of Law, Separation of Powers, Accountability, Term Limits, State Power, Legal System.

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INTRODUCTION

The term of office of state administrators is one of the fundamental principles in the modern democratic constitutional system. This principle aims to prevent the concentration of power in one individual or group for too long a period of time, which has the potential to cause abuse of power. In a democracy, power must be limited and supervised in order to continue to operate in accordance with constitutional principles and ensure the protection of people's rights. Therefore, the regulation of the term of office is an important instrument in maintaining the balance of power in a country (Reynold Simandjuntak, 2024)

The urgency of term limits is even stronger when it is associated with political realities that show a tendency to abuse power by public officials. Unrestricted power has the potential to give birth to corrupt practices, collusion, and nepotism that can damage the system of government. In addition, power that has been in the hands of one party for too long can also hinder the leadership regeneration process and close the space for political participation for the new generation. Thus, term limits are one of the important mechanisms in preventing power abuses (Cahya, 2022).

From a constitutional law perspective, authority is the formal power possessed by state officials to carry out their functions and duties based on laws and regulations. However, this authority must be accompanied by strong legitimacy from the community so that it can be carried out effectively. Legitimacy is a form of public recognition and acceptance of the power possessed by state administrators. Without legitimacy, the authority possessed by state officials will lose moral legitimacy and have the potential to cause social and political conflicts (Mardianto, 2025).

The relationship between authority and legitimacy is very important in the context of term limits. The term of office restrictions provide an opportunity for the public to evaluate the performance of state administrators through democratic mechanisms, such as general elections. With these restrictions, the legitimacy of power can continue to be updated periodically so that public trust in the government is maintained. In addition, term limits also encourage the creation of a more accountable and transparent government (Ghafur, 2024).

Previous research has studied a lot about the limitation of power in the constitutional system, but most of it still focuses on normative aspects and has not comprehensively examined its relationship with the legitimacy of power. Some studies have only emphasized the importance of power limits in the constitution without looking at the implications for political dynamics and public trust. Therefore, a more in-depth study is needed on how term limits can affect the legitimacy and effectiveness of government administration (Rudiyansah, 2025).

Based on this background, this study aims to analyze the concept of authority and legitimacy in state administration, identify the limits of the authority of state administrators, and examine the importance of term limits as an instrument in maintaining the balance of power. This research is expected to contribute to the development of constitutional law, especially in strengthening a transparent, accountable, and just democratic system (Ritonga, 2024).

RESEARCH METHOD

This study uses a type of normative legal research with a descriptive-analytical approach. Normative legal research was chosen because this research focuses on the study of legal norms related to the term of office of state administrators, as well as the concept of authority and legitimacy in the constitutional system.

The descriptive approach is used to systematically describe the concepts and legal arrangements that apply, while the analytical approach is used to examine and assess the relevance and implications of these norms.

The approaches used in this study include a legislative approach and a conceptual approach. The legislative approach is carried out by examining various laws and regulations that regulate the authority and term of office of state administrators, especially within the framework of constitutional law in Indonesia. Meanwhile, a conceptual approach is used to understand basic concepts such as authority, legitimacy, and limitation of power based on the views of legal experts and relevant theories.

The type of data used in this study is secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations and official state documents. Secondary legal materials are books, scientific journals, and the results of previous research related to the research topic. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that support the understanding of the terms and concepts used.

The data collection technique is carried out through library research, which is by tracing and reviewing various literature that is relevant to the research problem. Furthermore, the data that has been collected is analyzed qualitatively by grouping, interpreting, and drawing conclusions based on the legal logic and theory used. Through this method, it is hoped that the research can provide a comprehensive overview of the importance of limiting the term of office of state administrators in maintaining the balance of power and strengthening legitimacy in the democratic system.

RESULT AND DISCUSSION

Definition of Authority and Legitimacy

Within introductory legal studies, the notions of authority and legitimacy are essential for explaining how law functions in an organized society. Authority can be described as the power that is formally granted to individuals or institutions to regulate conduct, make binding decisions, and enforce legal rules. In a legal context, authority is not simply raw power; rather, it is power that has a legal basis and operates within clearly defined limits. Such authority usually originates from constitutions, legislation, or recognized legal principles that determine its scope and boundaries.

In practice, authority is exercised by state organs such as the legislative, executive, and judicial branches, each holding distinct responsibilities. Legislatures are responsible for law-making, courts interpret and apply the law, and the executive implements it. This structured distribution reflects the idea that power must be regulated to avoid misuse. Consequently, authority is closely related to legal competence, meaning that any action taken must remain within the limits established by law.

Legitimacy, in contrast, concerns the acceptance and justification of that authority. While authority identifies who holds power, legitimacy explains why that power is considered rightful. A system of governance or legal order is regarded as legitimate when it is viewed as appropriate, justified, and consistent with both legal standards and societal expectations. Without legitimacy, authority may still exist in a formal sense, but it is likely to face resistance or lack of compliance from the public (Salsabila, 2020).

The sources of legitimacy are diverse, ranging from legal and constitutional foundations to traditions and moral values. In modern legal systems, legitimacy is often associated with democratic principles, adherence to the rule of law, and respect for fundamental rights. Authority becomes legitimate when it is exercised transparently, follows established procedures, and reflects the collective will or consent of the people.

Ultimately, authority and legitimacy are closely interconnected. Authority requires legitimacy to function effectively, while legitimacy depends on the proper use of authority in accordance with the law. Understanding this relationship is crucial in legal studies, as it helps explain how legal systems maintain stability, uphold justice, and secure public trust (Herlina, 2021).

Limits of Authority of State Administrators

In the study of law, especially in understanding how a state operates, the authority held by state administrators is never unlimited. Instead, it is always restricted by certain legal and institutional boundaries. These limits are important because they prevent the misuse of power and ensure that all actions taken by public officials remain consistent with the principles of justice, fairness, and the rule of law. In a constitutional system, authority is not based on personal will, but on legal provisions that clearly define what can and cannot be done (Ibad et al., 2026).

One of the most important restrictions on state authority is the principle of legality. This principle means that every action taken by government officials must have a clear basis in law. In simple terms, public authorities are only allowed to act when the law gives them permission to do so. If a government official acts without legal authorization, such actions can be challenged and declared invalid. This principle helps protect citizens from arbitrary decisions and ensures that power is exercised in a predictable and controlled manner (Alfauzi & Effendi, 2020).

Another key limitation is the concept of the rule of law. Under this principle, everyone both citizens and government officials is subject to the law. No one is above it. This ensures that state administrators cannot act freely without considering legal rules and procedures. It also guarantees that individuals have legal protection against unfair or unlawful actions taken by those in power. Institutions such as courts play an important role here, as they can review government actions and ensure that they comply with the law.

In addition, the separation of powers serves as a structural safeguard against the abuse of authority. In most modern states, power is divided among three main branches: the legislative, the executive, and the judiciary. Each branch has its own responsibilities and authority. For example, the legislature makes laws, the executive implements them, and the judiciary interprets and applies them. This division prevents any single institution from becoming too powerful. Through a system of checks and balances, each branch can monitor and limit the actions of the others, creating a more balanced and accountable system of governance (Yusdianto, 2015).

Another important boundary is the protection of human rights. State administrators must always consider the fundamental rights and freedoms of individuals when exercising their authority. These rights include, for example, the right to freedom of expression, the right to a fair trial, and the right to equality before the law. If government actions violate these rights, they can be legally challenged. This ensures that authority is not used in ways that harm or oppress citizens (Sibuea et al., 2020).

Furthermore, accountability is a crucial aspect that limits the exercise of authority. State officials are required to explain and justify their actions to the public and to other oversight institutions. This accountability can take several forms, including political accountability (such as elections or parliamentary oversight), administrative accountability (through internal supervision), and legal accountability (through courts). By requiring officials to be responsible for their decisions, accountability promotes transparency and reduces the risk of corruption or abuse of power.

Finally, ethical and moral considerations also play a role in limiting authority. Even when an action is legally permitted, it may still be considered inappropriate if it goes against ethical standards or public

expectations. Therefore, good governance requires not only legal compliance but also integrity and responsibility in decision-making (Ariawan, 2010).

In conclusion, the authority of state administrators is shaped and limited by a combination of legal rules, institutional structures, and ethical principles. These limitations are essential to ensure that power is not abused and that the rights of citizens are protected. A strong legal system is one where authority is exercised carefully, within clear boundaries, and always in the interest of the public.

Ways to Obtain Legitimacy in Power

In the context of legal and political studies, legitimacy is a key factor that determines whether authority is accepted as rightful by society. Possessing power alone is not enough for a government to function effectively; it must also be supported by public recognition and trust. Without legitimacy, authority may exist formally, but it will be fragile and difficult to sustain. For this reason, it is important to understand the different ways through which legitimacy can be established and maintained (Asgar, 2023).

One of the main sources of legitimacy is the legal-rational basis. In modern governance systems, power is considered valid when it is obtained and exercised according to established laws and constitutional procedures. For example, leaders who come to power through fair and transparent elections are generally viewed as legitimate because their authority reflects the collective choice of the people. This form of legitimacy is closely connected to democratic principles, where participation and legal processes play a central role (Fauzan et al., 2021).

Another important factor is public approval or consent. When citizens willingly accept a government and support its policies, the authority of that government becomes stronger. This acceptance can be expressed through elections, civic engagement, or general public trust. Governments that are responsive to the needs and aspirations of their people tend to build and maintain higher levels of legitimacy over time (Richa, 2015).

Legitimacy may also arise from tradition and cultural foundations. In certain societies, authority is respected because it is deeply rooted in long-standing customs and historical practices. Systems such as monarchies or traditional leadership structures often rely on this type of legitimacy, where power is accepted as part of cultural continuity. Although it may not always involve formal legal procedures, this form remains significant in many communities.

In addition, government performance plays a major role in shaping legitimacy. When a state is able to provide security, deliver public services, maintain economic stability, and improve the welfare of its citizens, it gains trust and support. This is often referred to as performance-based legitimacy. Even if a government initially gains authority through legal means, its legitimacy can decline if it fails to meet public expectations (Haboddin, 2017).

Another source is ethical and moral credibility. Authority is more likely to be recognized when it is exercised in a fair, honest, and responsible manner. Leaders who demonstrate integrity and uphold justice tend to strengthen public confidence in their leadership. On the other hand, practices such as corruption, injustice, or abuse of power can quickly weaken legitimacy.

Lastly, international acknowledgment can also contribute to the legitimacy of a government, especially in a global context. Recognition by other states or international organizations can reinforce a government's position and credibility, both domestically and internationally. This is particularly relevant for new governments or states in transition (Duryat, 2021).

In summary, legitimacy in power can be built through multiple interconnected factors, including legal procedures, public support, cultural traditions, effective governance, ethical conduct, and international recognition. A government that successfully combines these elements is more likely to maintain stability and long-term acceptance from its people.

Limitation of Term of Office for State Administrators

In contemporary constitutional and legal systems, restricting the duration of office for state administrators is a crucial mechanism to prevent the excessive concentration of power. This concept is closely linked to democratic values, accountability, and the supremacy of law. By determining how long a public official may serve, the legal framework ensures that leadership is periodically renewed and that authority does not become permanent or uncontested (Maharani, 2020).

One of the main purposes of term limits is to reduce the possibility of power being misused. When individuals remain in positions of authority for too long, there is a greater chance that they may prioritize personal or political interests over the public good. By setting clear limits, the system emphasizes that holding office is a temporary mandate rather than a lifelong privilege. This helps create a culture where power is viewed as a responsibility that must be exercised carefully (Khaerunnailla et al., 2019).

Term limits also play an important role in encouraging political renewal. Regular changes in leadership open opportunities for new figures to emerge and contribute to governance. This process allows fresh perspectives, ideas, and approaches to develop, making the political system more adaptable to changing social and economic conditions. As a result, governance becomes more responsive to the needs of the people (Sutrisno & Fahrazi, 2025).

Another significant benefit of limiting terms of office is the strengthening of accountability. When officials are aware that their tenure is restricted, they are more likely to perform their duties responsibly and transparently. In democratic contexts, this is often reinforced through elections, where leaders are evaluated by the public and must demonstrate their effectiveness to retain trust or seek re-election if permitted (IMAM, 2019).

From a legal standpoint, term limits are usually established in constitutions or statutory regulations. These rules define the length of service, the number of terms allowed, and the conditions under which an individual may continue in office. Such provisions provide legal certainty and help prevent disputes or manipulation regarding the continuation of authority.

Moreover, term limits contribute to maintaining a balanced distribution of power within the state. Alongside mechanisms such as separation of powers and institutional oversight, they help ensure that no single individual or institution dominates the political system. This balance is essential for preserving democratic order and protecting citizens from authoritarian tendencies (Sahidin et al., 2024).

Despite their importance, term limits can face challenges in practice. In some situations, political leaders may attempt to extend their time in office by modifying legal rules or exploiting loopholes. Such actions can weaken democratic institutions and erode public confidence. Therefore, effective enforcement and strong civic awareness are necessary to uphold these limitations (RS et al., 2025).

In summary, limiting the term of office for state administrators is a fundamental feature of a stable and fair political system. It helps prevent the abuse of power, promotes leadership change, enhances accountability, and supports democratic governance. By ensuring that authority is exercised within a fixed timeframe, term limits contribute to maintaining trust and balance within the state.

CONCLUSION

From the discussion above, it can be understood that authority and legitimacy are essential and closely related components in any legal and political system. Authority represents the formal power granted by law to individuals or institutions, while legitimacy provides the justification that makes such power accepted by society. Authority without legitimacy tends to be unstable, whereas legitimacy can only be maintained when authority is exercised properly and in accordance with legal norms.

Moreover, the use of authority by state officials is always subject to various limitations, including legal rules, institutional arrangements, and ethical standards. Principles such as legality, the rule of law, separation of powers, protection of human rights, and accountability serve as safeguards to ensure that power is not misused. These mechanisms help create a system of governance that is fair, transparent, and responsible.

Legitimacy itself can be developed through several factors, including compliance with legal procedures, public support, respect for cultural values, effective government performance, moral integrity, and recognition from the international community. These elements work together to strengthen the acceptance of authority and enhance the stability of governance.

In addition, the restriction of terms of office plays an important role in preventing the accumulation of power in one position. It encourages leadership rotation, strengthens accountability, and supports a balanced political structure.

In conclusion, a strong and stable legal system depends on the proper exercise of authority within clear limits, supported by legitimacy and continuous oversight. Such conditions are necessary to uphold justice, maintain public confidence, and ensure sustainable governance.

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