

## Comparison of Presidential Term Regulations in Several Countries with Presidential Systems: Indonesia, United States, and Philippines

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### ABSTRACT

In the presidential system of government, the Head of Government is held by the President, and the constitution of each country determines his terms of office in the proposal. This research compares presidential term arrangements in Indonesia, the United States, and the Philippines, focusing on the duration of the term of office and period limits. The legal research method used in this research is normative juridical research to answer the issues to be discussed. This research aims to examine three countries with the same system of government but different presidential term periods. The results of this study show that in Indonesia, the president serves for five years with a maximum of two terms. In the United States, the president also has a four-year term limited to two terms. Meanwhile, in the Philippines, the president serves a six-year term without the possibility of re-election. The research found that these different arrangements reflect each country's historical and political context and have implications for political stability, policy continuity, and electoral dynamics.

## Introduction

In the system of government, the Head of Government is held by the President, and the term of office is Already Certain and determined by the constitution of each country in terms of This position of president as head of government no can be dropped or forced to back off by the legislative. Although there is a possibility of firing the president through something outside the process average land no, such as “impeachment”, in the system, the presidential president holds the position of head of government in a time head country already evident in the system that has a separation of power, specifically between executive and legislative.

In Research Proposal This example country has a presidential presidential system, namely Indonesia, the United States and the Philippines. Regarding the

arrangement period, the position of president in the third country adheres to the system of the same government president; however, in terms of office president, all three own different periods in the relevant region of Indonesia with tenure president. This is located on Law Indonesian Constitution matter on Terms Article 7 Invite the Law the Republic Indonesia of states: " President And Deputy President holding the position for five years, and afterwards can selected return in position the same, only For once times time position". This means the terms office president and vice president. A maximum of only two are allowed.

If in the United States, Arrangements related to the mass position of president Are located in Law-Constitution of the United States Arrangements election general president and vice president of United States that is regulated in constitution namely: Article II - The Executive Branch Note, Section The Executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years and, together with the Vice-President chosen for the same Term, be elected as follows:

Finally, in the Philippines, the Country's Settings related to the president's tenure are located in the Constitution. Political in Spanish Constitution *Politica* is known informally as *Constitution Malolos* (The Malolos Constitution), Setting election of the general president and vice president in the Philippines, namely arranged in the constitution, namely Article 7- The Executive Department, Section 4 The President and the Vice -President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date six years after that. The President shall not be eligible for any reelection. No person who has succeeded as President and served for more than four years shall be qualified for election to the same office at any time.

In Indonesia, its constitution has arranged that's the president only allowed to serve two periods; however, after several years of office, President Joko Widodo had an idea For extending the term of office of the Indonesian president to three periods if applied in a way naturally in Indonesia must change base constitution country This is because in its constitution arranged only two periods. However, the idea Is opposed by experts in constitutional law in Indonesia because it violates the constitution of the State of Indonesia.

However, before the Indonesian constitution was amended for the first time in 1999, the president of Indonesia took office for 32 years during the leadership of President Suharto because, inside its constitution, there are term limits of two periods. The moment before the amendment, in its constitution, it only stated that the president and deputy president hold their position for five terms a year, and afterwards, it can selected back; there is Article 7 Law Base Country Republic Indonesia 1945 Before amendment. But after the first time, setting related period position president has explained in it stated that the president and deputy president hold the position for five years, and afterwards can select return in position the same, only For once times time position, then there

is on Article 7 Law– Law Foundation Republic Indonesia Year 1945 After amendment First.

The same is true in Indonesia and the United States. Once, each was led by a president who served more than two terms, some even serving for four terms. At the time, four-term President Franklin D. Roosevelt served as President of the United States from March 4, 1933; he was elected president for three terms and served the first three months of his fourth term until his death on April 2, 1945. This makes him the longest-serving American president to serve more than three terms.

Based on The Conversation on Finally, the maximum limit someone can be president when in America originates from an amendment seconds two yeah added to the American Constitution in the year 95, which limits the president to two times the selection president succeeds. Since the application of the Second Amendment, tens two had time appear several ideas from President Harry Truman, Dwight Eisenhower, and Ronald Reagan argued that restrictions on a maximum two-period position presidency were contradictory with the freedom of people to choose the president they wanted.<sup>1</sup>

The same case with Indonesia, in the Philippines too recently , during the term of office of President Ferdinand “ Bongbong ” Romualdez Marcos Jr., there is an idea And desire from several parties, including its president, For do cha-cha or chaser chance, though president country the said that it cha-cha will himself do only assembled progress economy his country however, one expert political opinion that's it every movement The cha-cha is done by president Certain regarding term of office president of the Philippines. That's what makes the public think that the president of the Philippines wants to extend the term of office to two periods.<sup>2</sup>

We Realize that the Study about the comparison of terms of office president of Indonesia, the Philippines and the United States is not the first time this has been done; however, the results study earlier discusses the matter. This focus of the study is possibly different research the between other:

First, Fenti Ermatica.EE conducted research in 2016 titled Comparison Dismissal President in Period Position in and States.<sup>3</sup> The study focused on discussing things that can make a president dismissed. It also addressed a lot related to system government, Presidential, Parliamentary, and Mixed time, discussing how to practice dismissal of presidents in system government in two countries. The difference with ongoing research is that the study previously

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<sup>1</sup> Riski Darmawan, "5 Facts about the American President with the Longest Tenure, Franklin D. Roosevelt," 2024, nd, <https://international.sindonews.com/read/340289/45/5-fakes-president-america-dengan-masa-franklin-d-roosevelt-s-longest-serving-7040639>. Accessed on March 5, 2024.

<sup>2</sup> “Amendment and Nafsu to Extend Power in the Philippines,” Kompas.id, nd, <https://www.kompas.id/baca/internasional/2024/02/01/amendemen-dan-nafsu-panjang-kuasa-di-filipina>, .

<sup>3</sup> Suparto "The Position and Function of the Vice President of the Republic of Indonesia in the Indonesian Consttutional System" Progresif Journal of Law Vol. 6, No.1 (2020): 68.

focused more on the president's dismissal when the president is still in term office. Meanwhile, ongoing research discusses the differences in terms of office with a system government, which is the same as a presidential system.

Second, Rizki Aulia Adinda and his colleagues conducted research in 2023 titled Comparison System Government Presidential in Indonesia and America United.<sup>4</sup> The research focused on comparing government systems in Indonesia and the United States. The study also discusses related problems and challenges in the presidential application system. Our research was different because we covered a more comprehensive comparison between the United States, Indonesia, and the Philippines. However, the third country's equation is the use of the government system.

Third, research conducted by Syofyan Hadi in 2016 with the title Impeachment President and Deputy President (study comparison Between Indonesia, America United States, and the Philippines)<sup>5</sup>The study discusses ousting the president and deputy president in Indonesia, the United States, and the Philippines. The Difference with our research is that we don't discuss the impeachment process and the reasons used in impeachment proceedings, but rather when the president's term ends and can take office from the period already set. However, the third country's equation uses a government system.

Urgency Study This is a significant problem for some countries, especially for a country with a system of government. Because a president leads his country, if wrong or not appropriate in determining the term of office, it president then that's what is too long power by just one person, if matter the happen then a country with a presidential system becomes not different from the country-country kingdom. That's what research is done as tenure analysis of other presidents with the system of the same government, that is, the presidential.

## Methods

In support of analysis-related research, this method is used with the juridical-normative method, with application method review law and related regulations with problem law. The research is accompanied by norms that apply to research material—material library nor material secondary.<sup>6</sup> Discussion study: This problem will be discussed and obtained from the data collection from the study literature. It means using literacy the later studied and analyzed form journal scientific law, books, internet media, and document law the related events with Comparison Arrangement Period Position President on Some Countries with System Presidential (Indonesia, United States, and Philippines).

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<sup>4</sup> Carolus Borromeus Mulyatno, "Comparison of the American and Indonesian Presidential Government Systems," *Journal of Education and Counseling* 4, 2022, 349–58.

<sup>5</sup> Ebu Kosmas "Unity of Power of the President and Vice President" *JournalProyuris* Vol.2, No. 1 (2020): 59.

<sup>6</sup> Mukti Fajar and Yulianto Achmad, *Dualism of Legal Research: Normative and Empirical* (Yogyakarta: Pustaka Belajar, 2019).

Data collected is analyzed qualitatively, and later, results are analyzed. This produces descriptive analysis, giving descriptions related to object research and helping make a correct analysis conclusion. Data used is secondary data, namely data obtained not straight away on source nor object his research in the form of material primary law, secondary, and tertiary.

## **Discussion**

### **Equality System Term of Office Arrangements President of Indonesia, the United States and the Philippines**

The constitution covers the constitution written and not written; in theory, the constitution covers the rights of the primary man and the connection of the ruler and the people, then arrangement regarding the term of office. President in study theory, the constitution is fundamental for regulation in the constitution; the arrangement of the position of president and deputy president the arranged in the constitution will be interesting if prosecuted move on to study comparison with the constitution country another which is also arranged related comparison of terms of office president.

In a research proposal, it is already clear that the study compares, namely, the setting of the Term of the Office President in Some Countries with the presidential; however, in the matter, this is not only compared to setting the term of the office president from a third country, which also has various similarities. The constitution, which rules the highest country, naturally will; there is an equation in settings, especially in setting the term of office president; after pouring and discussing constitutions in Indonesia, the United States, and the Philippines, then will see several arrangements the same in setting the term of office president in Indonesia, the United States and the Philippines.

The first equation if based on the Indonesian constitution, confirms that Indonesia is a unitary state-shaped republic; Indonesia is a country with its characteristic system of government shaped by the presidency, which has similarities with the United States government and the Philippines, the President of Indonesia, United States and the Philippines which is head country at a time head government. In the know, a government can understand something system connection Tata Work inter Institutions country that is formation government adhere to principle Triassic Politica or known as distribution power in government, then second country the manganut system Institution executive, Institution legislative, and Institution judiciary.<sup>7</sup> Separation of executive and legislative, each with its authority individually obtained from the election, is partly planned from system checks and balances. By theory, all three own power and do not depend on the same else; however, in practice, the President and the legislative usually must share power. They must cooperate in solving the problem, and the

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<sup>7</sup> Christiani, "Application of the Trias Politica Concept in the Indonesian Government System," *Lex Administratum Journal, Faculty of Law UNSRAT* Vol. VIII, (2020): 31.

result does not reflect a separation of power but a fusion complex from both, consisting of separated institutions. However, at once, a combination of power and interaction connects politics daily.<sup>8</sup>

The second equation is the same, with the same limit for the president's occupying the position; this is seen in Article 7, Invite The Law the Republic Indonesia, which states: " President and Deputy President holding the position for five years, and afterwards can select return in position the same, only for once times time position." The term of office for president and vice president is a maximum of only two.

Temporarily, it's in the American Union. Article II Section of the United States Constitution mentions, "The executive power shall be vested in a President of the United States of America. He shall hold his office during the Term of four Years and, together with the vice President chosen for the same term, be elected as follows:" It means Power executive to be right President America United. He holds power for a term of office of 4 years together with the elected vice president for the same period and can nominate back One time Again or Only once re-election. The main thing is to Explain that the president has two periods before the president, so this cannot become a candidate for vice president.

In the Philippines Philippines's Constitution Article VII regarding the Executive Department, Section 4 explains: " The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall so at noon on the third of June next following day of the election shall end at noon the same date six years. The President shall not be eligible for any reelection. No person who has succeeded as President and served for more than four years shall be qualified for election to the same office at any time." In explanation, Chapter 7 Article 4 is about the President and Deputy President in the Philippines taking office for six-year terms. The President and Deputy President cannot nominate themselves again during the period of term of office. The one main thing is that the president of the Philippines can only take office for one period.

Limitations term of office president is an effort to prevent the occurrence of mastery position power that is believed will be the base occurrence of abuse of power and authority, by because that on change first 1945 constitution changed provisions Article 7, which initially read "President and Deputy President holding his position for five terms a year, and afterwards can chosen back", changed sound the article became "President and Vice President hold position during five year, and afterwards can chosen back in job title is same, only for one times term of office."

The existence amendment Article 7 of the Law Basic 1945 explains that the position of President is limited to only two time periods. Restrictions period position president after amended Article 7 Law Basic 1945 can avoid power the

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<sup>8</sup> Kenneth Newton and Jan W. Van Deth, *Comparison of Political Systems Theory and Facts (Translation)* (Bandung: Nusa Media, 2016), 114.

continuity, authoritarian and prevent the existence of Abuse of Power.<sup>9</sup> The point of importance is that the person has already served two terms of office and cannot again occupy the same position.<sup>10</sup>

The third equation teleplays the term of office. President For can choose to return for hold power, but in the matter, only Indonesia and the United States have the same period matter. This is seen in the previous United States Constitution attached to the United Constitution Article II Section, which is essentially the term of office president in the United States in just two periods. No, there is again an extension of the term of office Presidents in America other than those written and executed until now, too, with Indonesian Provisions Article 7 of the 1945 NRI Constitution in essentially the term of office president and vice president maximum of just two are allowed period.

This is different from the Philippines, which previously also has attached in the Philippines's Constitution Article VII regarding Executive Department, Section 4, which is essentially a Term of office limited only to one six years, and the president is not entitled to selected return. The service period will be calculated from when he started office as president.<sup>11</sup> Whereas resignation self, in a way volunteer, can be done at any time. However, on its development plan constitution, which the new Philippines submitted to President Rodrigo Duterte on September 20, 8, there is a chance to allow it to add a term of office for eight years. According to the law applicable in the Philippines at the moment, this is with the position of president for six years; Duterte has chosen in 20, 6, it will be back off in 2022.

### **Indonesia, America, the United States, and the Philippines have Term of Office Arrangements for A Different President with the same Leadership.**

Presidential, parliamentary, and semi-presidential systems can share system leadership. Each system has its characteristic characteristics. A presidential system is one in which the president is chosen by the people, and power is the executive offset by the institutional legislative.<sup>12</sup> Institutions legislative not submit to the president because people select both of them. Separation of power between legislative and executive enforced order clarifies that the president and his cabinet cannot be board legislative. System presidential own characteristic features as the following, namely:

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<sup>9</sup> Dian Ayu Firdayanti "The Position and Constitutional Powers of the Vice President in the Presidential System," *Jurnal-Diction* Vol. 3, No. 4 (2020): 564.

<sup>10</sup> QD Latansa, "Constitutionality of Term Limits for the President and Vice President in Indonesia," *Jurist Diction* Vol. 2, No.2 (2019): 604.

<sup>11</sup> Abdul Rahman Bastri. "The Landscape of Government: Understanding the Differences and Implications of Presidential, Parliamentary, and Semi-presidential Systems" *Journal of Governance and Local Politics* Vol. 6, No. 1 (2024): 70.

<sup>12</sup> Ade Maman Suherman, *Introduction to Comparative Legal Systems, Civil Law, Common Law and Islamic Law* (Jakarta: PT Grafindo Persada, 2004), 9.

1. The president operates tasks as a head state (ceremonial) and owns authority over each executive branch. Authority among them is commander class armed and head department staffing national, as well responsible for answering top policy outside the country and on legislation in country;
2. The president lifts the cabinet as an advisor and to operate the wheel of bureaucracy, the government is formed from task executive as executor policy;
3. The president can propose legislation on legislative will, but constitutional enforcement still determines board legislation. Put is institution executive in propose design law needs agreement from institution's legislative which means there is a dependency to the council legislative;
4. The president's own period position is fixed, except in certain situations when the legislative board can impeach the president.<sup>13</sup>

System government parliamentary and presidential have differences, among others:

1. In a parliamentary system, the head government, held by the prime minister or chancellor, depends on the motion and trusts the legislative body. In contrast, in a presidential government, the head of government is called the president, chosen for a definite term of office. It determines the constitution and the condition that it is normal not to be dismissed by the legislative.
2. The head government president is chosen by the people, either directly or through a body election, whereas the legislative body selects the prime minister in the parliamentary system.
3. The parliamentary system has an executive collegial, whereas the system of government has a non-collegial.
4. The president is the head of government and the head of the country, whereas the prime minister is just the head of government. President No can be a member body legislative at a time, while the prime minister and cabinet members are usually member legislative.<sup>14</sup>

Countries such as Indonesia, the Philippines, and the United States adhere to the presidential system. However, their systems have the same leadership; there is a difference in granting a president's tenure in a third country. Granting different terms of office is based on differences in third countries. First, it is influenced by the system of other parliaments. The Philippines adheres to a system parliament called "Bicameral" (2 chambers), and Indonesia has a system parliament called "Tricameral" (3 chambers).

Tricameral consists of three government institutions, the Assembly People's Consultative Assembly (MPR), the Council of People's Representatives (DPR), and the Board of Regional Representatives (DPD). The DPR represents the party;

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<sup>13</sup> Arnita. "Presidential Government System In The Unitary of Republic of Indonesia" *Journal of Administrative Transformation* Vol. 10, No. 2 (2020): 93.

<sup>14</sup> Arend Lijphart, *Parliamentary and Presidential Government Systems* (Jakarta: PT RajaGrafindo Persada, 1995), 5-7.



the DPD is the deputy government area. The Philippines has a system parliament bicameral (2 chambers) comprising two government institutions.<sup>15</sup> Congress consists of a Senate and a Council Representative, both selected by election. 24 senators take office for 6 years in the Senate, whereas council representatives consist of no more than 250 members of Congress and serve for 3 years. The judicial government is headed by Court Agung, who has Chairman Court Great as his head and 4 Judges Great, appointed by the President.

United States of America adhere to a system of two-room or bicameral, composed of a god's representative and a senate. Board representative consists of 435 members, each representing a district and is on duty for two years. The amount the chair shared is based on the population of each country part; meanwhile, in the Senate, every country has two senators, and there is no population. There are 100 senators, of which took office over six years. Member DPR and senators are elected directly by society, but in some countries, the governor can choose a substitute temporarily when a chair senate is empty.

The two underlying differences are the differences in office in the three countries: stop the president and vice president. I stop the president can be proposed by DPR with especially formerly submit to Constitutional Court. A constitutional Court is authorised to check proof submitted by DPR, adjudicate, and accuse the president and deputy president guilty. Different from Indonesia, where decisions between the president and deputy president are made by the institution (Court Constitution), in the United States and the Philippines, agencies have legislative rights To determine whether the president and vice president are guilty or the United States and the Philippines, two roots from Congress, namely DPR and senate is an institution the own authority for propose dismissal president and vice president.

The third difference, namely, has a system selection of different. In Indonesia, the sound is calculated for every person: one sound (one man, one vote). Indonesia uses a proportional limit that is sound in every area brought to the centre for calculation.<sup>16</sup> The United States uses the electoral college, where the system calculation uses a system district. In America, if one candidate is so whole voice in the district will redirected and taken by the winner and is the loser in the election. No one will get the same voice. Electoral in America is mandated by the party chosen by the people, meaning the election of the no-do election president and deputy origins is done straight away, like in Indonesia.

People in the United States choose an assembly election (electoral college) to represent the president and vice president. Differences are also visible in the election process of the president and deputy president. In the Philippines, they are

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<sup>15</sup> Wardana, Satriyansyah Den Retno. "Structuring the Presidential Government System Through the Configuration of Simultaneous General Elections in Indonesia" *Scientific Journal of Law Students* Vol. 2, No. 5 (2022): 378-379.

<sup>16</sup> Sultoni and Anang. "Comparison of the Presidential System of Government in Indonesia and Iran" *Independent Yustisia Journal* Vol. 8, No. 1 (2022): 60.

chosen separately, while in Indonesia, they are directly elected through election in unison. In an election in the Philippines, a selector can divide his voice, which is good for the election president or election deputy president. Who succeeded in scooping up sound with the highest number? Then, he will sit in chair leadership.

No, regardless of the meaning of democracy, the election of the general president and deputy president is not democracy. Some systems say democracy is when it fulfils the preconditions of accountability, rotation power recruitment, political open elections, and enjoying a rights base.<sup>17</sup> Democracy shapes government where decisions are essential, direct or indirect, based on the majority given in a way free from people's maturity. In an election general democratic, there is a guarantee for realize the goal of the election that's himself, that is, between others:

1. There is an opening opportunity for a replacement government at one moment to test and evaluate quality and quantity to support people's success. And because there is a lack of government currently, I'm powerful.
2. As means absorb dynamics aspiration people for identified, articulated and in aggregate during a certain period.
3. The most important is to test the quality implementation sovereignty of people who are alone.

It also bases different terms of office in the three countries, namely, the other terms of office concept. Indonesia and the United States adhere to the same concept: only one re-election, where a president can nominate a self-return one more period further. However, a different case with the Philippines adheres to its term of office concept: no re-election. There is no possibility for nominating themself as president after the period position is finished.

Besides the differences mentioned above, the third country has a different understanding regarding the term of office for a president. According to Indonesia, the correct term of office for a president to occupy his position is five years. According to the Indonesian government, five years is the right time for development in Indonesia. Besides that, if the time is not enough than five years assessed, it can increase the country's finances because carrying out an election emits sufficient cost.

According to the United States government, four years is the right time for the term of office president. Government country evaluates that if a president can only take office for four years in one period, they can prevent being in power for too long country that is what can be done arbitrarily that would be done by that person or somebody else occupying a position as president.

The period position for president in the Philippines is only six years, and afterwards, no one can selected back; the assessed effectively by the government to avoid exists of excessive power to implementation system leadership in the country. The Philippine government should evaluate that six years is enough to

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<sup>17</sup> Juanda, *Regional Government Law (Ebb and Flow of the Authority of DPRD and Regional Heads)* (Bandung: Alumi, 2006), 96–97.

update the country's development plan. Besides that, the Philippine government assesses with time six existing years for every sitting president to make Filipino society easy to adapt to change.

A President who holds power for time can quickly face problems that can make him lift his leg from his position or be dismissed from his term of office; the second-period position can deliver problem power performed by the president and have a trend for abuse of authority. Because of that, the third country determines the term of office. Every president in office in his country, with consideration given to each country, determines the term of office president of his country.

## **Conclusion**

The presidential term arrangements in Indonesia, the Philippines and the United States have similarities and differences. Each of these countries limits the term of office of the president. This is done so that the welfare of the community will increase. The different tenure arrangements are also not a big difference. Between the three countries only differ by one to two years. With the presidential system, it does not necessarily mean that the president can do things that are detrimental to society because the three countries are democracies; the president emphasises that it is not absolute to take actions that tend to be authoritarian and lead too long in government and provide convenience or opportunities to regenerate each leader for the continuity of democracy and maintain the spirit of government institutions clean from fraud. By conducting this research it includes knowledge that although the three countries both adhere to the presidential system, in its application in the three countries, there are differences based on considerations made by the three countries, so this researcher makes it easier to identify differences in the application of the presidential system and the term of office of the president in the three countries.

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