

Reconfiguring Local Leadership: Legal Policy Analysis of Village Head Term Extension under Law No. 3 of 2024

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Article	Abstract
<p>How to cite: Wasil, 'Reconfiguring Local Leadership: Legal Policy Analysis of Village Head Term Extension under Law No. 3 of 2024' (2024) Vol. 5 No. 3 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v5i3.349</p> <p>Article History: Submitted: 24/10/2024 Reviewed: 01/11/2024 Revised: 15/11/2024 Accepted: 20/11/2024</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>The term of office of the village head is already long, there is still dissatisfaction expressed by the village head. The Indonesian Village Government Association and the Indonesian Village Apparatus Association (PPDI) have extended the term of office of the village head to 9 years per period for 3 periods. The demand for an extension of the term of office of the village head is based on several reasons, one of which is the need for stable and sustainable leadership. In some cases, village heads who have experience and in-depth knowledge of local conditions are considered capable of leading the village more effectively, especially in facing complex challenges. So that in the latest Law, namely Law Number 3 of 2024, the term of office of the village head was changed to eight years with two terms. Thus, the focus of this research is how the legal policy is regarding the addition of the term of office of the village head in Law Number 3 of 2024 concerning Villages. With the type of library research with primary legal materials, namely Laws, while secondary legal materials are books regarding the addition of the term of office of the Village Head. The results of this study indicate that the current term of office and period of the village head are considered insufficient to develop the village due to tension and polarization of society after the village head election, the term of office of the village head is too short will cause failure to achieve the vision and mission. The addition of a long term of office for the village head does not guarantee that a development climate will be built.</p> <p>Keywords: <i>Reconfiguring, Policy, Village Head.</i></p> <p>Abstrak Masa jabatan kepala desa sudah panjang, masih ada ketidakpuasan yang diutarakan kepala desa. Asosiasi Pemerintah Desa Indonesia dan Persatuan Perangkat Desa Indonesia (PPDI) perpanjangan masa jabatan kepala desa hingga 9 tahun per periode selama 3 periode. Tuntutan perpanjangan masa jabatan kepala desa didasari oleh beberapa alasan, salah satunya adalah kebutuhan akan kepemimpinan yang stabil dan berkelanjutan. Dalam beberapa kasus, kepala desa yang memiliki pengalaman dan pengetahuan mendalam tentang kondisi lokal dianggap mampu memimpin desa dengan lebih efektif, terutama dalam menghadapi tantangan-tantangan yang kompleks. Sehingga dalam Undang-Undang terbarunya yaitu Undang-Undang Nomor 3 Tahun 2024 masa jabatan kepala desa dirubah menjadi delapan tahun dengan dua kali periode. Dengan demikian fokus penelitain ini bagaiman politik hukum tentang penambahan masa jabatan kepala desa dalam Undang-Undang Nomor 3 Tahun 2024 tentang Desa. Dengan jenis penelitian pustaka (<i>library research</i>) dengan bahan hukum primer yaitu Undang-undang, sedangkan bahan hukum sekunder yaitu buku-buku mengenai penambahan masa jabatan Kepala Desa. hasil penelitian ini menunjukkan bahwa Masa jabatan dan periode kepala desa saat ini dinilai tidak cukup membangun desa karena adanya ketegangan dan polarisasi masyarakat pasca Pilkades, masa jabatan kepala desa terlalu pendek akan menyebabkan kegagalan untuk mencapai visi dan misi. Penambahan masa jabatan yang panjang terhadap kepala desa tidak menjadi jaminan iklim pembangunan akan</p>

terbangun.

Kata Kunci: *Konfigurasi Ulang, Kebijakan, Kepala Desa.*

Introduction

In the 1945 Constitution, there is no explicit nomenclature for Villages. However, the debate on the amendment to the 1945 Constitution cannot be separated from actualizing the Village as an inseparable part of the administration of government. However, in the end, the debate led to an agreement that the technical matters of explaining the structure and procedures for administering government would be regulated by law, including regarding villages.¹

A village is a legally recognized community entity, which is formed based on local origins and customs in line with the national government system, and is an integral part of the district administrative area. Constitutionally, villages have the authority to regulate and manage local community affairs. The term "village" comes from Sanskrit, namely "deca," which refers to the concept of birthplace, hometown, or customary land. The village head, in carrying out his administrative duties, is assisted by village officials and the Village Consultative Body (BPD). As an autonomous entity that has a strategic position in the government structure, villages require careful attention in the implementation of Regional Autonomy. This is because villages play an important role in the supervision and management of community affairs, taking into account regional conditions and prevailing customs, which directly influence policies and decisions taken for the welfare of village residents.²

In addition, the formulators of the amendments to the 1945 Constitution realized the need for respect for villages that are closely related to indigenous communities, it is important to accommodate them in the 1945 Constitution for historical reasons. However, because the term village itself still differs from one region to another, the middle ground taken is the affirmation of the state's respect for the unity of indigenous legal communities and their traditional rights throughout their lives and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia.³ This clause requires the state to recognize customary law community units, which include villages, nagari, mukim, huta, sosor, kampung, marga, negeri, parangui, pakraman, lembang, and so on.

The view on the limitation of power is reflected in Lord Acton's statement that "power tends to corrupt, but absolute power corrupts absolutely."⁴ An understanding of the risks of excessive abuse of power is the basis for this thinking. The solution to limit power is by setting limits on the term of office that an official can serve, for example, no second term (no re-election), no continuing office (no immediate re-election) or a maximum of 2 (two) terms of office (only one re-election).⁵

¹ Bagus Oktafian Abrianto, "Eksistensi Peraturan Desa dalam Sistem Ketatanegaraan dan Perundang-Undangan di Indonesia" *Yuridika*, 26 No. 3, 2011, 219.

² Ronny Wijayanto, Sri Anggraini Kusuma Dewi, dan Gesang Iswahyudi, "*Pemerintahan Desa dalam Karakteristik Otonomi Desa di Sistem Negara Kesatuan Republik Indonesia*", AL MANHAJ: Jurnal Hukum dan Pranata Sosial Islam 4, no. 2 (2022), 365–74

³ Pasal 18B ayat (2) Undang-Undang Dasar 1945

⁴ Soltou, *Pengantar Ilmu Politik*, (Jakarta: Ary Studi Club. 1972), 83

⁵ Henry Arianto I Gede Hartadi Kurniawan, "*Polemik Pembatasan Masa Jabatan Untuk Jabatan Publik Di Indonesia Terkait Dengan Demokrasi Dan Pancasila*," *Lex Jurnalica* 17, no. 3 (2020) . 264–70

Initially, the term of office was limited and designed to prevent the occurrence of a prolonged centralization of power due to a leadership period that is too long. In this context, research and political theory show that leaders who are in power for a long time tend to feel bound by that power, which can lead to the abuse of power for their own interests or those closest to them, rather than for the public or the people. This limitation is intended to ensure that power remains fairly distributed and does not accumulate in one individual or group over a long period of time.⁶

Regulations on the implementation of village government have been regulated in various laws. As the latest Law, namely Law Number 3 of 2024 concerning the second amendment, to Law Number 6 of 2014 concerning Villages. The extension of the term of office of the village head is a serious and quite significant highlight in the context of village government in Indonesia. In Law Number 6 of 2014 concerning Villages, the village head is elected through direct elections by village residents for a term of six years, and can serve for three consecutive terms or not consecutively. This means that the village head can serve up to 18 years for 3 terms of office.⁷

However, the term of office of the village head is already long, there is still dissatisfaction expressed by the village head. The Indonesian Village Government Association (Apdesi), for example, proposed an extension of the term of office of the village head to 9 years per period for 3 periods.⁸ This is in line with the demands of the demonstration carried out by village heads who are members of the Indonesian Village Apparatus Association (PPDI) last January in front of the DPR building, demanding an extension of office to 9 years for 3 terms.⁹ The demand for an extension of the village head's term of office is based on several reasons, one of which is the need for stable and sustainable leadership. In some cases, village heads who have experience and in-depth knowledge of local conditions are considered capable of leading the village more effectively, especially in facing complex challenges. So in the latest Law, namely Law Number 3 of 2024, the term of office of the village head was changed to eight years with two terms. This means that the Village Head can serve up to 16 years for 2 terms of office.

According to Amancik et al., the Term of Office of Village Heads in the Legislation has experienced dynamics, culminating in an extension in the Village Law, namely six years and can be re-elected for two terms, and strengthened by the Constitutional Court Decision No. 42/PUU-XIX/2021. Second, the weakness of the three-term village head term of office: it creates injustice for non-incumbent Village Head Candidates, considering that incumbent Village Head Candidates can use public facilities and funds from the Village Revenue and

⁶ Eza Aulia, "Tinjauan Politik Hukum Terhadap Pembatasan Periode Sasi Jabatan Kepala Daerah Tingkat II Di Aceh", *Jurnal Ius Civile* 4, no. 1 (2020), 52–61.

⁷ Tyas Winny Pralampita, "Tujuan Perpanjangan Masa Kabatan Kepala Desa dan Kesesuaiannya dengan Sistem Pemerintahan Indonesia" *JIHHP*, 5, No.1, 2024, 605.

⁸ Detik.com, "Apdesi Minta Masa Jabatan Kepala Desa Sampai 27 Tahun", <https://news.detik.com/berita/d-6530057/apdesi-minta-masa-jabatan-kepala-des-a-bisasampai-27-tahun>. accessed on 12 May 2024,

⁹ Liputan 6, "Demo Kades di Gedung DPR dan Polemik Masa Jabatan 9 Tahun", <https://www.liputan6.com/bisnis/read/5188990/demo-kades-di-gedung-dpr-dan-polemikmasa-jabatan-9-tahun> accessed on 12 May 2024,

Expenditure Budget to campaign, and is prone to bureaucratic neutrality in the Village Head Election.¹⁰

Research Method

The research method used is the normative method which is an approach or method used in research or analysis to determine what should be done based on existing norms or standards. This method focuses on the study of values, principles, laws, or regulations that apply in a particular context or system. The normative method is often used in fields such as law, ethics, philosophy, and political science. The goal is to investigate whether an action, policy, or decision is in accordance with applicable norms. This method involves conceptual analysis, evaluation of values, and deductive reasoning to produce arguments that strengthen or oppose the conformity of an action with applicable norms. In legal research, for example, the normative method is used to analyze existing laws, interpret laws, and develop new legal views or recommendations. This method involves identifying relevant legal norms, understanding legal principles, and applying legal logic to understand and interpret regulations. It is important to remember that the normative method focuses on what should be done based on existing norms or standards. This method aims to provide guidance or guidelines for actions that are considered appropriate or desirable in a particular context.

Analysis of normative research legal materials is a method used to study and analyze normative legal materials. This method aims to understand, interpret, and explain the legal norms contained in these materials. The following are some general steps that can be followed in conducting normative research legal material analysis: Collecting legal materials; Reading and understanding legal materials; Legal interpretation; writing and presenting the results of the analysis. In conducting normative research legal material analysis, it is important to pay attention to the right methodology, prioritize objectivity, and consider different perspectives. In addition, researchers must also refer to relevant legal literature and keep their knowledge of the latest legal developments updated.

Results and Discussion

Term of Office of Village Head from the perspective of Law Number 3 of 2024 on Villages

A village is a legally recognized community based on local origins and customs recognized by the national government system, and is part of the population of a district. The village has the right to manage and regulate the interests of the local community. The term "village" comes from the Sanskrit word "deca" which means birthplace, hometown, or customary land.¹¹

Villages can also be said to be a result of a combination of activities of a group of people with their environment. The result of this combination is a form or appearance on the face of the earth caused by physiographic, social, economic, political and cultural elements that interact with each other and also in relation to other areas.¹²

The village is the smallest entity in the government structure in Indonesia, covering an area with specific boundaries and a relatively small population. The village has a distinctive

¹⁰ Amancik, dkk., "Reformulasi Pengaturan Masa Jabatan Kepala Desa Dalam Sistem Ketatanegaraan Republik Indonesia" Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional, Vol. 12, No.1 Tahun 2023

¹¹ [https://www.gramedia.com/literasi/pengertian-desa/](https://www.gramedia.com/literasi/pengertian-des/), accessed on 12 May 2024.

¹² R. Bintarto, "Desa-Kota", (Bandung: Alumni, 1986), 11

social, cultural, and economic identity, making it more than just a geographical area. As a government unit, the village has potential and resources that can be developed to improve the welfare of its people. In the context of government administration, villages are given autonomy to manage government affairs, development, and community empowerment in their area. Villages have the rights and authority to make decisions related to the interests and needs of the local community.¹³

The village is the lowest level of government in a government system, under the district, and has the oldest and most original legal community entity. The village has the authority of autonomy and government management that is regulated based on the rights of origin and local customs that are legally recognized by the constitution. Therefore, the village is a government entity that directly interacts with the community. Bung Hatta's statement, "Indonesia will not shine because of a big torch in Jakarta, but Indonesia will only shine with candles in the village," is true, because the village is the vanguard in government, both in the fields of economic development, education, social, culture, and others.¹⁴

Meanwhile, Village Government refers to an institution or agency responsible for implementing government functions at the village level. Village government has the authority and responsibility to manage government affairs, development, and community empowerment in the village. The structure of village government generally includes the village head, village government agency, and village community institutions. The village head functions as the leader of the village government, responsible for implementing government tasks and leadership in village development programs. The village government agency consists of village officials who work together with the village head in managing government affairs. Village community institutions involve community participation in the decision-making process and implementation of development programs in the village.¹⁵

In Indonesia, there are laws and regulations governing villages, namely Law No. 3 of 2024. This law stipulates that a village is a community unit or legal area that is given the authority to regulate and manage government in accordance with the interests of the local community, as well as traditional rights and cultures that are recognized and respected.¹⁶

The village consists of various elements that shape village life and influence the implementation of village government, one of which is the village community which is the main component. This community consists of residents who live and interact in the village environment. The village area includes geographical boundaries that determine the size and borders of the village. The components of this area include land, settlements, and natural resources and the environment owned by the village.

In addition, the village government structure consists of the Village Head, who is an administrative leader who is elected or appointed to manage the village. The Village Head plays a central role in the implementation of village governance, including decision-making and implementation of policies related to village development and community welfare. The main duties of the Village Head include village administrative management, implementation

¹³ Hariyanto, "Implications of State Policy Through Village Found Towards the Cultural Values of Mutual Cooperation in the Village", *De Lega Lata: Jurnal Ilmu Hukum*, Vol. 7, 1, 2022, 47.

¹⁴ Nurlaili Rahmawati dan Fildzah Izzah Ishmah, *Implikasi Undang-Undang Nomor 6 Tahun 2014 Terhadap Peran Sentral Pengemban Adat Di Dusun Sade Lombok Tengah*, *Legacy : Jurnal Hukum dan Perundang-undangan* Vol 2 No 1 - Maret 2022, 21

¹⁵ Rahyunir Rauf, "Pemerintah Desa" (Pekanbaru: Zanafra, 2015), 1-9

¹⁶ Lihat Pasal 1 Angka xx Undang-Undang Nomor 3 Tahun 2024 tentang Desa

of development programs, and provision of public services, making him the main manager in the village government structure.

The Village Head is positioned as the Head of Village Government who leads the implementation of Village Government. The Village Head is tasked with organizing Village Government, implementing Village development, fostering Village society, and empowering Village society.¹⁷ Regarding the village head, this has been specifically regulated along with government provisions and village autonomy, namely in Law Number 3 of 2024 concerning villages, there are at least 3 main things, namely:¹⁸

- a. Village Government consisting of Village Head who can be referred to by another term as Village apparatus;
- b. Village Head is elected directly by Village residents through voting from candidates who have previously met the requirements; and
- c. The Village Head candidate with the most votes will be given the mandate as the elected Village Head, and determined by the Village Consultative Body with the ratification of the Regent, who will then receive the authority to lead the village.

In Law No. 6 of 2014 in conjunction with Law No. 3 of 2024 concerning Villages, the Village Government is defined as the Village Head or referred to by another name assisted by the Village apparatus as an element of the Village Government administration.¹⁹

Public law views the state as an organization consisting of positions. According to Logemann, in its social reality, the state is an organization that involves various functions. These functions are interpreted as a detailed scope of work, which is related to the overall structure of the state. Positions are called so because the state is basically an organization divided into certain positions. The position itself refers to an institution that has a clear scope of work, is formed for a long period of time, and is given certain tasks and authorities. Utrecht stated that a position is a permanent work environment that is organized for the public interest. He also added that each position is part of the highest social organization called the state. In this context, positions include terms such as state apparatus (*staatsorgaan*), government apparatus (*bestuurorgaan*), and various other government apparatuses.²⁰

Positions, as holders of rights and obligations, cannot act independently and require representation through officials, who can be individuals or legal entities. However, even though legal entities have the position of office holders, in the end the legal entity is still represented by humans. Thus, basically, positions are always represented by humans. Positions cannot carry out legal actions directly, because positions themselves are an abstract concept whose actions are realized through representatives (*vertegenwoordiging*), namely officials who carry out their duties as *ambtsdrager*. Officials act for and on behalf of the positions they hold, so that the position can function. Therefore, the party who exercises the rights and obligations regulated by the position is called an official. The position acts through the intermediary of its officials. According to Logemann, in the context of constitutional law, it

¹⁷ Permendagri Nomor 84 Tahun 2015 Tentang Susunan Organisasi Dan Tata Kerja Pemerintah Desa

¹⁸ Sandy Mulia Ardhan, "Problematika Perpanjangan Masa Jabatan Kepala Desa Menurut Prinsip Negara Demokrasi", *Jurnal Ilmu Hukum*, Vol. 19 No. 2, 2023, 172 – 173

¹⁹ Undang-Undang No. 6 Tahun 2014 jo Undang-Undang No. 3 Tahun 2024 Tentang Desa

²⁰ Irham Wibowo, "Masa Jabatan Legislator Di Indonesia Perspektif Siyasa", *Jurnal As Said. LP2M. Institut Agama Islam Abdullah Said Batam*, Vol.1. No.1. Januari 2021

is the position that bears the obligations and has the authority to carry out legal acts. These rights and obligations continue, without being affected by the change or rotation of officials.²¹

Term of office is an inevitable element in the practice of state administration in countries that adhere to the principle of sovereignty of the people. Term of office functions as the main protection tool for the people from potential abuse of power by leaders. Term limitations have an urgency based on practical and ideological considerations. Practically, those in power who serve too long risk encouraging a conservative attitude, rejection of change, and the potential emergence of the phenomenon of power tends to corrupt. Ideologically, term limits are closely related to the principles of the republic, democracy, and the concept of the rule of law in the state system.²²

Term of office is a term that refers to a certain time span or period in which a person is given the authority to hold a position or carry out a series of tasks and responsibilities inherent in the position. This term is often used in various leadership contexts, both at the organizational, institutional, and government levels. In practice, term of office usually refers to the duration set for a person to lead or manage an entity, such as in the leadership of an organization, political party, leadership of the People's Representative Council (DPR), head of state, head of state institutions, and regional leaders. It is important to note that term of office is not only related to the duration of time, but also to the limitations and provisions that govern how long a person can hold a position. These limitations are often designed to prevent excessive concentration of power and to ensure that there is a rotation of leadership that allows for change and renewal in the organization or country. For example, in the context of government, limitations on the term of office of the head of state or head of state institutions aim to maintain a balance of power, avoid abuse of authority, and strengthen democratic principles that prioritize people's involvement in determining leadership.²³

Term limits are a mechanism designed to regulate the duration of leadership with the main aim of preventing abuse of power by individuals who serve too long. The main purpose of this limitation is to avoid the occurrence of prolonged concentration of power in one individual, which can risk leading to corruption, authoritarianism, and political instability. With term limits, a healthy distribution of power can be better maintained, so that the potential for deviation or abuse of power can be minimized. In Indonesia, provisions regarding the term of office for various positions in village government can vary, with the Village Head generally serving for six years. Meanwhile, other positions, such as members of the Village Consultative Body (BPD), have terms of office that vary between three and five years. The duration of this term of office is regulated by various regulations, both through national laws and applicable regional regulations, which regulate provisions regarding the length of the term of office and requirements for election or extension of the term of office. These regulations are designed with the aim of achieving a balance between the continuity of leadership required with the opportunity for leadership renewal, as well as to support

²¹ HR, Ridwan, *Hukum Administrasi Negara*. Jakarta: Raja Grafindo Persada, 2006, 57.

²² Luthan, Salman. "Dialektika Hukum dan Kekuasaan". *Jurnal Hukum*, No. 14, Vol. 7 (Agustus 2000)

²³ Ensiklopedia Dunia, "Masa Jabatan", accessed on https://p2k.stekom.ac.id/ensiklopedia/Masa_jabatan, 12 May 2024.

effectiveness in village government management and the provision of better services to the community.²⁴

Therefore, the limitation of power, both at the central and village levels, is a very important element in building a democratic, just and prosperous country. This limitation of power provides space for the community to be more involved in the decision-making process, while encouraging the government to be more responsive to the needs and aspirations of the public. This limitation of power does not only include regulations on the authority held by officials, but also limitations on the term of office of leaders. The term of office itself is not just a measure of time or a tool to evaluate the advantages or disadvantages for individuals who hold office, but rather the period in which a person holds power and is responsible to the people who give him the mandate. In this context, the term of office becomes an important marker for monitoring power, ensuring that leaders continue to work in the public interest and do not get caught up in abuse of power.²⁵

Legal Policy on Extending the Term of Office of Village Heads

The 1945 Constitution as the constitution of Indonesia contains basic rules that are compiled to be used as guidelines or guidelines for the government in carrying out its functions and duties, not based on mere power. And also as a measure in national and state life that is in accordance with the evidence of struggle and basic ideas outlined by our Founding Fathers and as a direction to the next generation of the nation in leading the State of Indonesia.²⁶ Legal policy can determine how long the term of office of the heads of government, including the village head as the head of the village government. This means that the direction and purpose of the state for what and where it is taken politically is very dependent on the holder of power. However, legally and democratically, the standard length of the term of office of the head of government has been determined in the Laws and Regulations. Adding or extending the term of office of the head of government, including the head of the village government held by the village head, can be done through changes to the Village Law which regulates the term of office of the village head from 6 (six) years to 8 (eight) years.²⁷

Post-conflict recovery in the Pilkades takes 3 to 4 years so that a 6-year period is considered insufficient to resolve problems in the village after the Pilkades. The term of office and period are considered insufficient to build the village because of the tension and polarization of society after the Pilkades, the term of office of the village head is too short will cause failure to achieve the vision and mission. These various reasons are what make the government system in the village need to be different from elections in general. Consideration of the principle of people's sovereignty is a very basic principle and is seen as a constitutional morality that gives color and character to the entire Law in the political field. Regarding the extension of the term of office of the regional head, ideally it should not violate the principle of

²⁴ PNN, Tjahjo, "Ingin Pengertian Masa Jabatan Wapres Tak Multitafsir", diakses dari <https://www.jpnn.com/news/tjahjo-ingin-pengertian-masa-jabatan-wapres-tak-multitafsir>, accessed on 12 May 2024.

²⁵ Bivitri Susanti, "Masa Jabatan, Matematika, dan Alat Tukar", accessed on dari: <https://www.kompas.id/baca/opini/2023/02/01/masa-jabatan-matematika-dan-alat-tukar>, accessed on 12 May 2024, 20.30

²⁶ Dahlan Thaib; Jazim Hamidi; Ni'matul Huda, *Teori dan hukum konstitusi*. (Jakarta: Raja Grafindo Persada, 2005), 37.

²⁷ Undang-Undang No. 6 Tahun 2014 jo Undang-Undang No. 3 Tahun 2024 Tentang Desa

people's sovereignty, where these principles are implemented in the Law and the constitution which are manifested in the form of awards and assessments of voters' votes which should not be distorted by the power of political parties to change the people's choice into personal and group choices. The provisions in the 1945 Constitution which must be used as a reference for the legal politics of the Pilkades which explicitly do not state that the Pilkades system is made different from the periods guaranteed by law and the constitution.²⁸

Pilkades is the main mechanism that must exist in the stages of organizing village government and the formation of village government. Pilkades is seen as the most real form of sovereignty that is in the hands of the people and the most concrete form of people's participation and the organization of government in the village. Therefore, the system and implementation of Pilkades are always a primary concern. Through the arrangement of the system and quality of the implementation of Pilkades, it is hoped that village government that is implemented from, by, and for the people can truly be realized.

In the era of reform, the system and implementation of the Village Head Election have undergone many developments and changes. Each implementation of the Village Head Election always has its own Law as the basis for its implementation. Currently, the legislators are also preparing a Law that will determine the system and implementation of the upcoming Village Head Election. Improvements to the system and implementation of the Village Head Election are always needed, reflecting on the weaknesses and strengths of the system and implementation of the previous Village Head Election. All of these improvements are intended to improve the quality of the Village Head Election, while also improving the quality of democracy. Changes in the legal regulation system are closely related to the legal system, because legal regulations as written law are part of the legal system that universally consists of structure, substance and culture that need attention.²⁹

In the village head election system, there is an extension of the term of office of the village head as stated in Law Number 3 of 2024 concerning Villages.³⁰ which is that 1 period becomes 8 years has the potential to kill the dynamics of democracy in Indonesia and also has the potential to foster the dynamics of oligarchy which is currently rampant in various regions. The dynamics of the political dynasty of village heads that are rampant in each region make the circulation of the Elite accumulate in certain groups or certain families so that the accumulation of power for years occurs, resulting in minimal public representation that can be implemented by only involving certain groups in pseudo power. This does not stop there considering that the dynamics of this oligarchy also have the potential to weaken transparency and accountability in the village financial management system and the potential for village development, which is often suspected of giving birth to corruption, collusion and nepotism practices that are difficult to prove their existence.³¹

If analyzed more deeply, the reason for extending the term of office of the Village Head lies in increasing the productivity of the village head himself. This extension of the term of office is considered a logical step because it can support the performance of the Village

²⁸ Jaidun, "Perpanjangan Masa Jabatan Kepala Desa Dalam Perspektif Negara Hukum Dan Demokrasi", Jurnal Hukum dan HAM Wara Sains 1, no. 02 (Desember 2023): 197.

²⁹ Fita Dwi Pratiwi, "Implikasi Hukum Perpanjangan Masa Jabatan Kepala Desa Berdasarkan Konsep Hukum Tata Negara", Sultan Jurisprudence: Jurnal Riset Ilmu Hukum 3, no. 2 (Desember 2023): 267.

³⁰ Lihat Pasal 39 Undang-Undang Nomor 3 Tahun 2024 Tentang Desa

³¹ Sandy Mulia Arhdan, "Problematisasi Perpanjangan Masa Jabatan Kepala Desa Menurut Prinsip Negara Demokrasi", DiH: Jurnal Ilmu Hukum 19, no. 2 (Agustus 2023): 76.

Head to be more optimal. By extending the term of office, the Village Head has more time and space to improve community welfare and complete various village development projects that are still pending. This extension is not a form of arrogance from the Village Head, but rather a strategy to ensure the sustainability and effectiveness of previously designed village development programs. In addition, it should be noted that as an autonomous body at the lowest level, the realization of development in villages often faces more complex challenges compared to the district/city, provincial, or central levels. This is due to various factors, including limited resources and socio-economic conditions in the village. Therefore, the extension of the term of office provides a greater opportunity for the Village Head to complete his duties in driving village progress in a more planned and effective manner.³²

Legal policy is a legal policy or official line (policy) regarding the law that will be enforced either with new laws or by replacing old laws, in order to achieve state goals. Simply put, legal policy is a political choice of legal institutions to enforce laws used to achieve desired goals. Legal policy studies at least cover 3 things, namely, (1) state policy (official line) regarding laws that will be enforced or not enforced in order to achieve state goals; (2) political, economic, social, cultural backgrounds, for the birth of legal products; and (3) law enforcement in reality on the ground. The direction of legal policy of a law can be known from the philosophical basis and regulatory targets as studied in academic papers.

Acting Director General of Politics and General Government of the Ministry of Home Affairs Syarmadi representing the government delivered his statement at the judicial review hearing of Law Number 3 of 2024 on Villages, Wednesday (09/10) in the Constitutional Court Courtroom. According to him, the extension of the term of office of the village head does not conflict with the concept of constitutionalism because it remains within the corridor of limiting power. The determination of the extension of the term of office of the village head from 6 (six) years to 8 (eight) years is important for the ongoing implementation of village development in order to realize the welfare of the village community. In addition, the extension of the term of office of the village head also provides benefits, including First, a longer term of office can provide leadership stability in the village, allowing the village head to focus on long-term programs and complete delayed programs. Second, to avoid post-village head election conflict and prevent tension when the village head election is held.

Minister of Villages, Development of Disadvantaged Regions and Transmigration Abdul Halim Iskandar emphasized that the term of office of the Village Head to 8 (eight) years will provide many benefits for the Village community. During this period, the Village Head has more time to improve the welfare of his people and village development can be more effective without being affected by political dynamics due to the election of the village head. The extension of the term of office is also not a form of arrogance but rather a need to resolve conflicts after the election of the Village Head. In addition, the extension of the term of office is to reduce tension and political polarization after the election of the Village Head. So far, the community has often been divided due to differences in the choice of candidates for Village Head and has had an impact on reducing community productivity and many village activities being neglected. This tension and polarization can be reduced if the term of office of the village head is extended. During this period, if there is a problem that questions the poor performance of the Village Head, the community does not need to worry because the

³² R. Rudy Karyanto, "Apakah Penyaluran Dana Desa Terhambat oleh Karakteristik Kepala Desa", Jurnal Akuntansi dan Bisnis, Vol. 16 No. 2, 2016, hal. 150

government, in this case the Ministry of Home Affairs, has the authority to dismiss the Village Head who is performing poorly. That way, village residents do not need to wait for 8 (eight) years to replace a Village Head who is performing poorly. Meanwhile, the extension of the term of office of the Village Head remains limited to 16 years or two terms.

For this reason, if the legislators agree to change the term of office of the Village Head from 6 (six) years to 8 (eight) years and agree to change the period of office of the Village Head from 3 (three) times consecutively or not consecutively to 2 (two) times consecutively or not consecutively so that the regulation on the extension of the term of office remains limited to 16 years, then it is also deemed necessary to make changes to the term of office and period of the Village Consultative Body.

Philosophically, village government is the foundation for governance of the Unitary State of the Republic of Indonesia.³³ In the implementation of national development, all national development objects are directed towards the Village. However, the Village community has not fully enjoyed the results of development. The welfare of the Village community and the Village government apparatus is still far from expectations. Sociologically, the many aspirations of the community and Village officials who want the Village Law to be changed are aspirations that must be immediately followed up by the Indonesian House of Representatives. Legally, various existing laws and regulations have not answered the legal needs of the community and Village officials so that the Village Law has been changed while still paying attention to the dynamics and provisions contained in the existing laws and regulations.

Conclusion

Based on the results of the discussion above, the following conclusions can be drawn:

First, The current term of office and period of the village head is considered insufficient to build the village because of the tension and polarization of society after the Pilkada, the term of office of the village head is too short will cause failure to achieve the vision and mission.

Second, the extension of the term of office at the village government level has the potential to make the democratic climate of the village government unhealthy and can even foster oligarchy in the village. Giving a long term of office to the village head does not guarantee that the development climate will be built, the village head is actually demanded or given the challenge to work effectively and efficiently within the period set in building the design of his village.

Bibliography

Book

Dahlan Thaib; Jazim Hamidi; Ni`matul Huda, *Teori dan hukum konstitusi*. Jakarta: Raja Grafindo Persada, 2005.

HR, Ridwan, "Hukum Administrasi Negara". Jakarta: Raja Grafindo Persada, 2006

Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, 2015

R. Bintarto, *"Desa-Kota"*, Bandung: Alumni, 1986

³³ Intan Levina, et.al, "Tata kelola Administrasi Desa dalam Penyelenggaraan Pemerintahan Desa Mundung Satu Kecamatan Tombatu Timur Kabupaten MInahasa Tenggara" file:///Users/apple/Downloads/jm_jap,+Jurnal+Intan.pdf, accessed on 05 Juli 2024.

Rahyunir Rauf, *"Pemerintah Desa"* Pekanbaru: Zanafra, 2015
Soltou, *Pengantar Ilmu Politik*, Jakarta: Ary Studi Club. 1972.

Journal

- Abrianto, Bagus Oktafian "Eksistensi Peraturan Desa dalam Sistem Ketatanegaraan dan Perundang-Undangan di Indonesia" *Yuridika*, 26 No. 3, (2011).
- Amancik, dkk., "Reformulasi Pengaturan Masa Jabatan Kepala Desa Dalam Sistem Ketatanegaraan Republik Indonesia" *Jurnal Rechtsvinding: Media Pembinaan Hukum Nasional*, Vol. 12, No.1 Tahun 2023
- Ardhan, Sandy Mulia, "Problematisasi Perpanjangan Masa Jabatan Kepala Desa Menurut Prinsip Negara Demokrasi", *Jurnal Ilmu Hukum*, Vol. 19 No. 2, 2023,
- Aulia, Eza "Tinjauan Politik Hukum Terhadap Pembatasan Periode Sasi Jabatan Kepala Daerah Tingkat II Di Aceh", *Jurnal Ius Civile* 4, no. 1 (2020),
- Hariyanto, " *Implications of State Policy Through Village Found Towards the Cultural Values of Mutual Cooperation in the Village*", De Lega Lata: Jurnal Ilmu Hukum, Vol. 7, 1, 2022,
- Kurniawan, Henry Arianto I Gede Hartadi "Polemik Pembatasan Masa Jabatan Untuk Jabatan Publik Di Indonesia Terkait Dengan Demokrasi Dan Pancasila," *Lex Jurnalica* 17, no. 3 (2020)
- Jaidun, "Perpanjangan Masa Jabatan Kepala Desa Dalam Perspektif Negara Hukum Dan Demokrasi", *Jurnal Hukum dan HAM Wara Sains* 1, no. 02 (Desember 2023):
- Karyanto, R. Rudy "Apakah Penyaluran Dana Desa Terhambat oleh Karakteristik Kepala Desa", *Jurnal Akuntansi dan Bisnis*, Vol. 16 No. 2, 2016,
- Levina, Intan, et.al, "Tata kelola Administrasi Desa dalam Penyelenggaraan Pemerintahan Desa Mundung Satu Kecamatan Tombatu Timur Kabupaten Minahasa Tenggara" file:///Users/apple/Downloads/jm_jap,+Jurnal+Intan.pdf, diakses 05 Juli 2024
- Luthan, Salman. "Dialektika Hukum dan Kekuasaan". *Jurnal Hukum*, No. 14, Vol. 7 (Agustus 2000)
- Pralampita, Tyas Winny "Tujuan Perpanjangan Masa Jabatan Kepala Desa dan Kesesuaiannya dengan Sistem Pemerintahan Indonesia" *JIHHP*, 5, No.1, (2024)
- Pratiwi, Fita Dwi "Implikasi Hukum Perpanjangan Masa Jabatan Kepala Desa Berdasarkan Konsep Hukum Tata Negara", *Sultan Jurisprudance: Jurnal Riset Ilmu Hukum* 3, no. 2 (Desember 2023)
- Rahmawati, Nurlaili dan Fildzah Izzah Ishmah, "Implikasi Undang-Undang Nomor 6 Tahun 2014 Terhadap Peran Sentral Pengemban Adat Di Dusun Sade Lombok Tengah", *Legacy: Jurnal Hukum dan Perundang-undangan* Vol 2 No 1 - Maret 2022
- Wibowo, Irham "Masa Jabatan Legislator Di Indonesia Perspektif Siyasah", *Jurnal As Said. LP2M. Institut Agama Islam Abdullah Said Batam*, Vol.1. No.1. Januari 2021
- Wijayanto, Ronny, Sri Anggraini Kusuma Dewi, dan Gesang Iswahyudi, "Pemerintahan Desa dalam Karakteristik Otonomi Desa di Sistem Negara Kesatuan Republik Indonesia", *AL MANHAJ: Jurnal Hukum dan Pranata Sosial Islam* 4, no. 2 (2022),

Legislation

Undang-Undang Dasar Negara Republik Tahun 1945
Undang-Undang Nomor 3 Tahun 2024 Tentang Desa
Permendagri Nomor 84 Tahun 2015 Tentang Susunan Organisasi Dan Tata Kerja Pemerintah Desa.

Internet

- Bivitri Susanti, *"Masa Jabatan, Matematika, dan Alat Tukar"*, diakses dari: <https://www.kompas.id/baca/opini/2023/02/01/masa-jabatan-matematika-dan-alat-tukar>, accessed on 12 May 2024.
- Detik.com, *"Apdesi Minta Masa Jabatan Kepala Desa Sampai 27 Tahun"*, <https://news.detik.com/berita/d-6530057/apdesi-minta-masa-jabatan-kepala-desa-bisasampai-27-tahun>. accessed on 12 May 2024,
- Ensiklopedia Dunia, *"Masa Jabatan"*, diakses https://p2k.stekom.ac.id/ensiklopedia/Masa_jabatan, accessed on 12 May 2024.
- <https://www.gramedia.com/literasi/pengertian-desa/>, accessed on 12 May 2024,
- Liputan 6, *"Demo Kades di Gedung DPR dan Polemik Masa Jabatan 9 Tahun"*, <https://www.liputan6.com/bisnis/read/5188990/demo-kades-di-gedung-dpr-dan-polemikmasa-jabatan-9-tahun> accessed on 12 May 2024,
- PNN, Tjahjo, *"Ingin Pengertian Masa Jabatan Wapres Tak Multitafsir"*, diases dari <https://www.jpnn.com/news/tjahjo-ingin-pengertian-masa-jabatan-wapres-tak-multitafsir>, accessed on 12 May 2024.