



Legal Politics And Constitutionality Of Changes In The Term Of Office Of Village Heads

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ABSTRACT

The Village head is an important position at the local level. The village head's policies will greatly influence village life and village development. On January 23 2023, the Association of Indonesian Village Officials (APDESI) held a demonstration in front of the DPR building, one of the demands of which was to change the term of office for village heads to 9 years with the opportunity to serve for 2 terms. This research aims to determine the legal politics of changing the term of office of the head and the constitutionality of changing the term of office of the village head in the revision of the village law, and to determine the urgency of changing the term of office of the village head. The research method used in this research is normative research or library research using conceptual approach, statute approach and comparative approach. The legal politics of changing the term of office of the village head aims to improve the performance of the village head, which has often been hampered by social conflicts that occurred after the election of the village head, but this change is not in accordance with the principle of limiting power in countries that adhere to a democratic rule of law which has been implemented. outlined in the 1945 Constitution.

1. Introduction

The term of office of village heads has always been a concern for legislators. After reform, the term of office of village heads has undergone several changes. First, in Law Number 22 of 1999 concerning Regional Government which regulates the term of office of village heads for 5 years for 2 terms. Second, Law Number 32 of 2004 concerning Regional Government which regulates the term of office for 6 years and 2 terms. Third, Law Number 6 of 2014 concerning Villages which regulates the term of office of village heads for 6 years and 3 terms.

Indonesia is a country that adheres to a state of law and democracy as stated in the 1945 Constitution of the Republic of Indonesia. In a country that adheres to a state of law and democracy, limitations on power are the main characteristics that must exist and be implemented in government institutions or agencies, both in central and regional government.

On January 17 2023, the Association of All Indonesian Village Officials (APDESI) held a demonstration, the demonstration was intended to change Law Number 6 of 2014 concerning Villages, one of which concerns the term of office of Village Heads. Currently, the term of office of the village head has been changed in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages which regulates the term of office of the village head for 8 years for 2 terms. The aim of this research is to understand and provide views on changes regarding the term of office of village heads in the revision of the Village Law.

2. Findings and Discussion

I. LEGAL POLITICS OF THE VILLAGE HEAD'S TERM OF OFFICE

A. Political Legal Changes In Village Head's Term Of Office

Legal politics comes from the words *recht* and *politiek* which come from Dutch. *Recht* is defined as law and *politiek* contains the meaning of regulation which means wisdom. Etymologically, legal politics is legal policy.¹ According to Mahfud MD, legal politics is legal policy or legal direction that will be implemented by the state to achieve state goals, which can take the form of creating new laws and replacing old laws. In this sense, legal politics must be based on the goals of the state and the system that applies in the country concerned, which in the Indonesian context are the goals and systems contained in the preamble to the 1945 Constitution, especially Pancasila which gave birth to the rules of legal prosecution.²

Legal politics is a means for the authorities to regulate or create a situation where the law is dominant in a government as an embodiment of the rule of law, where the law controls all aspects and to encourage change and good development in accordance with the goals of the state.

¹ Otong Rosadi dan Andi Desmon, *Studi Politik Hukum Suatu Optik Ilmu Hukum, Cetakan Ketiga* (Yogyakarta : Thafa Media, 2020), h. 2.

² Zainal Arifin Mochtar, *Politik Hukum, Cetakan Pertama* (Yogyakarta : EA Books, 2022). h. 21.

The promulgation of law number 22 of 1999 concerning regional government brought major changes to the village government system, returning villages to their original form as self-government, namely having the authority to regulate (rules making, regelling). And take care (rules application, bestuur) of his own household problems³, by giving broad authority to regional and village governments to manage their own household affairs and develop the potential of each village. Law number 22 of 1999 concerning regional government cuts the term of office of village heads to 5 years for 2 terms. With this reduction in the term of office of village heads it is hoped that it will reduce the potential for incumbent village heads to use their authority for their own interests in the name of the community. Apart from that, the village head's term of office is 5 years, which during these 2 periods also provides a high possibility for other people to nominate themselves to become village head.

In Law No. 32 of 2004 concerning regional government, it actually increased the term of office of village heads. This change was based on a term of office of 5 years which was considered not optimal because the term of office was too short, so 1 year longer was added to make the performance of village heads more optimal..⁴

³ Isharyanto dan Dila Eka Juli Prasetya, *Hukum Pemerintahan Desa (Perspektif, Konseptualisasi dan Koteks Yuridis)*. (Yogyakarta : Absolute Media Bantul ,2016), h. 15.

⁴ Sherly Danti Suharmartha, Syamsir, Eriton, *Analisis Pengaturan Periode Jabatan Kepala Desa Berdasarkan Undang-Undang Tentang Desa*. *Jurnal of Constitutional Law* . Vol. 3. No. 2. 2023, h. 234.

The promulgation of Law Number 6 of 2014 concerning Villages, regulations regarding villages are regulated differently from regional government regulations which give villages a position no longer under the regional government. In Law Number 6 of 2014 concerning Villages, the government system used is self-governing community and local self-government as a form of recognition of local values and society as a subject in village development.⁵The aim of amending Law Number 6 of 2014 concerning Villages is to restore the position of villages as autonomous regions separate from regional government as well as a form that the state recognizes the existence of villages as the lowest level of independent government. Second, to build village independence, by giving them the authority to manage their own household affairs and develop their potential.⁶ In terms of the term of office of the village head, there is an increase in the term of office of the village head to 6 years for 3 terms. This additional term of office is intended to improve village services and empower the community in village government for community welfare.⁷ Apart from that, the addition of the village head's term of office to 3 terms provides ample opportunity for the village head to implement the vision and mission planned during the election of the village head. However, on the other hand, the village head's term of office also has weaknesses, namely first, it makes the village head

⁵ Dian Herdina, Urgensi Revisi Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Perihal Pembangunan Desa, *Jurnal Hukum & Pembangunan* Vol.50 No.1 2020. h .248.

⁶ *Ibid.* h. 251.

⁷ Tjoe Kang Long, Widyawati Boediningsih, *Masa Jabatan Kepala Desa : Suatu Wacana*. *Jurnal Cendikia Ilmiah*, Vol, 2, No. 4, 2024, h. 368.

dominate the village, second, the incumbent wins the village head election, third, the incumbent village head who is running for re-election has the advantage of using bureaucracy to win the village election.⁸

Satjipto Rahardjo defines legal politics as an activity of choosing and the methods to be used to achieve certain social and legal goals in society which include several basic questions, namely: (1) what goals are to be achieved through the existing system; (2) what and which methods are deemed best to be used to achieve these goals; (3) when and how the law needs to be changed; (4) can a standard and established pattern be formulated to assist in deciding the process of selecting goals and ways to achieve these goals well.⁹ If it is related to the term of office of the village head which will be revised in the village law to 8 years for 2 periods then it can be classified as follows :

1. The aim of changing the village head's term of office to 8 years is to optimize the performance of the village head in carrying out his duties for the welfare of his people, which has often been hampered by polarization or social conflict that occurred in the community after the election of the village head.
2. The method that can be used to achieve this goal relates to the term of office of the village head by providing appropriate and

⁸ Fita Dwi Pratiwi dan Dodi Jaya Wardana, *Implikasi Hukum Perpanjangan Masa Jabatan Kepala Desa Berdasarkan Konsep Hukum Tata negara*, Sultan Jurisprudance : Jurnal Riset Ilmu Hukum, Vol. 3 No. 2, (Desember 2023), h . 263.

⁹ Eka Nam Sihombing, *Politik Hukum* (Medan : EnamMedia, 2020) . h. 3.

proportional limits to the term of office of the village head by taking into account Indonesia as a rule of law and also a democratic state as stated in the 1945 Constitution. One of the principles in countries that adhere to the rule of law, namely the existence of the supremacy of law, and also limitations of power and also in countries that adhere to popular sovereignty to realize the rotation of power to provide equal opportunities for citizens to be able to sit in government and avoid power only being focused on one person as an effort to prevent abuse of authority (abuse of power) and also leadership regeneration at the local level. By setting reasonable limits on the regulations regarding the term of office of the village head, so that the village head does not serve too long, which as a result of too long a term of office can create authoritarian power.

3. Law is intended to create justice, certainty and usefulness in society.¹⁰ So regarding the time when the law must be changed, it must be in accordance with the conditions of the community, if the community needs and wants this change and the addition of the term of office of the village head is considered to be able to improve the welfare of the people, then this can be a consideration for the legislators to make changes to the term of office of the village head.

¹⁰ Basuki Rekso Wibowo, *Negara Hukum: Kepastian, Keadilan Dan Kemanfaatan Hukum (Dalam Sistem Peradilan Pidana Indonesia)*.Cetakan pertama (Bandung: Pustaka Reka Cipta, 2020), h. 25.

The method used is by changing the applicable legal norms regarding the term of office of village heads, namely in article 39 of Law no. 6 of 2014 concerning Villages, which changes while still paying attention to the 1945 Constitution.

4. The standard pattern that can be used in formulating the term of office of village heads is by providing appropriate and proportional limits regarding the term of office of village heads by taking into account Indonesia as a democratic rule of law which aims to discipline office holders and encourage accountability of officials and filter out bad politicians.¹¹

Regulations regarding the term of office of village heads for 2 years have been regulated in Law Number 5 of 1979 concerning Regional Government. At the time of the enactment of Law Number 5 of 1979 concerning Regional Government, the authority of the village head was very large, namely as executive and legislative, with the large authority possessed by the village head, the amount of power was accompanied by a long term of office, so that the village head positioned himself as a small king at the local level who controls village wealth for personal desires so that the village's potential and village development are hampered.¹² This does not rule out the possibility that it will

¹¹ Ricky Noor Permadi, et.al, *Analisis Sentimen Perpanjangan Masa Jabatan Kepala Desa pada Twitter Melalui Penggunaan Metode Naive Bayes Classifier*, Sospol: Jurnal Sosial Politik Vol 9 No 1, 2023 , h. 54.

¹² Riza Multazam Luthfy, *Masa Jabatan Kepala Desa Dalam Perspektif Konstitusi*, Jurnal Masalah-Masalah Hukum, Vol.48, No.4, 2019, h. 321.

happen again if the village head's term of office is changed to 8 years for 2 terms. As an effort to prevent abuse of authority by the village head, it is best to limit the village head's term of office to the shortest possible time apart from being an effort to abuse authority by the ruler, these short terms of office are to discipline office holders, filter out bad politicians and encourage accountability of officials.¹³

B. Kconstitutionality of changes to the term of office of village heads

Constitutionality is the harmonization of regulations in the hierarchy of laws and regulations with the Constitution, the constitution is the basic law that is used as a guideline in carrying out national and state life.¹⁴ Constitutionalism emphasizes that power must be limited as an effort to prevent abuse of power, at local and national levels¹⁵. In the formation or amendment of a law, the doctrine that is the basis must be the correct doctrine in the content of the paragraph or article to guarantee justice for the people and reflect democracy. Inaccuracy in basing this doctrine can have implications for the content of the paragraph or article which is not made in the same direction as that stated. required by the constitution.¹⁶ Changes to the law must be in accordance with and not conflict with the constitution, namely the 1945 Constitution as the highest

¹³ Ricky Noor Permadi, et.al. Op. Cit. h. 55.

¹⁴ Jimly Assiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Cetakan Pertama (Jakarta : Sinar Grafika, 2010). h.29

¹⁵ I Gusti Ayu Diah Nandini, *I Waya Parsa Perpanjangan Masa Jabatan Kepala Desa Dalam Aspek Konstitusionalisme dan Asas-Asas Umum Pemerintahan Yang Baik*. Jurnal Kertha Semaya, Vol. 12. No.03, 2023h. 359.

¹⁶ Isharyanto. *Politik Hukum* (Surakarta : Kekata Group, 2016). h 19

regulation in the hierarchy of laws and regulations. Incompatibility or conflict with the content of the law which is subordinate to the 1945 Constitution as the constitution in Indonesia causes the content of the law in the law it becomes unconstitutional.

In the 1945 Constitution it is stated firmly that Indonesia is a legal state and a democratic state, which is stated in article 1 paragraph 2 of the 1945 Constitution "Sovereignty is in the hands of the people and is implemented according to the Constitution" and article 1 paragraph 3 of the 1945 Constitution "The State of Indonesia is a State Law", which in a legal state there are principles put forward by Jimly Asshiddiqie, including the supremacy of law, the existence of limitations on power, and its democratic nature. Supremacy of law means placing the law and constitution above everything else and the existence of restrictions in a government system based on the constitution.¹⁷ in terms of limitations on power based on the constitution according to Sri Soemantri, namely that restrictions are not only limited to the authority one has but also the time a person can serve which relates to how long a person can serve and also the opportunities they have to sit in same position.¹⁸

The constitution is a pillar of the establishment of democracy in a country, and democracy must be based on law. Between the constitution, the rule of law and democracy are parts that cannot be separated from each other to create a country that upholds the supremacy of the

constitution and democracy based on law. Democracy must always go hand in hand with the law to avoid laws being made that are misinterpreted in the name of the will of the people which results in the collapse of the essence of a democratic rule of law.¹⁹

Limitation of power is the main element in a country that adheres to the rule of law as an effort to prevent abuse of power by the authorities who violate the constitutional rights of their citizens, therefore changing the term of office of village heads to 8 years for 2 periods is contrary to the values contained in the constitution.

Regarding the legal considerations in decision Number 42/PUU-XIX/2021, the MK stated :

[3.11]Considering that before considering further the subject matter of the a quo petition, it is important for the court to first consider the following matters:t :

That village government is a form of government administration of the Unitary State of the Republic of Indonesia (NKRI). In its development, the system and form of village government, including filling the position of village head, have undergone regulatory changes since Indonesia's independence until the regulations in Law 6/2014. If the regulations regarding village government were followed at the time Law Number 5 of 1979 concerning Village Government (UU 5/1979) came into force, the legislators had regulated term limits and periodization of village heads' terms of office. In this case, article 7 of Law 6/1979 regulates that the term of office for a

¹⁷ Jimly Assiddiqie, Op. Cit, h, 54.

¹⁸ Sri Soemantri, *Fungsi Konstitusi Dalam Pembatasan Kekuasaan*, Jurnal Hukum Ius Quia Iustum 3, No. 6 1996. h,6.

¹⁹ Thomas Tokan Pureklolon. *Negara Hukum Dalam Pemikiran Politik*, (Yogyakarta :Kansius, 2020), h, 31-32.

village head is 8 (eight) years and he can be reappointed for 1 (one) term of office. This means that a person can only be a village head for a maximum of 2 (two) terms with a maximum total term of office for a village head of 16 (sixteen) years. The provisions in Law 5/1979 can be seen as a form of further development of Law Number 19 of 1965 concerning Villages as a transitional form to accelerate the realization of level III regions throughout the territory of the Republic of Indonesia (UU 19/1965) which does not regulate restrictions at all. periodization of the village head's term of office. Regarding term of office, article 9 paragraph (2) of Law 19/1965 only regulates that the term of office of the village head is a maximum of 8 (eight) years, without being followed by the provision that he can be re-elected as regulated in article 7 of Law 5/1979;

Since the reformation, village government regulations have been combined with regional government, namely Law Number 22 of 1999 concerning Regional Government (Law 22/1999). Regarding the term of office of the village head, the maximum is ten years or two terms of office starting from the date of stipulation". Then, the explanation of article 96 of Law 22/1999 states, "The Regency can determine the term of office of the Village Head in accordance with local socio-culture". Even though the explanation seems to "open" the valve of the principle of limiting the term of office and the periodization of the term of office, with the replacement of Law 22/1999 with Law Number 32 of 2004 concerning Regional Government (Law 32/2004) it is certain that no village head will hold office for more than 10 (ten) years. Moreover, in the transition period from Law 22/1999 to

Law 32/2004, it was determined that the village head who was in office at the time Law 32/2004 came into effect would continue to carry out his duties until the end of his term of office [vide Article 236 paragraph (2) of Law 32/2004]. Furthermore, Law 32/2004 regulates the term of office and periodization of the term of office of the village head as stated in Article 204 of Law 32/2004 which states, "the term of office of the village head is 6 (six) years and can be re-elected only for 1 (one) subsequent term of office"/ The a quo norm has determined the limitation of the term of office of the village head for 6 (six) years and a maximum of two terms of office, so that a person will not exceed 12 (twelve) years as a village head. However, the restrictions stipulated in Article 204 a quo may be exempted for customary law community units whose existence is still alive and recognized as stipulated by regional regulations [vide Explanation of Article 204 of Law 32/2004] meaning that the restrictions on the term of office and the periodization of the term of office of the village head may not be the same as the restrictions stipulated in Article 204 of Law 32/2004 as long as they fulfill the clause "customary law community units are still alive as stipulated in regional regulations".

That as the lowest government unit, with the change of Law 32/2004, the regulation of Village Government is no longer combined in Law Number 23 of 2014 concerning Regional Government (Law 23/2014). But is regulated separately in Law 6/2014. Regarding the term of office of the village head, article 39 of Law 6/2014 states that the village head can serve a maximum of 3 (three) terms of office consecutively or not consecutively. In this case, if someone has been inaugurated as

village head and then resigns before the end of his term of office, he is considered to have served one term of office of 6 (six) years [vide explanation of article 39 of Law 6/2014]. Meanwhile, regarding the phrase "consecutive" and the phrase "or not consecutively" it is explained that, "a village head who has served one term of office based on Law Number 32 of 2004 is given the opportunity to re-nominate for a maximum of 2 (two) terms of office. Meanwhile, Village Heads who have served 2 (two) terms of office based on Law Number 32 of 2004 are given the opportunity to run again for only 1 (one) term of office" [vide explanation of Article 39 of Law 6/2014]."

That based on the considerations stated above, limiting the term of office of village heads is one of the important spirits desired by the legislators. In fact, since the enactment of Law 5/1979, restrictions are not only intended for terms of office but also to limit the periodization of terms of office. "Within the limits of reasonable reasoning, such restrictions are not only intended to open up opportunities to ensure a change in leadership generations at all levels of government, including at the village level, but also abuse of power (power tends to corrupt) due to being in power for too long.

Based on this, as a democratic rule of law, limitations on power are important and must be included in the formulation of norms regarding the term of office of village heads to prevent actions by the authorities that harm the constitutional rights of citizens of the country, which is the main idea of a rule of law, namely to create systems and methods. formation of laws and regulations that prioritize justice

and people's welfare.²⁰ So that the laws made provide benefits to the people and can be accepted and implemented happily by the people. Apart from that, the Constitutional Court's decision also states that limiting power aims to provide opportunities for the regeneration of power at the village level, where this regeneration of power is one of the values of a state that adheres to the understanding of popular sovereignty. As a democratic state, it is necessary to realize that power comes from the people, by the people and for the people, it is appropriate that the interests of the people are the main thing that must be taken into account by the authorities. To realize this democracy, the laws that are made must accommodate the interests of the people, while to realize people's sovereignty in institutional terms through a system of separation of powers or division of powers, this is for the purpose of limit the power they have so that it is not focused on one agencies so that a check and balance system is realized.²¹

Furthermore, in the legal considerations in decision Number 42/PUU-XIX/2021 the MK stated :

[3.12.1] that the limitation of the term of office of the village head, namely with a term of office of 6 (six) years with a maximum term of office of 3 (three) terms of office as regulated in Article 39 paragraph (2) of Law 6/2014 is a manifestation of the implementation of the principle of democracy as well as the spirit of limiting the term of office and the periodization of the term of office of the president and vice president. The derivative spirit of the 1945 Constitution is also

²⁰ Zainal Arifin Mochtar. Op. Cit. h. 24.

²¹ Jimly Assiddiqie, Op . Cit, h 134.

reflected in the limitation of the term of office and the periodization of the term of office of regional heads and deputy regional heads.

In its legal considerations, the Constitutional Court reiterated that limiting power is the spirit derived from the 1945 Constitution which applies to the positions of president and vice president and regional heads and deputy regional heads. To prevent citizens' rights from being ignored by the authorities, restrictions on power must be limited in countries that adhere to the rule of law, which is a manifestation of the adoption of the rule of law in Indonesia. The 1945 Constitution does not explicitly regulate the term of office of village heads, but the value of limiting power can be seen in article 7 of the 1945 Constitution regarding the office of president, where the president can serve a maximum of 10 years divided into 5 years over 2 terms, the president has a wider scope of power. wider than village heads, however, the term of office of the president is limited to 10 years, just like other public positions such as Governors and Regents who can serve a maximum of 10 years, while village heads in changes to law no. 3 of 2024 concerning the second amendment to Law no. 6 of 2014 concerning Villages can serve for 16 years even though this public office has a similar logic of thinking that there is responsibility, there is a demand to realize the wishes of the people, there is certain authority that is possessed and duties that must be carried out to realize the ideals of the state.²²

Based on the description above, changes to the term of office of village heads in Law no. 3 of 2024 concerning the Second

Amendment to Law no. 6 of 2014 concerning Villages is not in accordance with the spirit of limiting power as outlined in the constitution, it is appropriate that the regulation regarding the term of office of village heads is limited to a maximum of 10 years which is divided into 5 years over 2 periods following the regulation of the term of office of the president and other public positions so that there is harmonization between the regulation of the term of office of village heads with the constitution which must be applied to all public positions from national to regional levels and the alignment of the terms of office of village heads with the president to align policies by the central government towards regional governments. Apart from that, the purpose of limiting the term of office of village heads is to avoid abuse of authority by village heads who violate citizens' rights guaranteed by the constitution and to provide opportunities for leadership regeneration at the local level.

II. THE URGENCY OF CHANGING THE VILLAGE HEAD'S TERM OF OFFICE

A. The Urgency Of Changing The Term Of Office Of The Village Head

Changing laws and regulations is not an easy matter, the law is expected to be able to provide justice, certainty and usefulness in society, so that the existence of the law can be accepted in society.²³ So legislators must study the laws and regulations that will be formed or changed. Urgency means how urgent the problem is regarding changing the term of office of the village head. The urgency of changing the village head's term of office to 8 years in the revision of the village law is :

²² Riza Multazam Luthfi. Op. Cit, h, 326.

²³ Zainal Arifin Mochtar., Op. Cit, h. 31.

1. Improving the Performance of Village Heads The village head has the duty to improve the welfare of the people at the local level, it is not an easy thing to make the village community prosperous, there are many factors that influence the performance of the village head, as the lowest government, every village program that will be implemented requires approval from the government above it, often Approval takes quite a long time so that village programs take a long time to be realized. By changing the term of office of the village head by extending the term of office to 8 years in each period which provides the opportunity for 2 periods, it is hoped that the village head will be able to carry out his duties well to build, develop and prosper his village without any obstacles from conflicts that occur both before and after the implementation village head election.²⁴
2. Reduce polarization and social conflict after the village head election The election of village heads is a manifestation of the adoption of democracy in Indonesia. The election of village heads often causes a breakdown in the harmony that exists in village communities, social conflicts still often occur in the election of village heads, the occurrence of social conflicts is a common thing that occurs after the election of village heads, but it occurs

²⁴ Muhammad Fauzan Fathur Rahman dan Rizki Gunawan, *Urgensi Dan Implikasi Penambahan Masa Jabatan Kepala Desa Dalam Dinamika Pemerintahan Desa Di Indonesia*, *Journal of Law*, Vol.3. No. 1, 2024, h. 57.

Prolonged divisions between supporters of each village head candidate after the village head election caused delays in development taking place in the village.²⁵

3. Election of Village Head (Pilkades) The election of village heads burdens the district/city APBD costs which affect development in the district/city area.

This is the basis for changing the regulations regarding the term of office of village heads in the revision of the village law that was carried out. Changes in the term of office of the village head will certainly have implications for life in the village.

B. Impact Of Changes in the Village Head's Term of Office

Changes to the Village Head's term of office in Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages will have the following impacts:

1. The content of the article is contrary to the Constitution
Indonesia is a country that adheres to a democratic rule of law. In a democratic rule of law, limitations on power are its characteristic. Changes in Law No. 3 of 2024 concerning the second amendment to Law No. 6 of 2014 concerning villages regarding the term of office of the village head which is regulated in article 39 paragraph 1 and article 39 paragraph 2 which

²⁵ Bagus Mukti Dwi Atmaja dan Yusuf Adam Hilman, *Analisis Tuntutan Kepala Desa Untuk Masa Jabatan Menjadi 9 (Sembilan) Tahun*, *Jurnal Ilmu Pemerintahan*, Volume 2 Nomor 1 Tahun 2023. H. 42.

changes the term of office of the village head so that he can serve a maximum of 16 years with a division of 2 terms with 8 year terms of office per period, this is not appropriate in the spirit of the limitations contained in the constitution. The embodiment of the limitations contained in the constitution is in article 7 of the 1945 Constitution which regulates the term of office of the president and vice president which is limited to 10 years with a division of 5 years over 2 periods which also applies to the terms of office of regional heads and deputy regional heads, so the term should be The position of village head should be equal to the position above him. The result of the incompatibility of the content of the statutory regulations under this constitution makes the content of the article unconstitutional.

2. Weakening Citizens' Political Rights

One of the constitutional rights of citizens is the right to vote and be elected, changes to the term of office of village heads in Law no. 3 of 2024 concerning changes to Law No. 6 of 2014 concerning Villages, to 8 years during these 2 periods reducing the opportunities that citizens have to be able to nominate themselves to become village heads which can tarnish democracy in the village.²⁶One of the principles of a

²⁶ Yogi Prabowo, et. al. *Perpanjangan Masa Jabatan Kepala Desa Dalam Perspektif Negara Hukum Yang Demokratis*, Jurnal Darma Agung, Vol. 3, No. 4. 2023. h.1007

country that adheres to democracy is the regeneration of leadership, so that this power is not only held by the same person for a long time to avoid authoritarian power.

3. Conclusion

Politics and Law Changes in the Village Head's term of office aims to improve the performance of the Village Head by giving the village head a long term of office in 1 period, namely 8 years with the opportunity to serve for 2 terms, however this change regarding the village head's term of office is contrary to the principle of limitation power in a democratic legal state that is outlined in the Constitution.

The urgency of changing the village head's term of office is first, to give the village head more time to carry out his duties. Second, to reduce polarization and social conflict that occurred after the village head election. Third, cost efficiency in selecting village heads.

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