

## The Extension of the Village Head's Term of Office in Law Number 3 of 2024: A Review from the Perspective of *Siyāsah Dustūriyyah*

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### Abstract

The passage of Law Number 3 of 2024 concerning Villages extends the term of office of the Village Head to eight years, with a maximum of two terms. This is similar to the term limits during the New Order era. However, in practice, elections are often delayed, resulting in the regulations regarding the term of office not always being implemented on schedule. This research aims to analyze the changes in the Village Head's term of office in Law Number 3 of 2024 from the perspective of *siyāsah dustūriyyah*. Using a normative-juridical approach, the study finds that the extension of the term to eight years reflects efforts to ensure the stability of village governance and promote public welfare. However, it also necessitates the establishment of effective oversight mechanisms to prevent abuse of power. The extended term is expected to provide sufficient time for Village Heads to optimize development and improve the quality of public services. Nevertheless, this change must be accompanied by strict supervision and evaluation mechanisms to safeguard against authoritarian tendencies. Philosophically, this amendment reflects the values of justice and popular sovereignty; sociologically, it promotes village empowerment; and juridically, it ensures legal certainty. In the framework of *siyāsah dustūriyyah*, the leadership of the Village Head is not merely administrative but also a moral and spiritual trust that must be exercised with justice and responsibility in accordance with Islamic principles. Leadership remains valid only as long as it is exercised fairly and rightly, and must be replaced if it deviates from these values. Ultimately, the change in the Village Head's term of office aligns with the principles of democracy, Islamic values, and the need to establish effective and just village governance.

**Keywords:** Village Head, Law Number 3 of 2024, *siyāsah dustūriyyah*

### Introduction

The election of the Village Head is one of the tangible manifestations of the implementation of regional autonomy. By definition, this election is a form of implementing people's sovereignty at the village level. Often, the process of electing the Village Head is linked to the concept of general elections in general. Therefore, this election was carried out based on democratic principles regulated in the general election regulations (Kurniawan, 2020).

With the issuance of Law Number 5 of 1979 concerning Regional Government, before the reform era, the term of office of the village head was set for 8 years and could be re-elected for one subsequent term. The Village Head during the New Order Regime, who was in power at that time, was very large and vulnerable to abuse. With such extraordinary authority, the village head must protect the community, but strengthen his position both in front of village officials and residents. Some of them are trying to enrich themselves with the wealth of the village. Some assets are controlled by the Village Head to meet their needs; they should be enjoyed by the people. To narrow the power of the Village Head, his term of office was lowered from 8 years to 5 years. This action is expected to change the behavior of village administrators and eliminate feudalism, so Law Number 22 of 1999 concerning Regional Government sets the term of office to 5 years (can be elected once again). This is so that the village head does not return to being the "Little King" at the village level (Amancik dkk, 2023). Based on this, 5 years is considered sufficient. The same thing also applies to Law Number 32 of 2004 concerning Regional Government, which regulates that the term of office of the village head is 6 years (it is possible to be re-elected 1 time the next term). Because the law on the 5-year term of office in Law Number 22 of 1999 is considered insufficient to optimize the performance of the village head, the next legislative body overhauled it to 6 years.

The term limit of the village head is a step taken to ensure a healthy leadership rotation and provide more equal opportunities for other individuals to take on leadership roles. The principle of democracy in Indonesia emphasizes that the position of village head is not a privilege for certain groups, but is open to anyone who meets the requirements and has the support of the community. This allows for active participation from various circles in efforts to advance and develop villages.

After being passed into Law Number 3 of 2024 on April 25, 2024, the term of office of the Village Head is set at 8 years, with a maximum of two terms of office. The term of office of 8 years is similar to the term of office of the Village Head in the New Order era; this rule is often not carried out according to schedule, because the election can be delayed for various reasons. This shows that there is strong power at the village level (Amancik dkk, 2023). Data from the KPK noted that throughout 2020–2021, there were more than 600 corruption cases involving village officials, including village heads.

Research on the term of office of village heads generally focuses on positive legal and governance aspects, such as the potential for feudalism (Amancik dkk, 2023) and the importance of power limits (Pambudhi, 2023). The *Siyāsah Dustūriyyah* approach that emphasizes benefits and accountability has not been widely applied in the context of village heads. The existing Islamic studies are still limited in connecting the term of office of the village head with the principles of sharia maqashid. This

research aims to fill this gap through the *Siyāsah Dustūriyyah* approach as a bridge between Islamic law and positive law.

With the establishment of this law and regulations, it is possible to repeat the events during the new order regime. From the problems mentioned above, from the beginning of the extension of the term of office of the Village Head, there are pros and cons. This study aims to analyze the change in the term of office of village heads in Law Number 3 of 2024, reviewed from the theory of *Siyāsah Dustūriyyah*, as a contribution to the political, legal, and governance discourse of fair and benefit-oriented village governance.

## Research Methods

In legal research, there are several approaches. In this approach, the researcher will get information and various aspects about the issue that is being tried to find an answer. The approach in this study uses a normative juridical approach, law in the form of a legislative approach, and a conceptual approach (*comparative approach*) (Bachtiar, 2018). In this case, the research that emphasizes the main source of information is books about the term of office of the village government and Law Number 3 of 2024, as well as Islamic literature related to the principles of *Siyāsah Dustūriyyah* (Wijaya et al., 2025).

The type of research in this journal is Qualitative, which is research that refers to legal norms in laws and regulations. Qualitative Research is a research method used to study the condition of natural objects as opposed to experiments. The data source used is secondary data, which contains primary legal materials and secondary legal materials. Primary legal materials are in the form of laws, while secondary legal materials come from books, journals, research results, the internet, and other written materials.

The data collection technique is carried out through literature studies, by examining primary legal materials such as the Village Law and secondary legal materials in the form of siyasah literature, journals, and other relevant legal sources. Data analysis was carried out qualitatively through grammatical, systematic, and theological-conceptual interpretations, as well as a comparative approach between the Islamic government system and positive law to assess the suitability of the principles of justice and benefit in changing the term of office of the village head. (Soejono Soekanto & Sri Mamudji, 2009).

## Result and Discussion

### A Study On Village Heads

The village head has the main responsibility in realizing the welfare of the village community through development and public services. This is affirmed in Law Number 6 of 2014, Article 26, paragraph (1), which states that the village head is in charge of organizing village government, development, community development, and

village community empowerment. (Amancik dkk, 2023). The Village Head needs to hold a village meeting and seek input from residents, especially respected elders in the community, before making a decision. This process often follows customary law rules, but must also take into account applicable national or regional laws. Active participation of communities in village policymaking is key to creating inclusive decisions and reflect the interests of the entire community (Rusyan, 2018).

A village head responsible for the management of duties and authority at the local level must adhere to a number of important principles. This includes paying attention to community participation, providing legal guarantees, transparency in decision-making, being responsive to community needs, reaching mutual agreements, upholding justice, managing government effectively and efficiently, being accountable, and having a strategic vision for village development (A.R, 2020).

The duties of the Village Head are limited to village household affairs, such as land distribution, public services, maintenance of mosques, village roads, and other public works. The Village Head is responsible for taking care of it so that it can benefit the community. Although it is not officially listed in the Governor's Instruction, the Village Head is expected to play a role in improving the standard of living, welfare, and happiness of the community as a whole, both spiritually and materially (Rusyan, 2018).

### **The Concept of *Siyāsah Dustūriyyah* Regarding the Village Head**

*Siyāsah Dustūriyyah* is a part of *fiqh siyasah* that discusses the issue of state legislation. This *Siyāsah Dustūriyyah* was also discussed, among others, the concepts of the constitution (the State Constitution and the history of the birth of legislation in a country), legislation (how to formulate laws), democratic institutions, and shura, which are important pillars in the legislation. This study also discusses the concept of the state of law in siyasah and the reciprocal relationship between the government and citizens, as well as the rights of citizens that must be protected (Djazuli, 2017).

The concept of leadership in *Siyāsah Dustūriyyah* can be equated with the role of Priest or Guardian, as explained by Imam al-Mawardi in *Al-Ahkam al-Sulthaniyyah*, that a guardian is obliged to run the government based on the principles of justice and the benefit of the people. From the perspective of *Siyāsah Dustūriyyah*, the village head has a role in resolving disputes at the village level through a mechanism of fair deliberation and mediation. This is in line with the principles of justice and benefit, which are the main goals in *Siyāsah Dustūriyyah*. In Islamic terminology, the term supreme leader is referred to as caliphs, imams, and amirs. The meaning of the word caliph, whose plural form is khulafa and khalaf, which comes from the word khalafa, is "replacement", namely someone who replaces the place of another person in several issues. In the

Indonesian encyclopedia, the caliph is the term Islamic constitution and means the head of state or the supreme leader of Muslims (Rojak, 2014).

In the study of *Siyāsah Dustūriyyah*, the structure of the Village Head is not explicitly mentioned, but can be analogous to the Wali (governor). According to fiqh siyasah, the regional head is called Wali. Wali is a person appointed by the caliph to be a government official (judge) in a region as well as to lead that region. In Islam, the governor is not elected by the people, but appointed by the head of state (caliph). Imam al-Mawardi, in his book, *Al Ahkam As Sulthaniyah*, divides the governor into two. First, the governor who is appointed with special authority, *Emirate ala as-Salat*. Second, the governor with authority in general covers all cases, *'imarah ala as-shalat wal kharaj*. According to Al Mawardi, the requirements to become a governor are not much different from the requirements set for becoming a deputy caliph (*Meet the Tafwidh*). Meanwhile, Muawin has the same conditions as those to become a Caliph. So, in general, the requirements for becoming a governor are the same as the requirements for becoming the head of state. The difference is only that the power of the governor is narrower than the power (*Meet the Tafwidh*). Neither the General Governor and the Special Governor should be held by infidels and slaves (not free people) (Anwar, 2023).

In Islam, choosing leaders is not only a political matter but part of the religious mandate. The selection of leaders must be done through shura, namely consultation or deliberation with the ummah (Satria & Chahnia, 2000). Some reasons why shura is important in the selection of leaders:

- a. Prevent tyranny: Leaders are elected based on the consent of the people, not through coercive power.
- b. Ensuring justice: With deliberation, the people can choose a figure who is fair and trustworthy.
- c. Respect for the rights of the people: Every member of society has the right to have a voice in leadership matters.

### Review of the Term of Office of the Village Head based on Siyasah Dusturiyah

The tenure of the Village Head in Indonesia has undergone significant evolution over time, reflecting the changing dynamics and needs of village government. Before the reform era, the term of office of the Village Head usually lasted for 8 years, a period regulated in the laws and regulations in force at that time, but the 1998 reform brought a breath of fresh air in the structure of local government, which affected the arrangement of the term of office of the Village Head.

Based on changes in village legal needs, the provisions regarding the term of office of the village head have undergone various modifications through the Law. Law Number 5 of 1979 concerning Village Government, for example, stipulates that the term of office of the village head is eight years and allows for re-election once. With these provisions, the term of office of the village head can reach a total of 16 years. The

village head is appointed by the Regent or Mayor on behalf of the Governor from the candidate who has been elected in the Mayor election (Maslul, 2022).

After the reform, there were significant changes in the arrangement of local government, including villages. Law Number 22 of 1999 concerning Regional Regulations stipulates that the maximum term of office of the village head is 5 years, which is equivalent to two terms of office determined by the Village Consultative Body (BPD) and approved by the Regent, with adjustments that can be made based on regional needs. The law authorizes the District Government to determine the term of office of the village head in accordance with local social and cultural conditions. Law Number 32 of 2004 concerning Regional Government again changes the provisions regarding the term of office of village heads, with the term of office set for six years and can be extended once. Thus, the maximum term of office of the village head is 12 years (Pambudhi, 2023).

Law Number 6 of 2014 concerning Villages regulates changes in the term of office of village heads, setting them for 6 years after appointment by the Regent or Mayor based on the results of the election of village heads, with the possibility of re-election up to three additional periods. Most recently, Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014, in Article 39 paragraph (1), stipulates that the term of office of the village head is 8 years. Article 118 letters b and c stipulate that the village head who is serving in the first and second periods must complete the remainder of his term following the provisions of the law and can run for an additional period. The village head who serves in the third term must complete his term of office under applicable regulations. With this change, the term of office of the village head is extended from 6 years to 8 years.

The Village Law provides space for village communities to determine their own leaders directly. The election of the Village Head is carried out directly by the village community who have the right to vote. This election is usually carried out simultaneously in one district/city, although there are also villages that hold elections individually according to the previous term of office of the village head (Nuruddin & Hamdi, 2024).

In the academic manuscript on the amendment of the Village Law, it is explained that the philosophical, sociological, and juridical basis of the preparation of the amendment to the Law on Villages shows the urgency of strengthening the position and role of the Village within the framework of the Unitary State of the Republic of Indonesia (NKRI). Philosophically, the existence of the Village has become the initial foundation for the formation of a democratic and socially just national governance, as reflected in the Preamble to the Constitution of the Republic of Indonesia in 1945. Villages are not only administrative locus, but also miniature states that reflect people's sovereignty, local independence, and national cultural identity. The regulation of villages in the law is not only technocratic, but is rooted in the

nation's ideals to create a just, prosperous, and dignified society. Sociologically, most of Indonesia's population lives in villages, but they are often victims of urban-biased development inequality. Village autonomy is a solution to overcome this lag, while strengthening social solidarity, local economy, and community participation. Villages must be given space to be politically sovereign, economically empowered, and culturally dignified in the face of increasingly complex globalization challenges. Juridically, the rearrangement of the Village Law is needed to respond to the legal vacuum and the development of the times, as well as to follow up on the decision of the Constitutional Court which has canceled and corrected several provisions in Law Number 6 of 2014 concerning villages. The aspirations of village heads and the developing social dynamics also demand the improvement of regulations so that substantive justice can be realized. Thus, the amendment of the Village Law is a strategic step to ensure clarity of the status, authority, and position of the Village in a democratic and just national government system.

In the current context, the extension of the term of office demands the strengthening of the *checks and balances* from the community, the Village Consultative Body (BPD), and other supervisory institutions, so that leadership is not authoritarian and continues to run according to the principles of deliberation and transparency (Fadhil & Syafi'i, 2023). This is in line with the teachings of siyasah in Islam, which emphasizes the importance of *amar ma'ruf nahi munkar* in the management of power (Purnama, 2021). When a village head has a long tenure, without effective supervision, the potential for abuse of power is even greater. Periodic evaluation and active participation of the community are absolute requirements to maintain the orientation of power to the public good, not the interests of certain individuals or groups (Lubis, 2021 & Yusuf, 2024).

In the review of *Siyāsah Dustūriyyah*, the extension of the term of office of the village head to 8 is acceptable as long as it is in accordance with the laws and regulations, namely the village head can carry out his responsibilities to realize a balance between the rights and obligations of the government that can bring benefits to the community. In Islam, the term of office of a leader is not stipulated in the Qur'an and As-Sunnah. The history of leadership, including the Khulafaur Rashidin, which is called the four companions of the Prophet, shows a picture of the leadership period of a leader starting at the time of baiat until they died. The term of office of the village head is 8 by being re-elected for up to two periods, which means that the total term of office reaches 16 years. This, from the point of view of siyasah dusturiyah, is allowed, as long as the village head can carry out the mandate and follow the principles of Islamic law. On the other hand, if the village head abuses his authority and is contrary to Sharia values, then, for the benefit of the community, the leadership must be replaced (Fadilah et al., 2025).

The extension of this term of office must also be studied from the perspective of *maqashid syariah*, where all public policies, including those related to the position of leader, must guarantee the protection of religion (*hifz al-din*), soul (*hifz al-nafs*), Sense (*Hifz Al-'AQL*), the chain round (*Hifz Al-Nasl*), and treasures (*Hifz Al-Mal*). If the 8-year term of office turns out to strengthen a more effective system and bring great benefits to the village community, then it can be categorized as a policy that is in accordance with the *maqashid* (Hamid, 2023; Shabir, 2020). On the other hand, if it causes stagnation, budget abuse, or weakens democratization, then this policy should be reviewed.

A review of the change in the term of office of the village head in Law Number 3 of 2024 concerning Villages from the perspective of *Siyāsah Dustūriyyah* shows that this policy does not directly contradict the principles of Islamic governance. *Siyāsah Dustūriyyah* teaches that the government must be run based on the principles of benefit, justice, and participation of the people. As long as the change in terms of office aims to strengthen the stability of the village government, improve public services, and not cause tyranny or damage (*mafsadah*), then it is substantially in line with Islamic values. But control and accountability mechanisms are still needed to ensure that longer tenures are not abused for personal gain or authoritarian prolongation of power. This change is justified within the framework of *Siyāsah Dustūriyyah*; its implementation must be monitored to be in accordance with the principles of shura (deliberation), justice, and trust in leadership.

## Conclusion

Changes in the term of office of the Village Head are regulated in laws and regulations, such as changes through Law Number 3 of 2024 concerning Villages, which reflect the need to maintain a balance between government stability and democratic dynamics. This extension of the term of office is expected to be able to provide space for the Village Head to optimize the village development program and improve the quality of services to the community in a adequate time. However, this change must still be accompanied by strict supervision and an objective evaluation mechanism, so that no deviation of power is contrary to democratic principles and Islamic values.

Amendments to the Law on Villages are an urgent and strategic need to strengthen the existence of the Village as an independent, participatory, and equitable government entity. Philosophically, the village reflects the basic values of the nation, which are oriented towards social justice and people's sovereignty. Sociologically, this change is an effort to correct the development inequality between villages and cities and encourage the empowerment of rural communities. Meanwhile, juridically, regulatory adjustments are needed to ensure legal certainty, adjust to the times, and accommodate the aspirations of the village community. The revision of the Village

Law is expected to strengthen the legal and institutional position of the village in the national government system and realize the welfare of the village community in a sustainable manner.

The Village Head has a vital role in the administration of government at the local level, becoming a bridge between the aspirations of the village community and the policies of the central government. From the perspective of *Siyāsah Dustūriyyah*, leadership at the village level is not just administrative, but also a form of moral and spiritual responsibility to uphold justice, honesty, and the common good, as is the principle of leadership in Islam. In siyasah dusturiyah, an imam is allowed to hold power as long as he can carry out his duties properly and under Islamic law. However, if a village head uses his position arbitrarily and is not under the Sharia, he must be replaced as soon as possible for the benefit of the ummah. Thus, the harmonization between the principle of *Siyāsah Dustūriyyah* and positive legal provisions has been fulfilled in realizing an effective, fair, and community-oriented village government.

Recommendations for further research are suggested to examine the socio-political implications of extending the term of office in villages after the enactment of Undang-Undang Number 3 of 2024 concerning Villages. It is necessary to study the comparison between the village leadership model in classical Islam and the modern Indonesian local democratic system to find a conceptual and operational common ground. Quantitative analysis of the effectiveness of the 8-year term of office in improving village development indicators can strengthen the validity of this policy.

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