

A Comparative Legal Analysis of Village Head Term Extensions within the Framework of Indonesia's Democratic Rule of Law

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ABSTRACT

The extension of village head terms under Law Number 3 of 2024 has generated significant debate within the context of Indonesia's democratic rule of law. This amendment changes the previous six-year term for a maximum of three periods to an eight-year term for a maximum of two periods. This article aims to analyze the ratio legis underlying the extension and assess its compatibility with constitutional principles governing democratic governance and the limitation of executive power. Employing a normative juridical method with statutory and conceptual approaches, this study examines the legal framework and democratic implications of the revised provision. The findings reveal that the government's justification centers on budgetary efficiency, enhanced continuity of development programs, and political stability within village communities. Nevertheless, these rationales are predominantly pragmatic and insufficient when measured against democratic safeguards. The reduced frequency of elections may weaken public oversight, limit leadership circulation, and heighten the risk of power abuse—conditions exacerbated by the high incidence of corruption in village administrations reported by Indonesia Corruption Watch (ICW). Moreover, the policy contradicts the post-1998 reform spirit, which emphasized term limits to prevent authoritarian tendencies. Therefore, the extension requires comprehensive reevaluation to ensure it aligns with democratic values, maintains accountability, and upholds the principles of the rule of law.

Keywords: Village Governance; Rule of Law; Term Extension; Democratic Accountability

INTRODUCTION

The people are regarded as the highest sovereign authority within the state structure, forming the fundamental basis of democracy. In practice, democratic governance is supported by various legal and institutional mechanisms, one of which is general elections that ensure orderly and peaceful transfers of power. Elections serve not only as a means of leadership succession but also as tools to legitimize political authority, enhance accountability, and promote public participation. This is particularly evident in the context of village head elections (pilkades), which represent one of the most direct expressions of grassroots democracy and play a vital role in shaping village governance (Prawira & Rasji, 2023; , Hariyanto et al., 2025). The potential for these local elections to empower citizens demonstrates the core democratic value of public agency, allowing residents to directly influence their governance by choosing their leaders.

The policy regarding the tenure of village heads has undergone significant changes in line with Indonesia's shifting political and legal landscape. The recent revision of Law No. 6 of 2014, through Law No. 3 of 2024, extends the term of office from 6 to 8 years, with a maximum of 2 terms. Practical considerations justify this amendment, particularly the assertion that the previous six-year term was insufficient for implementing development initiatives effectively and that frequent elections imposed financial and political burdens on village governments (Arham & Hatu, 2020; , Hariyanto et al., 2025). However, such changes in policy may inadvertently sidestep

crucial democratic principles, particularly those relating to electoral accountability and the oversight necessary to sustain healthy governance structures (Prawira & Rasji, 2023; , (Maboudi et al., 2021; .

Although these arguments appear pragmatic, they raise fundamental concerns related to democratic principles and the rule of law. In a democratic state governed by law, the limitation of executive power is a core constitutional value aimed at preventing the concentration of authority and ensuring balanced leadership (Maboudi et al., 2021; , Hariyanto et al., 2025). Extending the term of office for village heads threatens to undermine the principles of checks and balances, leading to risks associated with power accumulation that could foster corruption and the rise of local oligarchies (Wachs et al., 2020), (Hariyanto et al., 2025). As historical precedents indicate, the erosion of term limits has often coincided with declining democratic integrity, which could be exacerbated in the Indonesian context if such reforms are pursued without adequate safeguards (Prawira & Rasji, 2023; .

Concerns surrounding this policy are amplified by alarming trends of corruption at the village government level. Reports from Indonesia Corruption Watch (ICW) indicate that between 2015 and 2023, corruption cases involving village administrations represented a significant proportion among cases overseen by law enforcement agencies (Andiani & Riwanto, 2024; , Wachs et al., 2020). The evolving legal and institutional framework should comprehensively address the persistent problems of transparency and accountability. Extending tenure without the necessary countermeasures to prevent misconduct could significantly widen opportunities for corruption (Mitra & Pal, 2020; , Wachs et al., 2020). The literature suggests that reinforcing mechanisms for oversight and accountability is crucial in ensuring that village head elections and subsequent governance remain aligned with democratic principles (Arham & Hatu, 2020; , (Firmanto, 2023).

From a constitutional perspective, extending the term of office raises critical questions about adherence to the reformist spirit of 1998, which emphasized term limits as a necessary safeguard against authoritarianism (Prawira & Rasji, 2023; , Wisnaeni, 2022). Despite village heads being democratically elected by their residents, their positions remain as public officials operating under the guidelines of legal certainty, justice, and public participation (Sofyani et al., 2022). Policies aimed at reducing electoral frequency may ultimately restrain democratic engagement and public discourse, creating a path for autocratic tendencies to manifest at the local governance level (GÜNAL & Peçe, 2022). In this context, active citizen engagement is not merely a desired outcome of democracy but a fundamental prerequisite for sustainable governance.

Moreover, local political dynamics often manifest challenges such as patronage, nepotism, and suppression of opposition (Muhtar, 2025; , Noak, 2024). Such entrenched practices reflect cultural aspects of local governance and compound the difficulties of extending terms of office, as they can hinder opportunities for leadership regeneration, which is essential to the health of a democracy (Maulidi, 2024). Researchers argue that without a concerted focus on restructuring political culture and firm institutional designs, policies favoring longer tenures may exacerbate local governance issues, producing fewer opportunities for new or diverse leadership (Muhtar, 2025; , Ja'far et al., 2024).

Given the unique sociocultural character of Indonesian villages, tenure policies must account for both administrative efficiency and the developmental needs of local democracy. A critical examination of the legal basis of Law No. 3 of 2024 reveals its implications for accountability, public participation, and its coherence with the broader rule-of-law framework (Firmanto, 2023). Policies aimed at extending the term of office for village heads should be scrupulously assessed to ensure that they do not inadvertently undermine the essential tenets of democracy nor dilute the capacity for effective public oversight, ultimately safeguarding against potential authoritarianism (Zainuddin et al., 2025).

In conclusion, the legal and institutional reforms surrounding village head elections and tenure must align with democratic values and accountability mechanisms to foster a more participatory governance structure. As local governments increasingly manage significant fiscal resources, robust frameworks for transparency, accountability, and citizen engagement become imperative to ensuring that democracy flourishes rather than falters amid changing political dynamics. The collective responsibility of policymakers, civil society, and citizens will be crucial in shaping an inclusive and accountable local governance landscape that reflects the principles of democracy and the rule of law (Heryana & Sukarya, 2022; , Podobnik et al., 2022).

METHOD

This study employs a normative legal research method to examine and analyze applicable legal regulations and principles for resolving specific legal issues. This approach integrates both statutory (statute perspective) and conceptual (conceptual perspective) methodologies. The statutory approach encompasses Law Number 3 of 2024, which pertains to the Second Amendment of Law Number 6 of 2014 regarding Villages, alongside other significant legal frameworks, such as the 1945 Constitution of the Republic of Indonesia, related Constitutional Court decisions, and their relevant implementing regulations (Usman, 2020), Heryansyah & Nugraha, 2020). By synthesizing these statutory regulations, the study establishes a foundational legal reference that will guide the analysis and conclusions.

In concordance with the statutory framework, the conceptual approach is utilized to comprehend essential legal doctrines and concepts concerning democracy, rule of law, and limitations on governmental power. Such legal principles play a crucial role in shaping the interpretation and implementation of electoral legislation, particularly those affecting local governance (Ibrahim, 2022; , Tatawu & Tawai, 2023). The combination of these approaches allows for a thorough exploration of the normative expectations embedded within the legal system regarding the extendability of village head tenures and their implications for democratic governance (Usman, 2020). Consequently, the findings will provide insights into the appropriate balance between governance effectiveness and democratic accountability.

The data for this study is collected through a comprehensive review of various legal materials, which include primary, secondary, and tertiary sources. Legal literature, regulatory documents, court decisions, scientific journals, and prior studies constitute the critical secondary data utilized (Teevakul, 2023; , Ramadhan & Kartika, 2025). This systematic collection of legal information provides a robust, diverse basis for analysis, enabling a nuanced understanding of the topic at hand. Each of these

materials contributes distinct perspectives, thereby fostering a comprehensive examination of the legal issues relevant to the research questions.

Legal analysis is conducted using systematic hermeneutic interpretation techniques to decipher the laws under examination and elucidate their intended content and objectives. Through this rigorous analytical process, the study seeks to draw meaningful normative conclusions regarding the legislative rationale behind extending the terms of office for village heads. It further evaluates how these extensions may affect fundamental principles of the rule of law and democratic governance in Indonesia (Munazih & Faramida, 2025; , Yulida & Talisa, 2024). The outcomes of this analysis are expected to unearth the complexities surrounding local governance reforms, serving as a foundational element for future discourse concerning the Indonesian legal framework.

RESULTS AND DISCUSSION

This study seeks to answer two central questions: (1) how Law Number 3 of 2024 concerning Villages regulates the legal extension of the village head's term of office; and (2) how this policy discourse aligns with the framework of Indonesia's democratic rule of law. Based on normative legal research involving statutory analysis and doctrinal examination, a comprehensive explanation of legal facts and democratic implications is required.

1. Legitimacy of Extending the Village Head's Term of Office

Law Number 3 of 2024 represents the second amendment to Law Number 6 of 2014 concerning Villages. One of the most notable revisions is extending the village head's term from six years, with a maximum of three terms, to eight years, with a maximum of two terms. This change largely responded to demands expressed by the Association of Indonesian Village Governments (APDESI), which communicated these aspirations to the national legislature and the central government.

According to academic papers and official records discussed in the House of Representatives, the government's main rationale is to give village heads adequate time to design and implement sustainable development programs. Longer terms are expected to allow the development of medium- and long-term policies without being constrained by short political cycles. Budgetary efficiency is also a relevant consideration. Conducting village head elections every six years has placed a significant financial burden on district governments and village budgets. Extending the term to eight years is therefore expected to reduce election frequency and lower administrative costs.

Another argument emphasizes the potential to reduce social and political tensions frequently arising from village elections. Competition among candidates has often triggered prolonged conflicts at the community level. By decreasing the frequency of elections, the government expects greater social stability and strengthened local governance.

Nevertheless, these legislative considerations appear predominantly pragmatic and lack strong philosophical or constitutional grounding. While efficiency and program continuity are important, a democratic state based on the rule of law requires adherence to fundamental principles such as political participation, the distribution and limitation of power, and accountable governance. These principles ensure that efficiency does not override democratic safeguards.

2. Discussion within the Framework of a Democratic Rule of Law

Understanding the extension of village head terms requires examining the basic concept of the rule of law, which inherently includes the limitation of power to protect citizens' rights. In a constitutional democracy, authority derived from popular elections must be subject to term limits, accountability mechanisms, and effective public oversight.

Extending the village head's term from six to eight years effectively reduces the community's ability to exercise direct oversight through elections. The additional two years diminish the frequency with which citizens can evaluate leadership performance and make leadership changes. Given the generally weak institutional oversight structures at the village level, the risk of unchecked authority becomes more pronounced.

Data from Indonesia Corruption Watch (ICW) between 2015 and 2023 indicates that the village sector recorded the highest number of corruption cases. Hundreds of village heads were implicated in misappropriating village funds, resulting in significant financial losses for the state. These incidents occurred even under the shorter six-year term limit, which suggests that extending the term without accompanying oversight reforms may further increase the vulnerability to abuse of power.

One of the core indicators of democratic functioning is the circulation of power. Robert A. Dahl underscores that regular and fair opportunities for citizens to elect and replace their leaders constitute a fundamental democratic characteristic. Lengthier term extensions risk inhibiting leadership renewal and reducing citizens' political control. Further, long-serving village heads may develop entrenched political networks and informal local dynasties that influence administrative institutions, resource allocation, and community life. Such developments may foster oligarchic tendencies that contradict democratic egalitarian ideals.

From a rule-of-law perspective, power must be limited because unchecked authority carries inherent risks. Echoing Lord Acton's maxim that "power tends to corrupt, and absolute power corrupts absolutely," term limits act as structural safeguards within modern democratic systems. This principle was affirmed by the Constitutional Court in Decision No. 42/PUU-XIX/2021, which upheld the six-year term and the maximum of three consecutive terms for village heads. The Court emphasized that term limits are essential to preventing the concentration and abuse of power. Importantly, the Court did not identify a constitutional basis for extending terms beyond the existing limits.

However, the 2024 amendments to the Village Law do not explicitly engage with these constitutional principles. The deliberation process lacked extensive public participation and critical academic review. The legislative debate was significantly influenced by interest group pressure, particularly from APDESI, whereas villagers themselves had limited space to articulate their views. In the paradigm of deliberative democracy, public policies, especially those affecting fundamental political rights—should be formulated through inclusive and participatory processes, not solely through elite negotiation.

Sociologically, power relations in Indonesian villages show persistent asymmetries, with village heads often exerting dominant influence over decision-making and resource allocation. Extending their term without strengthening

accountability mechanisms risks entrenching existing power imbalances and complicating grassroots democratization efforts.

Substantive reforms are therefore needed to accompany any extension of terms. These include strengthening the supervisory authority of the Village Consultative Body (BPD), implementing performance-based evaluations for leadership continuation, and enhancing community participation in governance. Unfortunately, such structural improvements are not comprehensively addressed in Law Number 3 of 2024.

CONCLUSION

The findings of this study indicate that, from a constitutional and democratic standpoint, the extension of the village head's term of office from six to eight years as regulated in Law Number 3 of 2024 rests on a weak legislative rationale. Although the policy is justified on the grounds of enhancing budgetary efficiency, promoting political stability at the village level, and ensuring more effective development planning, these arguments are insufficient when measured against the fundamental principles of the rule of law and democratic governance.

The extension of the term of office carries significant risks, including the potential stagnation of political leadership, the weakening of societal oversight mechanisms, and the increased likelihood of abuse of authority. In democratic systems grounded in checks and balances, term limits serve as structural safeguards to ensure the periodic circulation of power and prevent its concentration in the hands of a single actor. The revised Village Law does not adequately reflect these principles. It appears inconsistent with the Constitutional Court's jurisprudence, which emphasizes the importance of term limits to preserve democratic accountability and prevent the abuse of power.

Recommendations

- 1. Revaluation of Policy Through Inclusive Deliberation:** The government and the House of Representatives should reconsider the extension of village head terms through a policy-making process that ensures broad public participation. The aspirations of both village heads and villagers—as holders of democratic sovereignty—must be incorporated to guarantee that the policy reflects collective interests rather than elite-driven preferences.
- 2. Strengthening Oversight and Performance Accountability:** Any extension of term limits must be accompanied by robust reforms to strengthen supervisory institutions at the village level, particularly the Village Consultative Body (BPD). In addition, a performance-based evaluation system grounded in objective and measurable indicators should be implemented to assess whether village heads demonstrate the competency and integrity required for extended leadership.
- 3. Further Empirical Investigation:** Future research is needed to systematically examine the direct impact of term extensions on governance quality, the political participation of rural communities, and transparency in village financial management. Empirical evidence will provide a stronger foundation for evaluating whether longer terms contribute positively or negatively to democratic governance at the village level.

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