

# Legal Politics and Analysis on the Extension of the Term of Office of Village Heads in Indonesia

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**Abstract.** *This study aims to analyze the term of office of village heads according to Law Number 3 of 2024 and examine the legal politics behind the extension of the term of office. The change in the term of office from six years and three periods to eight years and two periods has raised pros and cons in the community, as well as raised questions about the direction of national legal policy. This research uses a normative juridical approach with a descriptive-analytical method, through a literature study of laws and regulations, legal documents, and scientific literature. The results of the study show that the policy of extending the term of office of village heads is more political than based on objective evaluation. Pressure from the village head association became the dominant factor in the legislation process, which showed the strong influence of group interests in the formation of laws. In theory, this policy is contrary to the principles of power limitation and constitutional democracy. In addition, the extension of the term of office has the potential to weaken community supervision, hinder leadership regeneration, and increase the risk of abuse of authority at the village level. Thus, the extension of the term of office of the village head not only has legal consequences, but also has an impact on the quality of local democracy. A critical evaluation of the political direction of law formation is needed so that it remains based on the principles of the state of law, democracy, and the protection of the interests of the village community.*

**Keywords:** *Legal Politics, Term of Office, Village Head, Law No. 3 of 2024, Local Democracy*

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## INTRODUCTION

The change in the direction of legal policy in post-reform Indonesia has had a significant impact on the structure of village government. The political reform of 1998 not only opened the faucet of democracy nationally, but also penetrated to the local government level, including the village (Hermansyah, 2022). In this context, the role of the village head, which was previously very strong and tended to be authoritarian, began to be limited through new regulations that emphasized the principles of democracy and accountability.

The village head, who was originally considered an extension of central power in the New Order era, is now required to be a democratic local leader and serve the interests of the community (Zuhro, 2018). However, over time, the position of the village head has again become a strategic issue in national legal politics, especially regarding the term of office which has become a polemic recently.

Law Number 6 of 2014 concerning Villages has stipulated that the term of office of the village head is six years and can be re-elected a maximum of three times, either consecutively or not (Suhamartha et al., 2023). This provision indicates an awareness of the importance of limiting power in order to maintain democratic principles and prevent absolute power at the village level.

However, the birth of Law Number 3 of 2024 as the second amendment to Law Number 6 of 2014 caused controversy because it extended the term of office of the village head from six years to eight years (Ardiyansyah et al., 2024). This step has triggered a fairly wide public debate, both from academics, civil society activists, and political actors.

This term extension was not born suddenly. The demonstration carried out by thousands of village heads in front of the House of Representatives Building became one of the triggering factors for the emergence of discourse and ultimately the birth of the regulation (Duryat & Pd, 2024). They demanded an extension of the term of office under the pretext of stability of development and consistency of village work programs (Simarmata et al., 2025). On the other hand, many parties consider that the extension of the term of office of the village head has a strong political content and has the potential to weaken local democracy. Too long in power tends to open up space for corrupt practices, nepotism, and declining community participation in village government supervision.

Legal politics as a basic policy of state administrators in the formation and implementation of laws is an important instrument in understanding the direction of this change (Rosenbloom et al., 2022). A study of the legal politics of extending the term of office of the village head needs to be carried out comprehensively so as not to be trapped in short-term pragmatic interests. In the Indonesian legal system, changes to the term of office of village heads must be seen not only as an administrative aspect, but as part of a legal political process that has implications for democratization and justice at the grassroots level (Fadilah et al., 2025). Therefore, the study of this change must consider various aspects, ranging from the theory of the rule of law, democratic principles, to the constitutional rights of citizens.

The addition of the term of office of the village head to eight years as stipulated in Article 39 of Law Number 3 of 2024, has caused pros and cons (Sauyai et al., 2024). On the one hand, the government argues that this policy gives more time for village heads to complete development programs. But on the other hand, concerns about the weakening of democracy and the neglect of the principle of accountability are emerging issues. History shows that unfettered power tends to breed irregularities. Therefore, the principle of limitation of power is one of the important features of the modern legal state. In this context, the extension of the term of office of the village head must be viewed carefully, so as not to violate the spirit of reform and democratic ideals.

Faedlulloh et al. (2023) said that, the challenge in implementing this policy is to ensure that term extensions are not used as a tool to strengthen local oligarchs. The risk of village heads in power for too long has the potential to hinder leadership regeneration and narrow community participation in development (Tole, 2010). As a country of law, Indonesia is required to ensure that every policy, including in the context of the term of office of the village head, must be based on the principles of law, justice, and respect for the rights of citizens. Therefore, a thorough evaluation of the legal and social impact of this policy is needed.

In addition, from the perspective of legal certainty, changes to the norms of the term of office of village heads that are carried out reactively due to political pressure also cause uncertainty (Aulia & Rosyada, 2024). This can undermine public trust in the legal system and make the law a purely political tool. The village community, as the most affected party, must be given space to assess and supervise the running of village government. They are not just objects of development, but the main subjects in a civilized rural democratic system.

Changes in legal norms related to the term of office of village heads must refer to an objective evaluation of the effectiveness of the implementation of village government so far. If indeed the six-year term of office is considered inadequate, then the solution offered must be through a healthy and open public discourse.

It is also important to compare the village government system in Indonesia with other countries that have a similar structure (Antlöv et al., 2016; Bebbington et al., 2006). Many countries set relatively short terms to maintain a healthy circulation of power and prevent abuse

of power. In the study of legal politics, the aspects of legality and legitimacy must be the main considerations. Legality concerns whether or not an action is legal or not, while legitimacy is related to public acceptance of the policy.

As a socio-political entity, villages are miniature states. Therefore, democratic, participatory, and transparent village governance is the key to the success of national development from the bottom up. The position of the village head is not only an administrative position, but also a symbol of dignified local leadership. Finally, the extension of the term of office of the village head is an issue that cannot be separated from the political dynamics of national law. Therefore, a critical analysis of this new regulation is very important so that the law is not just a tool of power, but still on the side of justice and the interests of the people. Thus, this paper will explore in depth the legal politics that underlie the extension of the term of office of village heads in Indonesia, focusing on the legal, political, and impact implications on local democracy.

## **METHODS**

In writing a thesis entitled "A Study of Legal Politics on the Extension of the Term of Office of Village Heads in Indonesia", the researcher uses a legal research method with a qualitative approach based on a normative juridical approach. This method was chosen because the research aims to examine laws and regulations, legal policies, and legal political practices related to the term of office of the village head from the point of view of constitutional theory and principles.

### **Types of Research**

This type of research is normative legal research, which is research conducted by examining primary, secondary, and tertiary legal materials (Negara, 2023). This study examines the law as a norm that applies in society and is used as a reference in behavior. Normative legal research is often also referred to as library research, because the main source of analysis comes from written legal documents and relevant literature.

### **Research Approach**

The approaches used in this study include; (1) Statute Approach: used to review the legal norms that govern the term of office of village heads, especially in Law Number 6 of 2014 concerning Villages and its amendments through Law Number 3 of 2024 (Wasil, 2024); (2) Conceptual Approach: used to understand basic concepts related to legal politics, the state of law, tenure, and the constitutionality of public policy; (3) Historical Approach: used to trace the development of the term of office of the village head from time to time.

### **Source of Legal Materials**

The sources of legal materials used in this study include: (1) Primary Legal Materials: namely laws and regulations that are directly related to the subject matter, including ; (a) Constitution of the Republic of Indonesia in 1945; (b) Law Number 6 of 2014 concerning Villages; (c) Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014; (d) Law Number 12 of 2011 concerning the Establishment of Laws and Regulations; (e) Secondary Legal Materials: legal materials that provide explanations of primary legal materials, such as scientific literature, textbooks, legal journals, academic articles, and the results of previous research; (f) Tertiary Legal Materials: materials that provide additional instructions or information to primary and secondary legal materials, such as legal dictionaries, legal encyclopedias, and laws and regulations indexes.

### **Legal Material Collection Techniques**

The technique of collecting legal materials is carried out through library research. The researcher collected, classified, and reviewed various laws and regulations and relevant literature sources, either manually or with the help of a digital search system. The analytical techniques used in this study are descriptive-analytical, namely; (1) Descriptive, used to systematically describe the content of laws and regulations and other legal documents related to the term of office of the village head; (2) Evaluative, used to critically evaluate legal changes

related to the extension of the term of office of the village head. Argumentative, used to compile legal arguments based on theory, constitutional principles, and relevant normative data to explain the legal politics behind the extension of the term of office of the village head.

## RESULTS AND DISCUSSION

### Restrictions on the Term of Office of the Village Head Before and After Law Number 3 of 2024

The term of office of village heads in Indonesia has changed from time to time. In Law Number 6 of 2014, the term of office of the village head is set at 6 years and can be re-elected 3 times, either consecutively or not. However, in Law Number 3 of 2024, article 39 has undergone significant changes, namely the term of office is extended to 8 years with a maximum of 2 periods. This change has become one of the main issues in legal and political discourse in Indonesia because it concerns the principle of power limitation. In the context of a state of law and democracy, the restriction of public office is an important element to avoid absolute power that has the potential to cause abuse.

Table 1. Comparison of the Term of Office of the Village Head Before and After Law No. 3 of 2024

Aspects	Law No. 6 of 2014	Law No. 3 of 2024
Term of Office per Term	6 Years	8 Years
Maximum Number of Periods	3 Times (consecutively or not)	2 Times (consecutively or not)
Maximum Total Position	18 Years	16 Years
Legal Basis	Article 39 of Law No. 6 of 2014	Article 39 of Law No. 3 of 2024

Source: Law No. 6 of 2014 and Law No. 3 of 2024

The term limit of the village head is an important part of the village democratic system that upholds the principle of rotation of power and limitation of authority. As the results of the study show, there has been a significant change in the regulation of the term of office of the village head from six years and three periods to eight years of two periods. Although the total maximum term of office remains relatively the same (18 years prior, 16 years after the revision), this change raises serious questions about the spirit of local democracy and the principle of limitation of power.

Theoretically, this is in line with John Locke's idea in the Two Treatises of Government, which states that public power must be limited through legal norms so as not to become a tool of tyranny (Turner, 2024). Similarly, Jimly Asshiddiqie emphasized the importance of power limitation as a pillar of the state of law and constitutional democracy. In this context, term limits are not only a matter of duration, but also an accountability mechanism. When the office is extended without an adequate public assessment process, it will weaken the principle of representation and increase the opportunity for unhealthy power accumulation at the village level.

#### Political Dynamics in Term Extension

This study found that the background of the change in tenure was not entirely based on academic studies or evaluation of village government performance, but was more driven by political pressure from the Indonesian Village Head Association (AKD) which carried out demonstrations nationwide. This shows the strong influence of political forces in the formation of legal norms. The appearance of the revision of the Village Law was not even listed in the 2023 Priority National Legislation, but was suddenly included ahead of the election, which indicates that this revision is loaded with momentary pragmatic interests.

This study shows that the change in the term of office of village heads is more due to political pressure from the village head association, rather than due to an empirical evaluation of

the effectiveness of the previous period. This shows that the legal politics behind the changes to the Village Law are full of short-term interests and are responsive to political pressure, not the systemic needs of local democracy. The concept of legal politics, according to Padmo Wahjono in (Pramono, 2018), is the basic policy that determines the direction and content of the law. So, when the pressure of the village elite becomes the dominant factor in the formation of Law No. 3 of 2024, the political direction of the law shifts from the will of the people to the will of the elite. Research (Marta, 2025) The Extension of the Term of Office of the Village Head in the Perspective of Democracy and the Constitution, states that the change in the term of office is more influenced by political interests and not the needs of village democracy. In fact, it was stated that the extension of the position actually has the potential to narrow the participation and supervision of the community towards the village head.

### **The Legal Politics of Term Extension: A Theoretical Perspective**

According to the concept of legal politics, laws and regulations are not neutral products, but the result of attracting interests between political actors. The change in the term of office of the village head reflects a political configuration that is more accommodating to the local elite than the aspirations of the people in general. From the perspective of the theory of constitutionalism put forward by John Locke, the limitation of power through the constitution is a pillar of the state of law. Long tenure without adequate control is contrary to the principles of democracy and constitutionalism.

The formation and revision of laws are basically the result of the configuration of power that occurs at a certain time. The politics of law reflects the will of lawmakers to express certain ideals or interests. In the context of extending the term of office of the village head, the will does not come from the village community as a whole, but from the politically organized elite group of village heads.

The results of the study show that the revision of Article 39 of the Village Law does not go through a participatory evaluative mechanism. This violates the spirit of participatory democracy theory, which requires public policy-making to be carried out through a deliberative and inclusive process. Research (Milzam & Syamsul, 2025) It also shows that after the Constitutional Court's decision Number 42/PUU-XIX/2021, there is no legal urgency to encourage the revision of the term of office, so the revision is purely political. The changes made tend to be responsive to the interests of the group, not based on legal studies.

### **Legal and Social Implications for Term Extension**

The extension of the term of office of the village head has a very complex impact:

Positive Impact; (1) The village head has a longer time to complete the development program; (2) Reducing conflict and polarization after village head elections

Negative Impact; (1) Reduce community participation in control of the village government; (2) Increasing the potential for nepotism, abuse of authority, and corruption of the village budget; (3) Hindering the regeneration of leadership and local political circulation.

The extension of the term of office of the village head has various significant legal and social implications. From a legal point of view, this change weakens the principle of the rule of law because regulations are made not based on the need for justice or legal certainty, but on pressure from power. This is contrary to the theory of legal certainty according to (Makransky & Petersen, 2021), which states that the law must be fair, definite, and beneficial. Socially, term extensions tend to strengthen local oligarchs and narrow leadership regeneration. As stated in the study (Baskoro, 2025), the policy of the village head's position that is too long threatens the sustainability of good governance principles, especially in the aspects of transparency and accountability. With a longer term of office, supervision from the public can decrease because the spirit of participation is eroded. The potential for abuse of power is also increasing, especially with village structures that are relatively weak in formal supervision.

## Constitutional Review of Term Extension

In the context of the constitution, Article 1 Paragraph (3) of the 1945 Constitution states that Indonesia is a state of law. Therefore, every change to public office, including village heads, must uphold the principles of justice, legal certainty, and utility. This study assesses that the amendment of article 39 of the Village Law substantially weakens the principle of power limitation, which should be the foundation for building a democratic and participatory village government system.

The revision of the term of office of the village head must be tested from the point of view of constitutionality. Article 1 paragraph (3) of the 1945 Constitution states that Indonesia is a country of law. Therefore, any change to legal provisions must refer to the principles of justice, legal certainty, and protection of citizens' human rights. The results of this study indicate that the process of amending article 39 of the Village Law does not reflect the principle of checks and balances, as taught in Montesquieu's theory of the division of power (Van, 2017). The absence of effective oversight mechanisms at the village level makes long tenures highly vulnerable to local authoritarianism. The affirmation of the principle of term limitation is a constitutional mandate that is implicitly contained in the spirit of democracy. Therefore, the extension of office without in-depth evaluation and without the involvement of the people has the potential to violate the principle of constitutionalism itself.

## CONCLUSION

Based on the results of the research and discussions that have been conducted, it can be concluded that the extension of the term of office of village heads in Indonesia as stipulated in Law Number 3 of 2024 is a legal policy that is loaded with political content and has various implications for the principles of the state of law and local democracy. The change in terms from six years and three terms to eight years of two terms is basically not solely aimed at improving the effectiveness of village government, but rather is a response to political pressure from the village head organization. This shows that the formation of law in Indonesia is not always based on empirical evaluation or objective needs, but is often influenced by the ongoing configuration of power. In the context of legal politics, the policy of extending the term of office of village heads reflects the tendency of lawmakers to accommodate the interests of certain elites rather than fighting for the principles of democracy, community participation, and healthy restrictions on power. In fact, one of the pillars of the state of law according to Article 1 paragraph (3) of the 1945 Constitution is the existence of a government system that upholds accountability and periodic circulation of power. In terms of constitutionality, this policy raises doubts because it is not preceded by a thorough public test and does not reflect participatory and deliberative principles as the spirit of constitutional democracy. Although this extension of office is legal, but in terms of legitimacy and political morality, the policy is questionable. In addition, the legal and social impact caused by this change is quite significant. On the one hand, the village head does have a longer time to complete village development programs. On the other hand, however, the risk to local oligarchic practices, decreased community participation, and weakening of supervision of village government are real threats that can undermine the democratic order at the grassroots level.

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