

Research Article

Implications of Extension of the Term of Office of the Village Head Based on Law No. 3 of 2024 Concerning the Second Amendment to Law No. 6 of 2014 Concerning Villages Towards the Principles of Democracy in Kerato Village

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Abstract: Regulatory changes through Law No. 3 of 2024 concerning the Second Amendment to Law No. 6 of 2014 stipulate an extension of the village head's term of office from six to eight years. This policy is intended to strengthen leadership stability and the sustainability of village development, but also raises concerns regarding reduced leadership circulation, weakened community political participation, and increased potential for abuse of power. This research uses empirical legal methods with sociological, conceptual, and case-based approaches, conducted through field observations and in-depth interviews with village officials, community leaders, MSMEs, and residents of Kerato Village. The results show a diverse response from the community. Some support this policy because it is seen as providing the village head with the opportunity to complete development programs sustainably. However, others reject it, arguing that term extension has the potential to reduce the quality of local democracy, limit leadership regeneration, and reduce the frequency of community political participation. The discussion emphasizes the dilemma between village government stability and the principles of participatory democracy. In conclusion, this policy is ambivalent: positive in maintaining development continuity, but risky for accountability and community participation. Therefore, strengthening the function of the Village Consultative Body (BPD), transparency, and effective oversight mechanisms are very necessary to maintain the balance between government stability and village democracy.

Keywords: Document Falsification; Village Head; Title Document; Land Registration; Criminal Law.

1. Introduction

Democracy is closely linked to the principle of the rule of law, as democratic practice is a concrete manifestation of the implementation of applicable laws, as seen in the holding of village head elections. Conversely, the law serves as an instrument to control the course of government, ensure order, and maintain balance in village life (Hidayat, 2024). In the dynamics of discourse and debate regarding the amendments to the 1945 Constitution, the idea emerged regarding the urgency of strengthening the position of villages as an integral part of the national government system. This thinking is based on the reality that villages have enormous significance in the administration of government, particularly at the local level (Srifidayanti, 2024).

The law's oversight function requires that people's rights be protected from potential arbitrariness. The law also guarantees that every policy adopted by those in power must align with the public interest. This is crucial, given that power essentially originates from the people, is exercised by the people, and is intended for the people, thus preventing its use from being arbitrary. The existence of villages is constitutionally legitimized through the provisions of the Village Law, which affirms their rights and authority to manage affairs independently. Although regional autonomy is primarily focused at the district/city level, the substance of this independence should begin at the most basic level of government: the village. As entities

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within a state governed by the rule of law, the existence of villages in Indonesia is evidenced by the active role of village government institutions in independently regulating and managing the interests of their communities. (Luhukay, 2024)

The Village Head occupies a central position in village development, where in carrying out his leadership, he is responsible for coordinating and representing public interests, both at the village institutional level and within the wider community. An ideal Village Head is required to have the capacity to influence and mobilize his citizens to actively participate in the village development process. The Village Head election mechanism is carried out democratically by the villagers without any interference or domination from the bureaucratic elite.

The position of village government is solidly legitimized through the constitution and laws and regulations, which enable the independent implementation of village government functions. This independence should begin at the village level. Within this framework, the Village Head plays a crucial role as a driver of development and a representative of community interests, who must be able to lead democratically and participatively. Therefore, freedom in the election of Village Heads from interference by political elites is a fundamental requirement for realizing village governance that aligns with democratic values and local independence.

The enactment of Law Number 3 of 2024, the second amendment to Law Number 6 of 2014 concerning Villages, has had a significant impact on the dynamics of village governance in Indonesia. This new regulation not only updates the provisions of the previous law but also provides a new direction in village governance that is expected to be able to address various development challenges at the local level. One of the fundamental changes contained in the law is the provision regarding the term of office of the Village Head, which was previously only six years, has now been extended to eight years. This provision is also regulated with a limitation that the Village Head can only serve a maximum of two consecutive terms, so that the total possible term of office is sixteen years. This change is considered to provide greater flexibility for Village Heads in planning, implementing, and evaluating village development programs in a sustainable manner, while maintaining the principle of limiting power to prevent excessive accumulation of authority in one individual. (Saldi, 2024)

Changing the Village Head's term of office aims to strengthen leadership stability, extend development planning, and reduce conflict caused by frequent elections. However, this policy also carries potential risks, such as abuse of power, weakened accountability, and a diminished commitment to local democracy.

According to Putri Yunita (2024), democracy theoretically demands a healthy circulation of leadership to prevent the domination of power by certain individuals or groups. An essential element of democracy is the limitation of power through periodic elections, ensuring that leadership remains responsive to the aspirations of the people. Extending the Village Head's term of office raises concerns that the leadership regeneration process will be hampered and reduce opportunities for new figures to participate in village governance. This has the potential to undermine democratic dynamics at the village level, where healthy leadership changes can actually bring innovation to village governance.

Extending the Village Head's term of office can also increase the potential for abuse of power and corrupt practices. The longer someone holds office, the greater the potential for actions that deviate from the principles of good governance, such as nepotism, collusion, and corruption. Therefore, oversight of village governance is increasingly urgent to prevent the consolidation of power that could harm the community.

At the local level, Kerato Village in Unter Iwes District can serve as a concrete example for examining the implementation of the Village Head term extension policy. Given its relatively complex socio-political environment, this regulatory change has the potential to impact the governance system and community participation in local democracy. The study of Kerato Village is expected to provide an empirical understanding of the extent to which this policy strengthens or weakens democratic principles at the village level.

This study aims to comprehensively analyze the impact of extending the Village Head's term of office under Law Number 3 of 2024 on the level of citizen political participation, village government accountability, and the potential for abuse of power. Furthermore, the study will examine the extent to which this regulation can create leadership stability without sacrificing democratic principles. The results are expected to provide policy recommendations

that balance the need for leadership stability with ensuring healthy democratic dynamics at the village level.

Thus, this research has both academic and practical relevance in contributing to the development of legal discourse on village governance in Indonesia. Through a case study of Kerato Village, this research not only presents a theoretical analysis but also presents an empirical perspective that can serve as a reference for policymakers and stakeholders in formulating policy directions regarding the future tenure of village heads.

2. Materials and Method

This research uses empirical legal methods, focusing on the application of law in society through field observations relevant to the research topic. The research approach is understood as a strategy that starts from general assumptions and is then implemented in a systematic data collection and analysis method.

In writing this thesis, three approaches were used, namely: 1) Sociological approach, which examines research objects through social phenomena, collective behavior, social structures, and the dynamics of relationships between individuals in society. 2) Conceptual approach, which relies on legal theory, doctrine, and ideas to gain an understanding of legal principles relevant to the research issue. 3) Case approach, which analyzes concrete legal events to develop legal arguments and offer solutions in accordance with the values of justice.

3. Results and Discussion

Public Response to the Term of Office of the Village Head in Kerato Village Based on Law Number 3 of 2024 Concerning Amendments to Law Number 6 of 2014 *Village Head and Leadership in the Village*

A village is a legal community entity with defined territorial boundaries and the authority to regulate and manage government and community interests based on citizen initiative, ancestral rights, and/or traditional rights. This is affirmed in Law Number 6 of 2014 concerning Villages, which legitimizes villages to manage their affairs independently.

Village governance is understood as the exercise of government authority and the interests of local communities within the framework of the Unitary State of the Republic of Indonesia. In this context, villages are expected to serve as the primary pillars for governance and development at the local level. Village governments themselves have significant capacity to bring about positive change, realizing justice, peace, security, and community well-being. The Village Head is responsible for administering government and empowering village communities.

The position of Village Head is highly strategic because, in addition to carrying out governmental functions, he also holds broad authority over various aspects of community life. Therefore, this position can only be held by an individual who is competent, experienced, and skilled in managing village government. Every policy established by the Village Head has direct implications for community life, encompassing social and economic aspects, as well as infrastructure development, making the Village Head's leadership role crucial.

Democracy, as a system of government, places the people as the holders of supreme sovereignty. Within this system, the fundamental principles that must be upheld are popular sovereignty, constitutional government, protection of human rights, and equality before the law. Implementing democratic principles ensures that every policy adopted is legally valid, reflects the aspirations of the people, and protects individual rights.

The requirements for Village Head candidacy are regulated in Article 33 of Law Number 3 of 2024, including: must be an Indonesian citizen; devout to God Almighty; uphold Pancasila, the 1945 Constitution, and maintain the integrity of the Republic of Indonesia and *Bhinneka Tunggal Ika*; have a minimum education of junior high school or equivalent; be at least 25 years old at the time of registration; willing to be nominated; not currently serving a prison sentence; never been sentenced to a minimum of five years in prison based on a final and binding decision, unless after five years have completed the sentence and announced honestly to the public; not having had their voting rights revoked; physically healthy; have never served as Village Head for two terms; and meet additional provisions in district/city regulations.

In addition to these normative requirements, there are also administrative requirements as regulated in Article 33 letter l of Law No. 3/2024, which are generally further stipulated in regional regulations. For example, a certificate of Indonesian citizenship from the sub-district head, a photocopy of the ID card, a sufficiently stamped statement of devotion to God Almighty, a statement of practicing Pancasila and the 1945 Constitution, a legalized photocopy of a diploma, a birth certificate, a statement not currently serving a prison sentence, a statement from the court regarding criminal history or revocation of voting rights, a health certificate from the regional hospital, a Police Clearance Certificate (SKCK) from the police, a statement of willingness to carry out obligations and live in the relevant village, a drug-free statement from the National Narcotics Agency (BNN), and in certain contexts, requirements based on local cultural values are also added, such as in the Sumbawa region.

The Village Head has broad authority as regulated in the Village Law, including: leading the administration of government; appointing and dismissing village officials; managing village finances and assets; establishing village regulations and the Village Budget; fostering order, peace, and the life of the village community; encouraging village economic growth to reach a productive scale; developing village income sources; proposing and receiving the transfer of part of state assets; developing local culture; utilizing appropriate technology; coordinating participatory development; collaborating with other parties in accordance with legal provisions; and representing the village both inside and outside the court.

The village head election process is carried out directly by village residents through a general election mechanism. This reflects the implementation of democracy in accordance with the principles of a state based on the rule of law, where Indonesia adheres to the principle of popular sovereignty as the primary source of power. Therefore, all forms of power must be sourced, exercised, and directed towards the interests of the people, while the people also play an active role in its implementation. Within the framework of the constitutional system, the principle of popular sovereignty is implemented according to established constitutional mechanisms. (Purnama, 2024)

The position of Village Head holds a strategic position as it is the highest level of village government, directly influencing development and community welfare. Therefore, it requires a figure with high integrity, wise leadership, and strong managerial skills to manage village resources. (Hartono, 2024)

Provisions regarding the term of office of the Village Head have also been regulated in legislation. Based on Article 39 of Law Number 6 of 2014 concerning Villages, the term of office of the Village Head is six years from inauguration, with a maximum limit of three consecutive or non-consecutive terms. However, this provision was changed through Law Number 3 of 2024 concerning the Second Amendment to Law No. 6 of 2014, which stipulates the term of office of the Village Head to eight years, with a maximum of two consecutive or non-consecutive terms. Thus, the Village Head can now serve for two terms for a total of 16 years, a relatively longer period than the terms of office of other political officials, such as regents, mayors, governors, and presidents.

Term of Office of Village Head and Democratic Values in Kerato Village

In a democratic system of government, there is a close relationship between law, power, and democratic principles. Law serves a fundamental function as an instrument for limiting power so that it does not conflict with democratic values, while also legitimizing authority, ensuring its legal validity.

Regarding the Village Head's term of office, which was originally set at six years, this issue cannot be viewed as a constitutional issue, especially when compared to other political positions that are also directly elected by the people. For example, the President of the Republic of Indonesia has a five-year term with a maximum of two terms, for a total of ten years. In contrast, a Village Head can potentially serve up to eighteen years. Therefore, if the Village Head were re-elected, he would have sufficient time to optimally realize the vision and mission of his village government.

According to Djohan (2016), effective village governance can be achieved, among other things, through a mechanism of periodic leadership changes. This change aims to produce a new generation of local leaders and prevent the dominance of power by one individual over various dimensions of community life.

The extension of the Village Head's term of office also needs to be analyzed within the framework of the principle of checks and balances. This principle emphasizes the need for a mechanism for oversight and a balance of power between the legislative, executive, and judicial branches to prevent abuse of authority, including by the Village Head as part of the village government administration. Therefore, the political and legal system must be able to accommodate a fair and healthy rotation of leadership, so that democratic life can be realized in a transparent and accountable manner. (Asshiddiqie, 2006)

Response Regarding the Extension of the Village Head's Term of Office in Kerato Village

Within the framework of sustainable village development, a longer Village Head term is seen as providing flexibility in designing, implementing, and comprehensively evaluating strategic programs. This is particularly relevant for villages still facing serious challenges, such as limited infrastructure, low-quality human resources, and weak governance. However, the success of a long term can only be achieved if supported by regular evaluation mechanisms, active community participation, and an effective oversight system to ensure that authority is not abused and remains within the corridors of democratic principles. (Marzuki, 2020)

Based on this theoretical framework, the results of the author's interviews with the residents of Kerato Village indicate that the informants disagree with the policy of extending the Village Head's term of office to eight years as stipulated in Law Number 3 of 2024 concerning Villages, Article 39 paragraphs (1) and (2). They argue that this policy has the potential to reduce the quality of democracy at the local level, particularly regarding community participation and leadership accountability.

According to interviews with farmers, excessively long terms of office are feared to reduce citizen participation by leading to less frequent elections. Furthermore, without adequate oversight mechanisms, village heads could become too comfortable in their positions, making them less receptive to public criticism and aspirations.

Interviews with Micro, Small, and Medium Enterprises (MSMEs) stakeholders revealed a more balanced view. On the one hand, extending the Village Head's term of office can support the sustainability of village economic programs, such as providing capital assistance or business training that require continuity without disruption due to leadership changes. However, without adequate evaluation and oversight, there is a risk that the Village Head will become less responsive to the aspirations of business owners due to over-comfort with their power.

Interviews with village officials revealed a dual perspective, encompassing both positive and negative aspects of the Village Head's term extension policy. From a positive perspective, a longer term is seen as providing the Village Head with more space to focus on planning and implementing medium- and long-term development programs in a more targeted manner. This allows village development to proceed consistently, uninterrupted by a rapid change in leadership. However, if the term extension is not accompanied by effective control, evaluation, and oversight mechanisms, this situation has the potential to negatively impact the level of community participation in the decision-making process and weaken the democratic dynamics that should exist within the village government.

Interviews with village heads concluded that extending their terms of office offers significant benefits in the development and implementation of comprehensive village programs. This is because many development programs require more than six years to achieve optimal results, so a longer term is considered to provide continuity in the development process.

The Impact of the Village Head Term Extension Policy on the Dynamics of Local Democracy in Kerato Village

Democracy, based on the principle of government of, by, and for the people, places the people as the holders of supreme sovereignty. However, regarding the issue of extending the term of office of Village Heads, this principle cannot be implemented absolutely by the government, considering that the democratic system requires equal rights for all citizens, including in the context of electing leaders at the local level. A democratic state always prioritizes public participation in every policy formulation process. This is in line with the mandate of the constitution, specifically Article 2 paragraph (1) of the 1945 Constitution,

which emphasizes that sovereignty rests with the people and is exercised according to the Constitution. (Widana, 2024)

Term limits for village heads serve as a democratic oversight mechanism to prevent excessive accumulation of power and ensure leadership regeneration at the village level. Therefore, changes in term limits must be accompanied by the implementation of a robust oversight system and increased public participation to ensure democratic principles—especially the limitation of power—are maintained in governance practices, including in Kerato Village. This thinking aligns with Jimly Asshiddiqie's (2006) view, which asserts that term limits are a constitutional principle to prevent abuse of authority. Democracy inherently demands limits on power as a means of ensuring authority does not exceed its limits. Excessively long terms of office, without adequate public evaluation mechanisms, have the potential to lead to abuses of power at the local level.

The length of a Village Head's term of office is considered to reduce the frequency of elections, diminish community participation in the decision-making process, and increase the risk of authoritarian or closed-to-criticism leadership. This situation has the potential to hinder the development of democracy in villages, including Kerato Village. This view aligns with the theory of participatory democracy, which emphasizes the importance of active community involvement in every leadership cycle. A healthy democracy necessitates popular control over power through elite circulation mechanisms conducted periodically through general elections.

In the concept of a democratic state, power must be limited so that its implementation remains in accordance with constitutional principles, namely based on legal provisions and societal norms. In line with the thinking of Lord Acton, a 19th-century British historian and politician, unlimited power has the potential to lead to abuse, as his famous adage, "power tends to corrupt but absolute power corrupts absolutely." Therefore, democracy must always be based on the constitution to prevent the tendency for abuse of authority. (Airlangga, 2019) The policy of extending the term of office of Village Heads is thus inseparable from the potential for negative impacts, especially a decline in the quality of democracy at the village level if not balanced with adequate control and community participation.

However, there are also positive aspects. A longer term of office can provide stability to village government and provide sufficient time for Village Heads to design and implement medium- and long-term programs. This has the potential to improve the quality of public services and sustainable village development. According to Budi Supriyanto (2009), government management is a management process carried out by state administrators to achieve goals, namely public welfare. Governments, including those at the village level, are required to develop systems capable of effectively regulating the social, economic, and political aspects of society. This is closely related to the implementation of regional autonomy as stipulated in Law Number 32 of 2004 concerning Regional Government, which has two strategic objectives. First, to address local community demands for the distribution of authority, fairness in revenue, and independence in government management. Second, to strengthen the regional economy to support the national economy in the face of globalization. Thus, the success or failure of village government performance depends on the application of effective government management principles. (Saragih, 2024)

The primary agenda of village development emphasizes improving community welfare while reducing the gap between villages and cities. This strategic task relies heavily on the management capacity of village government, particularly the role of the village head as a local leader. In line with John Locke's thinking on the limitations of power, power is divided into three functions: legislative, executive, and federative. Although village government predominantly carries out executive functions, limitations on power are still necessary to maintain balance. This also aligns with Montesquieu's thinking on the separation of powers as a fundamental principle of modern state administration. (Asshiddiqie, 2006)

Democracy in village head elections (*pilkades*) reflects a recognition of plurality and the political involvement of village communities in the democratization process. By limiting power, the democratic system can operate more transparently, accountably, and fairly, thus protecting people's rights and achieving balance in government.

Kurt Lewin, a prominent social psychologist, in his theory of leadership styles distinguished three models: autocratic, democratic, and laissez-faire. Autocratic leaders tend to centralize power, while democratic leaders emphasize cooperation, participation, and openness to criticism. (Sasmito, 2021) This view can influence the behavior of village heads in carrying out their responsibilities. Therefore, the government needs to ensure that decision-making at the village level is carried out openly and involves the community, while maintaining a balance between leadership continuity and healthy regeneration.

The extension of the Village Head's term of office ultimately requires increased capacity and competence of all village officials as part of efforts to ensure effective governance and development at the local level. Therefore, the government is obligated to provide adequate training, coaching programs, and development activities to ensure that the Village Head and his staff have sufficient skills, knowledge, and competence to plan, manage, and implement village development optimally and sustainably. (Febrian, 2022)

4. Conclusion

Based on the research results, the following conclusions were drawn: The response of the Karato Village community to the Village Head's term of office provisions as stipulated in Law Number 3 of 2024 shows differing perceptions. Some residents approve of the policy of extending the term of office, as they believe it provides more time for the Village Head to complete the village's development agenda sustainably. However, some community groups oppose it, arguing that the term extension has the potential to create political saturation at the local level and hinder the process of leadership regeneration in the village. The policy of extending the Village Head's term of office in Kerato Village carries ambivalent implications. On the positive side, this policy is considered to strengthen the stability of village government, ensure the continuity of public policy, and support the more effective implementation of long-term development programs. However, on the other hand, extending the term of office also risks centralizing power in the Village Head's figure, weakening community political participation, and reducing the level of accountability in village governance. Therefore, it is necessary to strengthen the function of the Village Consultative Body (BPD), increase government transparency, active community participation, and implement strict oversight mechanisms to ensure this policy remains aligned with the principles of democracy and good governance.

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