

Legal Politics of Extension of Term of Village Head

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Abstract The extension of the term of office of the village head was motivated by a demonstration by almost all village heads throughout Indonesia who expressed their wishes and aspirations in front of the building of the People's Representative Council of the Republic of Indonesia, so that the term of office of the village head would be revised to be extended. This study aims to determine how the political legal turmoil caused by the extension of the village head's term of office in accordance with Law Number 3 of 2024 concerning Villages. By using a qualitative literature study method, this study analyzes more relevant literature to understand the influence of legal politics on the extension of the village head's term of office

Keyword : Politics, Position, Village Head

1. INTRODUCTION

In Indonesia, the relationship between politics and law is often debated because of the strong influence of politics on the process of forming and implementing law. Inequality is very visible when the law is used as a tool of legitimacy for certain political interests. According to Iqsandri (2022). Legal politics is the basic policy of state administrators in the legal field that will, is, and has been in effect. Legal politics includes the formation of laws and regulations aimed at improving the quality of legal products.

Legal policy can be divided into two, namely short-term legal policy and long-term legal policy. Short-term legal policy is a legal policy that is ad hoc in nature to resolve ongoing legal issues. While long-term legal policy is the official direction of the state regarding the law that will be enforced or not enforced in order to achieve state goals. Mahfud MD (2009).

The fourth paragraph in the opening of the 1945 Constitution of the Republic of Indonesia states that one of the objectives of the establishment of the Republic of Indonesia is to improve the welfare and maintain the safety of all citizens of Indonesia, this is in line with the theory of the Welfare State put forward by Krenenburg after the Second World War where previously the state only had the task of maintaining the security of its people, increasing to participating and contributing to the welfare of its people.

Management in the above context certainly refers to the empowerment of natural resources which is certainly carried out by individuals who have the right skills and qualities so that it is necessary to form special institutions and tasks to regulate government administration and provide superior services to the community in order to realize welfare and prosperity on behalf of the community, one of the tasks that is closely related and interrelated with the village population is the village government. The village government as a

representative of the state at the lowest level of government hierarchy that has a direct relationship with the people. The village head as the highest leader in the village government. The term of office of the village head can be long but can also be short depending on the situation of the applicable laws. Saiful Basri (2023).

Adjustments to the term of office of the village head do not always arise due to changes in community values or demands of the times, but are more associated with legal policies taken by different governments, variations in the period of office of the village head indicate the existence of interests and implied intentions behind the existing legal regulations. If we look at the provisions of Law Number 6 of 2014 concerning villages, it explains that the term of office of the village head holds a position for 6 years with a maximum of 3 terms of office.

Changed to the provisions of Law Number 3 of 2024 concerning amendments to the previous law, then explaining that in this amendment the term of office of the village head is changed to 8 years in one period and a maximum of 2 terms can only be served, whether consecutively or not. Sandi Mulia Arhdan (2024).

Formulation Of The Problem

The formulation of the problem raised in this writing is:

1. How can the village head's term of office be extended?
2. What are the legal policies for extending the term of office of a village head?

2. RESEARCH METHODS

The research method used in this study is a qualitative literature study method, which is by using an approach to explore, analyze, and synthesize information contained in literature or written sources that are relevant to the research topic. This method does not involve direct observation or experiments on the objects being studied, but only focuses on the study of existing documents, such as books, journal articles, research reports, and other documents that are related to the phenomena that are the subject of research. The purpose of a qualitative literature study is to gain a deep and comprehensive understanding of how the concepts, theories, and phenomena being studied.

The research process begins with data collection from relevant library sources. Researchers look for literature that is related to the research topic, such as books, journals, articles and other existing scientific works. These sources are analyzed to identify themes or concepts contained in the literature, which are then used to answer the questions contained in this study. Data collection in this study must be selective and choose sources that are of high quality and relevant to the research topic.

After the data is collected, the next stage is to analyze the data, in qualitative research data analysis is done by reading and reviewing the literature in depth. This process is interpretive, meaning that researchers do not only collect information but also try to understand the meaning and message contained in each literature. The results of this analysis are then synthesized to find the relationship between existing information, and develop a more comprehensive understanding of the topic being studied.

The advantages of the qualitative literature study method are its efficiency and effectiveness, researchers can access extensive information without conducting observations or experiments which makes this method very useful for theoretical or exploratory research. Overall, the qualitative literature study research method is very effective for use in research that aims to understand theories, concepts or phenomena in depth by analyzing relevant literature.

3. DISCUSSION

Extension of the term of office of the village head

In the perspective of the value of justice, Jhon Rawls argues that justice is the main policy of the presence of social institutions, but according to him the good for the whole community cannot ignore or interfere with the sense of justice of everyone who gets a sense of justice. As for the relationship with the change in the term of office of the village head which was originally 6 years with 3 periods either consecutively or not as stated in Law No. 6 of 2014 concerning villages, it was changed with the ratification of Law No. 3 of 2024 which changed and added the length of the term of office to 9 years but reduced the period of office to 2 periods. Law No. 6 of 2014.

Indeed, the calculation remains almost the same, namely 16 years, what distinguishes the change is more about the length of the term of office in one period, and the reduction in the term of office which was originally 3 periods reduced to 2 periods. Reducing the term of office with the addition of the length of the term of office certainly also has implications for reducing the right to elect and be elected in the 16-year term of office calculation. If 18 years with a calculation of 6 years of office with 3 periods, then the right to be elected and to vote during the calculation of 18 years of office is 3 times, but if the calculation of 16 years of office with a calculation of 8 years of office with 2 periods, then the right to be elected and to vote during the calculation of 16 years of office is only 2 times. Law Number 3 of 2024 Concerning Villages.

The addition of the term of office by reducing the term of office according to the calculation above certainly reduces the rights of the community to carry out a democratic party, both to be elected and to vote. In addition, it also has implications for the holding back of the wishes of new village head candidates who want to run for office because they have to wait for a longer time, namely 9 years, especially if the village head candidate who wants to run for office is already old, then the issue and indication of ageism discrimination that causes injustice is not impossible to occur.

Legal policy on extending the term of office of the village head

Legal policy is a "legal policy" or official policy line on the Law that will be enforced either by making new laws or by replacing old laws in order to achieve state goals. Thus, legal policy is a choice of laws that will be enforced as well as a choice of laws that will be revoked or not enforced, all of which are intended to achieve state goals as stated in the Preamble to the 1945 Constitution. Mahfud MD (2009)

Extension of the term of office of the village head to 8 years of office with 2 periods of office that have been ratified by the Legislative Body or the Indonesian House of Representatives by changing the provisions of Article 39 paragraph (1) and (2) of Law Number 6 of 2014 concerning villages with the aim of providing a longer time for the village head to lead and manage the village in order to achieve village stability and reduce the budget for village head elections within a period of 18 years, because the reduction of the village head election period which was originally 3 periods to 2 periods is certainly a very good goal, but in fact there are also disadvantages contained in the addition of the village head's term of office, namely the reduction of the right to be elected and to elect the village head within a period of 18 years. Law no. 6 of (2014)

In addition, in the Legal Policy, the extension of the term of office of the village head actually has significant logical consequences for the poor administrative organization and reform in the village. This is certainly caused by the great authority that the village head has in influencing the dynamics of village life, because the longer the village head governs the village, of course the authority and influence of the village head is greater on the administrative organization and village reform.

In addition to the above, the extension of the village head's term of office to 8 years with 2 terms of office also has the potential to build an oligarchy in the village government, oligarchy in this case means that the village head as the highest leader in the village government who has the greatest power has the opportunity to rule for a very long time while preparing a lineage, a group or a group of the village head who is currently leading as his successor, with

the existence of an oligarchy in the village government also providing logical consequences for the sustainability of dynasty politics. It also affects the movement of dynasty politics in the hierarchy of government above it, both the central government and the regional government, because the village head as the holder of the highest power in the village has great authority and influence over the village community so that this will certainly affect the contribution of people's votes in the atmosphere of the general election contest.

So even though the purpose of extending the term of office of the village head is to give the village head more time to lead and manage the village in order to achieve village stability and reduce the budget for village head elections, this is a very good legal political goal. However, because it still contains a fairly detrimental legal policy, in the form of poor administration and reform, which is caused by the great authority of the village head in influencing the village community. Because the longer the village head governs the village, of course the authority and influence of the village head will be greater over the administrative organization and village reform which has a tendency to prioritize certain individuals who are facilitated until oligarchy and dynasty politics occur. Sandy mulia arhdan (2023)

4. CONCLUSION

Based on the explanation presented by the author above, it can be concluded that:

1. Amendment to Law Number 6 of 2014 concerning Villages, has been amended by Law Number 3 of 2024 concerning Villages, as the core of the amendment to this Law is the term of office of the village head which was previously 6 years with a maximum of 3 terms either consecutively or not. Then changed to 8 years with a maximum of 2 terms at most either consecutively or not.
2. The legal policy of changing the law on the term of office of village heads has advantages and disadvantages, for example the advantages or benefits are the reduction in the number of village head elections within a period of 16 years which certainly greatly reduces the burden on the state budget and the extension of the term of office of village heads provides more time for village heads to lead and manage villages in order to achieve village stability, but also the legal policy has an impact on reducing the opportunity for the community to participate in the contestation of village head elections within a period of 16 years, and also the extension of the term of office of village heads actually has significant logical consequences for poor administrative organizations and reforms in villages. This is certainly due to the great authority of the village head in influencing the dynamics of village life, because the longer the village head governs the village, of course the authority and

influence of the village head is greater on the administrative organization and village reforms so that it is possible for a political dynasty to form in the village government.

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