


Dynamics of Legal Issues in Village Head Elections in Sampang District

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Abstract

Introduction: The implementation of village head elections in Sampang district has become an important value for the village community to determine the direction of development in the village. However, despite its strategic value, the implementation of village head elections is often characterized by various problems that can hinder the local democratic process.

Purposes of the Research: The purpose of this study is to analyze the problems, solutions and impacts of problems in the elections in Sampang district.

Methods of the Research: The research method is to use empirical juridical research methods with legislative approaches, concepts and cases.

Results Main Findings of the Research: The results of this study are that there are problems in the election of village heads in Sampang Regency, namely changes in the law on villages, the complexity of local political competition, lack of finance and logistics, the practice of money politics, lack of community participation, weak security and order and the existence of a legal vacuum in resolving disputes over the results of village head elections, these problems have an impact on the lack of public confidence in the election of village heads.

Keywords: Village Head Election; Sampang; Local Democracy.

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INTRODUCTION

Village head elections are one of the important pillars in strengthening democracy at the local level in Indonesia. This process not only provides an opportunity for the community to elect leaders at the village level, but also serves as a medium for the expression of political participation. In this case, the village head election functions as a local democracy mechanism that allows the community to determine the best candidate capable of leading and managing the village. Meanwhile, the implementation of direct, honest, and fair village head elections is very important in creating a transparent and accountable village government.¹ This is in line with Law Number 6/2014 on Villages, which provides a legal basis for organizing village head elections.²

Democratically elected village heads play a strategic role in village development. The village head not only acts as an administrative leader, but also as a driving force for

¹ Arjuna A I Siregar, Fandi A F, and Indra Firmansyah, "Rearranging the Village Head Election Justice System Based on the Electoral Justice System and Restorative Justice," *Perspektif* 11, no. 3 (2022): 944-55, <https://doi.org/10.31289/perspektif.v11i3.6584>.

² Unggul Sugiharto, Dwian Hartomi Akta Padma Eldo, and Ajeng Artiningrum, "Elektabilitas Calon Kepala Desa Dalam Pemilihan Kepala Desa Serentak Di Kecamatan Taman Kabupaten Pemalang Tahun 2018," *Indonesian Governance Journal Kajian Politik-Pemerintahan* 3, no. 1 (2020): 1-13, <https://doi.org/10.24905/igj.v3i1.1475>.

development, encouraging community participation in various programs. One example in Pekik Nyaring Village shows that the village head is able to improve economic conditions through the development of the agricultural and trade sectors.³ In addition, the village head has the role of providing adequate public services that contribute to improving the welfare of the community.⁴ Thus, the many tasks, functions and roles of the village head must be properly selected through village head elections, because quality village head elections can produce leaders who are able to bring positive changes to the village.

However, the implementation of village head elections often faces various challenges, including money politics and conflicts of interest.⁵ These challenges often hinder the effective application of democratic principles, which results in public distrust of village head candidates, while public trust in village head candidates and the integrity of the election process are important factors that influence the level of public participation.⁶ Therefore, transparency and accountability in the village head election process need to be continuously improved so that the community can be actively involved and trust the election results. In addition, after the enactment of Law of the Republic of Indonesia Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages (Village Law), which was passed on March 28, 2024, there were significant changes related to village governance, especially in the term of office and the process of electing village heads. The changes in the Village Law also have an impact on the regulations below, namely technical regulations governing villages, the consequence is that there needs to be changes to the rules so that they do not conflict with the regulations above, including district regulations (Perda), which are implementing regulations for laws formed by local governments.

Sampang is one of the districts affected by changes in the Village Law, in addition to the problem of delayed village head elections, also added to the problem of changes in the law on villages, based on data from BPS published in 2022 that the villages in Sampang district totaled 180 villages,⁷ This means that in the process of simultaneous village head elections, the 180 villages will have a change of leadership in the village organized by the village head election committee coordinated by the Regent as the holder of executive power at the sampang district level, so this requires a mature concept so that it runs smoothly.

Table 1: Number of villages, sub-districts and dususn in Sampang Regency

District	Village classification		
	<i>The Classiffications of Villages</i>		
	Village Villages	Village Villages (urban)	Hamlet Hamlet
Sreseh	12	-	60
Torjun	12	-	42
Pangarengan	6	-	43
Sampang	12	6	86
Camplong	14	-	76

³ Marsidi Marsidi, "Peran Kepala Desa Dalam Pelaksanaan Pembangunan Di Desa Pekik Nyaring Kecamatan Pondok Kelapa Kabupaten Bengkulu Tengah," *Mimbar Jurnal Penelitian Sosial Dan Politik* 6, no. 4 (2017): 14, <https://doi.org/10.32663/jpsp.v6i4.237>.

⁴ Indra Fauzan, "Sistem Pemilihan Kepala Desa Dan Pengangkatan Lurah Serta Pengaruhnya Terhadap Pelayanan Awam : Kes Perbandingan Di Kota Jambi Dan Muaro Jambi," *Politeia Jurnal Ilmu Politik* 11, no. 2 (2019): 1-18, <https://doi.org/10.32734/politeia.v11i2.1072>.

⁵ Fathur Rozy et al., "Praktik Politik Uang Dalam Proses Pemilihan Kepala Desa Sumberingin Kidul Tahun 2019," *Jurnal Socius Journal of Sociology Research and Education* 7, no. 1 (2020): 37, <https://doi.org/10.24036/scs.v7i1.171>.

⁶ Ina A Irlandi, "Pengaruh Tokoh Masyarakat Terhadap Partisipasi Politik Masyarakat Pada Pemilihan Kepala Desa," *DeCive* 3, no. 10 (2023): 333-39, <https://doi.org/10.56393/decive.v3i10.1721>.

⁷ BPS, "Banyaknya Desa, Kelurahan, Dusun Menurut Kecamatan Di Kabupaten Sampang,2015," BPS Sampang, 2020.

Omben	20	-	81
Kedungdung	18	-	97
Jrengik	14	-	53
Tambelangan	10	-	41
Banyuates	20	-	103
Robatal	9	-	45
Karang Penang	7	-	45
Ketapang	14	-	101
Sokobanah	12	-	76
Total	180	6	949

Based on the latest information released by Radar Madura, simultaneous village head elections in Sampang Regency will be held in 2025. There are 180 villages that will hold village head elections simultaneously at one time, so the Sampang Regency Government not only needs a permanent and non-contradictory legal device but also requires a lot of money and logistics. Based on data submitted by Development Watch Sampang that currently the position of village head is led by the village head official or PJ village head, it is known that on June 15, 2023, the term of office of 29 village heads in 10 sub-districts in Sampang has ended. That way, the number of villages led by acting village heads increased from 113 to 142 villages. Thus, there are still 38 villages that are still held by definitive village heads. The next problem is the change in the regional head and bureaucracy of the Sampang Regency in 2024, this will also have an impact on the process of electing the village head, because it has been 2 years since the acting village head has not been replaced by the regional head, even though this does not conflict with the law, it will have an impact on the existence of village areas that must be led by the village head, not from the acting State Civil Apparatus selected by the regional head.

Therefore, the problem of village head elections in Sampang Regency needs to be explored more deeply to find solutions to the problems that occur in Sampang Regency, there are several studies that have examined village head elections in Sampang Regency, R. Zainul Mushthofa (2023) emphasizes more on the problem of postponing village head elections,⁸ Furthermore, Ilham Fariduz Zaman (2023) shows that the decision of the sampang regent related to the postponement of the village head election is considered controversial.⁹ The study is a study that also discusses the problems of village head elections in Sampang district, but this study is more about the problems after the amendment of the Village Law, namely Law of the Republic of Indonesia Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages, and also the problems that will occur in the organization of village head elections in 2025.

METHODS OF THE RESEARCH

The research method is to use empirical juridical research methods, namely legal research on the enactment or implementation of normative legal provisions in action on each specific legal event that occurs in society, with a statutory approach, concepts and cases. While the place of research is in the sampang district with a discussion of the village head election.

⁸ R. Zainul Mushthofa, Siti Aminah, and Siropi Siropi, "Analisis Peraturan Bupati No 27 Tahun 2021 Tentang Pedoman Pencalonan, Pemilihan, Pengangkatan, Pelantikan, Dan Pemberhentian Kepala Desa Di Kabupaten Sampang (Studi Kasus Penundaan Pemilihan Kepala Desa Di Kabupaten Sampang)," *JOSH: Journal of Sharia* 2, no. 1 (January 21, 2023): 58–67, <https://doi.org/10.55352/josh.v2i1.179>.

⁹ Ilham Fariduz Zaman, Marpu'ah Marpu'ah, and Devi Aulia Rohim, "Analysis of Sampang Regent Decree Number: 188.45/272/Kep/ 434.013/2021 Concerning Implementation of Convenient Village Head Elections in Sampang District," *International Journal of Social Science and Human Research* 06, no. 05 (May 25, 2023), <https://doi.org/10.47191/ijsshr/v6-i5-56>.

RESULTS AND DISCUSSION

A. Conception of Village Head Election

Village head election is a process or method carried out by the community in selecting prospective leaders at the village level or a certain area.¹⁰ The village head himself is the highest leader in the village government who is responsible for the people in his area, especially in remote or inland areas.¹¹ Village head elections have an important role as a democratic mechanism at the village level, which aims to encourage community participation in creating good governance and responsiveness to people's aspirations. In addition, village head elections are also part of the effort to build local democracy which is the foundation for the democratic process at the national level, which in turn can contribute to the maturation of political education. In general, village head elections are direct elections conducted by villagers to elect the village head. Meanwhile, the village head is a position that can be filled by the villagers themselves.¹²

According to Government Regulation of the Republic of Indonesia Number 43 of 2014 on the Implementation Regulation of Law Number 6 of 2014 on Villages, in the village government structure, the village head is the highest leader who in carrying out his duties is assisted by village officials. The village head is appointed and inaugurated by the Regent through direct elections by villagers who are Indonesian citizens,¹³ with a term of office of eight years and can be re-elected for one subsequent term as referred to in Article 39 of Law of the Republic of Indonesia Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2024 concerning Villages.

If examined more deeply, village head elections are basically part of the process of strengthening democracy in the village. Leaders elected through direct elections will gain legitimacy, trust and direct support from the people, which is the basis for realizing the social contract between voters and elected leaders.¹⁴ Therefore, the expectations and demands of the voters will become the guidelines for the village head in exercising his/her power. Actually, the community already has confidence in the village head election system in selecting candidates for the village head because there have been several village head elections, the villagers' belief that the village head election is a means of building local democracy, because democratic principles such as freedom, equality, and popular sovereignty are also contained in this direct election system, as in elections at the national level.¹⁵ Therefore, the implementation of village head elections should not only be ceremonial, but should also reflect the principles of democracy based on the law.¹⁶ Thus, by implementing the principles of democracy and being carried out in a direct, general, free, secret, honest, and fair manner.¹⁷ The elected village head will gain clear legitimacy from the community.

¹⁰ Jackson H Mbay, "Penerapan Prinsip Demokrasi Dalam Pemilihan Kepala Desa Tahun 2021," *Comserva Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 02 (2023): 626–40, <https://doi.org/10.59141/comserva.v3i02.804>.

¹¹ Fifiana Wisnaeni et al., "E-Voting Pemilihan Kepala Desa Sebagai Upaya Membangun Kepercayaan Masyarakat," *Masalah-Masalah Hukum* 52, no. 1 (2023): 52–63, <https://doi.org/10.14710/mmh.52.1.2023.52-63>.

¹² Wisnaeni et al.

¹³ Zaqil Widad, "Parameter Demokrasi Dalam Penunjukan Penjabat Kepala Daerah," *Atlarev* 3, no. 1 (2023): 88, <https://doi.org/10.31314/atlarev.v3i1.2065>.

¹⁴ Mbay, "Penerapan Prinsip Demokrasi Dalam Pemilihan Kepala Desa Tahun 2021," 2023.

¹⁵ M Alkaf and S P Ratih Ineke Wati M.Agr., "Pembentukan Demokrasi Lokal Di Aceh," *Politica Jurnal Hukum Tata Negara Dan Politik Islam* 9, no. 2 (2022): 58–70, <https://doi.org/10.32505/politica.v9i2.4764>.

¹⁶ Wisnaeni et al., "E-Voting Pemilihan Kepala Desa Sebagai Upaya Membangun Kepercayaan Masyarakat," 2023.

¹⁷ Muhammad Assahur, Fenando Fenando, and Timur D Purwanto, "Sistem Informasi E-Voting Pemilihan Kepala Desa Berbasis SMS Gateway (Studi Kasus Desa Talang Seleman)," *Jusifo (Jurnal Sistem Informasi)* 3, no. 1 (2017): 15–28, <https://doi.org/10.19109/jusifo.v3i1.3857>.

B. Problems with Village Head Elections in Sampang Regency

The organization of village head elections in Kabupaten Sampang is an important momentum for village communities to determine the direction of development in the village. However, despite its strategic value, the implementation of village head elections is often characterized by various problems that can hinder the democratic process. Meanwhile, handling a problem cannot be done carelessly, but requires various approaches. This is certainly not easy, because the problems that occur will continue as long as the handling/resolution of the conflict does not really understand the character of the conflict. The following problems and solutions are offered.

1. Amendments to the Village Law

Changes to the Village Law provide a great opportunity to make villages more independent in running their government, but until now the Sampang Regency still has not adjusted the regional regulations and regent regulations governing village head elections with the 2024 Village Law, with the conditions of these complex problems that were really done earlier, namely changes to Sampang Regency Regional Regulation (PERDA) Number 1 of 2015 concerning Guidelines for Nomination, Election, Appointment, With these complex problems, the earliest thing to do is to amend Regional Regulation (PERDA) of Sampang Regency Number 1 of 2015 concerning Guidelines for the Nomination, Election, Appointment, and Dismissal of Village Heads or Regent Regulation (PERBUP) of Sampang Regency Number 27 of 2021 concerning Guidelines for the Nomination, Election, Appointment, Inauguration and Dismissal of Village Heads because all village head elections must have a legal basis and the legal basis does not conflict with the regulations above it, namely not contradicting the Law of the Republic of Indonesia Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages (Village Law 2024). It is true that changes to the law often create confusion for the community and prospective village heads regarding the procedures that must be followed.¹⁸ This conflict between local and national regulations also creates legal uncertainty that can undermine the legitimacy of the results of village head elections.¹⁹ Studies show that this situation can reduce public confidence in both the process and the outcome of village elections.²⁰

2. The Complexity of Local Political Competition

In addition to the problem of rules that often change, the next problem is the local political context, where competition between candidates for village heads often triggers conflict, especially if one of the candidates has strong support from certain groups.²¹ In addition, the involvement of outside parties such as political parties or interested individuals can affect the neutrality of the election and create unfairness.²² Research confirms that such interventions often lead to unhealthy political practices that undermine democracy at the local level.²³ For example, in the village head election in Batu Baih Barat Village, Sampang Regency in 2017,

¹⁸ Siti M Ummah, "Demokrasi Dan Otonomi Desa Dalam Proses Pemilihan Kepala Desa Pasca Reformasi," *Jurnal Usm Law Review* 6, no. 3 (2023): 1223, <https://doi.org/10.26623/julr.v6i3.6818>.

¹⁹ Supriyadi Supriyadi, "Kajian Yuridis Penyelesaian Perselisihan Hasil Pemilihan Kepala Desa," *Jurnal Cakrawala Hukum* 10, no. 2 (2019), <https://doi.org/10.26905/idjch.v10i2.3541>.

²⁰ Jeckson H Mbay, "Penerapan Prinsip Demokrasi Dalam Pemilihan Kepala Desa Tahun 2021," *Comserva Jurnal Penelitian Dan Pengabdian Masyarakat* 3, no. 02 (2023): 626–40, <https://doi.org/10.59141/comserva.v3i02.804>.

²¹ Muhamad Nastain and Catur Nugroho, "Relasi Kuasa Dan Suara: Politik Patron Klien Pada Pilkada Langsung Di Kabupaten Grobogan 2020," *Politika Jurnal Ilmu Politik* 13, no. 1 (2021): 167–84, <https://doi.org/10.14710/politika.13.1.2022.167-184>.

²² Fathur Rozy et al., "Praktik Politik Uang Dalam Proses Pemilihan Kepala Desa Sumberingin Kidul Tahun 2019," *Jurnal Socius Journal of Sociology Research and Education* 7, no. 1 (2020): 37, <https://doi.org/10.24036/scs.v7i1.171>.

²³ Mashari, "Pengaruh Politik Dinasti Dalam Pemilihan Kepala Daerah Terhadap Keberlangsungan Demokrasi Di Indonesia," *Jurnal Suara Pengabdian* 45 2, no. 4 (2023): 53–69, <https://doi.org/10.56444/pengabdian45.v2i4.1247>.

there were 2 candidates, both of whom had the involvement of outsiders who were considered powerful to resolve the village head election, and there was a conflict that resulted in the fanatical supporters of the two candidates fighting each other. Therefore, maintaining the independence of the election process is a priority to create fair and transparent elections.

3. Lack of Finance and Logistics

Financial and logistical issues are also an obstacle in village head elections.²⁴ As stated by the chairman of the Batu Baih Village Consultative Body, that in organizing the village head election, in addition to the financial and logistical support from the village, there was also support from the sampang district government, but it was only limited to the organization of the village head election committee formed by the sampang district government, not the village head election committee formed by the Village Consultative Body. So the lack of funds or infrastructure that supports the implementation of village head elections can result in a lack of facilities for voters and delays in implementation.²⁵ This lack of logistical readiness has the potential to reduce community participation due to the inconvenience felt by voters.²⁶

4. The Practice of Money Politics

In addition to financial and logistical problems, there is also the rise of money politics in village head elections that threatens the integrity of the elections. One of the factors causing the rise of money politics in village head elections is the vulnerable economic conditions of village communities²⁷. In addition, this practice is also driven by the opportunity for village head candidates who have strong financial capital to utilize it to attract voter support.²⁸ Thus, the practice of money politics can influence the outcome of the election and create injustice among candidates.²⁹ The impact is not only detrimental to legitimately elected candidates, but also erodes public trust in the democratic process.³⁰ The presence of money politics makes people tend to be apathetic towards the next election.³¹ Likewise, in Batubaih Barat Village, Sampang Regency, there have been no elections for several times, meaning that the people's right to vote was replaced with political money represented by the success team of one of the candidates who voted, meaning that the people's rights were sold to the success team, and interestingly the community did not question the practice of buying and selling votes.

5. Lack of Community Participation

Community participation is the active involvement of individuals or groups in the decision-making process, planning, and implementation of activities that affect their lives. Meanwhile, community participation in the village head election gives its right to vote to

²⁴ Indra Fauzan, "Sistem Pemilihan Kepala Desa Dan Pengangkatan Lurah Serta Pengaruhnya Terhadap Pelayanan Awam : Kes Perbandingan Di Kota Jambi Dan Muaro Jambi," *Politeia Jurnal Ilmu Politik* 11, no. 2 (2019): 1-18, <https://doi.org/10.32734/politeia.v11i2.1072>.

²⁵ Akmad R Zulmi and Yusron Rijal, "Integrasi Sistem Verifikator DPT Pemilihan Kepala Desa Berbasis Quick Response Code," *Smatika Jurnal* 10, no. 02 (2020): 56-63, <https://doi.org/10.32664/smatika.v10i02.453>.

²⁶ Purwono Prasetyawan, Rusliyawati Rusliyawati, and Devita Sari, "Pengembangan Aplikasi Mobile E-Voting Pilkadaes," 2018, <https://doi.org/10.31227/osf.io/gcdzy>.

²⁷ Azhari Azhari, "Money Politics in Local Democracy: A Case Study in the Simultaneous Election of Village Heads Throughout Bombana Regency in 2022," *Jurnal Ilmiah Ilmu Administrasi Publik* 13, no. 1 (2023): 233, <https://doi.org/10.26858/jiap.v13i1.45679>.

²⁸ Muhammad A Abdiellah, "The Impact of Money Politic in the Local Elections in Indonesia," *JCLP* 1, no. 1 (2022): 1-6, <https://doi.org/10.46507/jclp.v1i1.74>.

²⁹ Rozy et al., "Praktik Politik Uang Dalam Proses Pemilihan Kepala Desa Sumberingin Kidul Tahun 2019," 2020.

³⁰ Mbay, "Penerapan Prinsip Demokrasi Dalam Pemilihan Kepala Desa Tahun 2021," 2023.

³¹ Rozy et al., "Praktik Politik Uang Dalam Proses Pemilihan Kepala Desa Sumberingin Kidul Tahun 2019," 2020.

elect one of the candidates in the village head election. However, in practice, community participation, especially in West Batubai village, is very low. The low level of community participation in village head elections is often caused by a lack of political education. Lack of understanding of the importance of voting rights causes people to be reluctant to get involved in village head elections.³² lack of understanding and awareness of the importance of their involvement in the political process at the village level.³³ In addition, another influential factor is the lack of trust in the political system and village government.³⁴ Studies show that good socialization and political education can increase participation, so that the results of village head elections better reflect the will of the community.³⁵ However, even if there is socialization, it is only used as a fulfillment of obligations in implementing the program. Therefore, the village government and related institutions need to encourage people's political awareness to be more active in the village head election because only the village government can be trusted by the village community.

6. Weak Security and Order

One of the main challenges in maintaining security and order in village head elections is the potential for conflict and violence between supporters of village head candidates. This can be caused by various factors, such as fierce political competition,³⁶ However, the implementation of these solutions still faces various challenges, such as the limited and unprepared resources of the security forces, while the unpreparedness of the security forces can disrupt the smooth running of the election and reduce public confidence in the election results.³⁷ However, it is certain that solutions to order and security in village head elections cannot be implemented properly due to community resistance to outside intervention in conflict resolution. As in West Batubaih Village or other villages in remote areas will solve the problem with local wisdom.

7. Legal Vacancy in the Settlement of Disputes over Village Head Election Results.

Under the Village Law, regulations related to village head elections include the nomination, voting, and determination processes. However, the aspect of resolving disputes over the results of village head elections is not explained in detail in the Law.³⁸ Regulations regarding disputes over the results of village head elections are only regulated in Article 37 paragraph (6) of the Village Law, which states that the authority to resolve such disputes lies with the regent or mayor. The settlement of disputes over village head election results must be completed within 30 (thirty) days. However, this arrangement that authorizes the regent/mayor has the potential to cause problems in the constitutional order, especially when viewed from the principle of the division of powers that separates the executive, legislative, and judicial powers. The resolution of disputes over the results of village head

³² Ina A Irlandi, "Pengaruh Tokoh Masyarakat Terhadap Partisipasi Politik Masyarakat Pada Pemilihan Kepala Desa," *DeCive* 3, no. 10 (2023): 333–39, <https://doi.org/10.56393/decive.v3i10.1721>.

³³ Ina A Irlandi, "Pengaruh Tokoh Masyarakat Terhadap Partisipasi Politik Masyarakat Pada Pemilihan Kepala Desa," *DeCive* 3, no. 10 (2023): 333–39, <https://doi.org/10.56393/decive.v3i10.1721>.

³⁴ Akmad R Zulmi and Yusron Rijal, "Integrasi Sistem Verifikator DPT Pemilihan Kepala Desa Berbasis Quick Response Code," *Smatika Jurnal* 10, no. 02 (2020): 56–63, <https://doi.org/10.32664/smatika.v10i02.453>.

³⁵ Ni K Arniti, "Partisipasi Politik Masyarakat Dalam Pemilihan Umum Legislatif Di Kota Denpasar," *Jurnal Ilmiah Dinamika Sosial* 4, no. 2 (2020): 329, <https://doi.org/10.38043/jids.v4i2.2496>.

³⁶ Dadang Suwondo, "Pengalaman Pilkada Langsung Dan Kesiapan Polri Dalam Pengamanan Pelaksanaan Pilkada 2020," *Jurnal Litbang Polri* 23, no. 2 (2020): 54–73, <https://doi.org/10.46976/litbangpolri.v23i2.102>.

³⁷ Suwondo.

³⁸ Sarip Sarip et al., "Mengurai Dilema Hukum Badan Pegawai Pemilu Untuk Pengawasan Pemilihan Kepala Desa," *Jurnal Ilmiah Galuh Justisi* 10, no. 2 (2022): 176, <https://doi.org/10.25157/justisi.v10i2.8492>.

elections should be part of the authority of the judiciary.³⁹ In fact, power is the ability to influence the actions of others in accordance with the will or orders given, and if someone is given power, there is the potential for abuse of power.

The mechanism for resolving disputes over the results of village head elections currently lies within the authority of the regent/mayor, which is implemented through their respective regional regulations. In the Indonesian constitutional system, regents/mayors are included in the executive, which has a vertical relationship with the Central Government represented by the President and local governments held by governors and regents/mayors.⁴⁰ However, the decision of the regent/mayor related to the village head election dispute in the form of an administrative decision (*beschikking*) can be challenged through the state administrative court, thus not providing legal certainty for the aggrieved party in the village head election dispute. Thus, dispute resolution by the regent/mayor does not create the legal certainty needed by parties seeking justice in disputes over village head election results, as happened in the dispute over village head elections in Sampang Regency.

In Sampang Regency, the resolution of village head election disputes is regulated in Article 36 of Sampang Regency Regional Regulation No. 1/2015, which states that if there is a dispute over the results of the village head election, the regent must resolve the dispute within 30 (thirty) days. This settlement focuses on administrative disputes. In addition, Article 4 paragraphs (3) and (4) of Sampang Regent Regulation Number 27 of 2021 also stipulates that the election committee, both at the sub-district and district levels, must facilitate the resolution of problems that arise in the village head election process at the sub-district level.

Regarding the issue of dispute resolution of village head election results by the regent/mayor, Law Nomor 6/2014 on Villages as the legal basis for the implementation of village autonomy does not provide sufficiently detailed arrangements. Therefore, the regulation on dispute resolution of village head elections should be more clear and detailed in regional regulations at the regency/city level. Although Kabupaten Sampang already has regulations regarding dispute resolution, these regulations are not detailed enough. Although there is no special institution to handle village head election disputes, the dispute resolution mechanism should still be regulated more comprehensively, for example by giving more authority to the committee or regent to form an *ad hoc* team that can handle village head election disputes more effectively, to avoid a legal vacuum.

C. The Impact of Undemocratic Village Head Election Problems

Democratic village head elections can be understood as an electoral process that is carried out by prioritizing democratic principles, which ensure that every individual has the same right to participate.⁴¹ Some of the main characteristics of democratic village head elections are equality, openness and transparency, freedom, regular and scheduled elections, accessibility of justice, and also security and protection in the event of conflict in village head elections.⁴² In the implementation of village head elections, there will certainly be

³⁹ Musdar Musdar, "Analisis Hukum Penyelesaian Sengketa Pemilihan Kepala Desa Di Kabupaten Kolaka," *Halu Oleo Legal Research* 1, no. 1 (2019): 123, <https://doi.org/10.33772/holresch.v1i1.6070>.

⁴⁰ Anto Wahyudi and Erna Setijanigrum, "Inovasi Kebijakan Pemilihan Kepala Desa Dalam Mereduksi Patronase Pemanfaatan Aset Desa Di Kabupaten Tuban," *Matra Pembaruan* 6, no. 2 (2022): 133–45, <https://doi.org/10.21787/mp.6.2.2022.133-145>.

⁴¹ Rustam H Akili, "The Role of Political Parties in the Implementation of Democratic General Elections in the Indonesian State Administration System," *Journal of Law and Sustainable Development* 11, no. 4 (2023): e551, <https://doi.org/10.55908/sdgs.v11i4.551>.

⁴² Muhammad Asmawi, "Optimization of Simp (Solidity, Integrity, Mentality, Professionality) Election Supervisors to Achieve Democratic, Honest and Fair Elections," *JHR (Jurnal Hukum Replik)* 11, no. 2 (2023): 283, <https://doi.org/10.31000/jhr.v11i2.9498>.

problems as in the sub-themes above and if these problems occur, they can have a significant impact on the village community, both in social and governance aspects. One of the main impacts is the formation of polarization and social conflict. When village head elections take place, there is often division between communities supporting different candidates. This can lead to tension and conflict, which in turn disrupts social cohesion in the village.⁴³ Research shows that non-transparent and unfair village elections can exacerbate this situation, creating discontent among residents and reducing their trust in the democratic process as a whole.⁴⁴ In addition, a decline in trust in the democratic process is also an impact that cannot be ignored. Dissatisfaction with village head elections that are perceived as unfair or non-transparent can result in people losing trust in government institutions.⁴⁵ Research shows that accountability and transparency in the management of village funds have a direct effect on the level of community trust in the village government.⁴⁶ When communities feel that village elections do not reflect their will, this may reduce their participation in future elections, further threatening the legitimacy of village governance.⁴⁷

From the perspective of village governance, one of the impacts of problems with village head elections is that less credible village heads are elected. Village heads who are elected through a process fraught with conflict and discontent often do not have the full support of the community.⁴⁸ This can hamper their leadership effectiveness in carrying out their duties and responsibilities, including in development and public services. Research shows that an effective village head must be able to act as a motivator and facilitator in village development.⁴⁹ However, if the elected village head lacks credibility, then planned development programs may be hampered, and public services may not be optimal.⁵⁰

Barriers to development and public services can also result from community dissatisfaction with the elected village head. When communities feel unrepresented or dissatisfied with their leaders, participation in development programs may decline.⁵¹ This potentially creates a negative cycle where a lack of community participation results in a lack of support for development projects, ultimately worsening village conditions.⁵² Therefore, it is important for the village head election process to be conducted in a transparent and

⁴³ Ahmad K Hamzah and Muhammad A Asy'ari, "Akuntabilitas Vertikal Dan Horizontal Pengelolaan Dana Desa Terhadap Tingkat Kepercayaan Masyarakat Kepada Pemerintah Desa," *Equity Jurnal Akuntansi* 2, no. 2 (2023): 131-38, <https://doi.org/10.46821/equity.v2i2.232>.

⁴⁴ Kusroh Lailiyah, "Demokratisasi Desa Sebagai Langkah Menuju Pemerintahan Desa Yang Demokratis," *Ristek Jurnal Riset Inovasi Dan Teknologi Kabupaten Batang* 8, no. 1 (2023): 47-56, <https://doi.org/10.55686/ristek.v8i1.155>.

⁴⁵ Dhea N Azizah, "Pengaruh Transparansi, Akuntabilitas Dan Responsivitas Dalam Pengelolaan APBDes Terhadap Kepercayaan Publik," *PSSH* 1, no. 2 (2023), <https://doi.org/10.47134/pssh.v1i2.117>.

⁴⁶ Hamzah and Asy'ari, "Akuntabilitas Vertikal Dan Horizontal Pengelolaan Dana Desa Terhadap Tingkat Kepercayaan Masyarakat Kepada Pemerintah Desa."

⁴⁷ Fifiana Wisnaeni et al., "E-Voting Pemilihan Kepala Desa Sebagai Upaya Membangun Kepercayaan Masyarakat," *Masalah-Masalah Hukum* 52, no. 1 (2023): 52-63, <https://doi.org/10.14710/mmh.52.1.2023.52-63>.

⁴⁸ Mila Pilaili, Herlina Pusparini, and Nurabiah Nurabiah, "Peranan Kepemimpinan Kepala Desa Untuk Meningkatkan Partisipasi Masyarakat Dalam Pembangunan Fisik Desa," *Jurnal Ilmiah Tata Sejuta Stia Mataram* 8, no. 2 (2022): 131-48, <https://doi.org/10.32666/tatasejuta.v8i2.322>.

⁴⁹ Trisusanti Lamangida, Muh. Akbar, and Hasna Hasan, "Kepemimpinan Kepala Desa Dalam Membangun Desa Bandung Rejo Kecamatan Boliyohuto," *Publik (Jurnal Ilmu Administrasi)* 6, no. 1 (2017): 68, <https://doi.org/10.31314/pjia.6.1.68-78.2017>.

⁵⁰ Hemafitria Hemafitria, Kranensia Sopia, and Erna Octavia, "Peran Kepala Desa Dalam Meningkatkan Efektivitas Pelayanan Publik Di Desa Gonis Tekam Kecamatan Sekadau Hilir," *Jurnal Pendidikan PKN (Pancasila Dan Kewarganegaraan)* 3, no. 2 (2022): 95, <https://doi.org/10.26418/jppkn.v3i2.49487>.

⁵¹ Endah Wahyuningsih, Shobirin Noer, and Novy Yunas, "Inovasi Pembangunan Desa Melalui Kepemimpinan Transformasional Dan Catalytic Collaboration: Belajar Dari Keberhasilan Pengelolaan Taman Ghanjaran di Desa Ketapanrame, Mojokerto," *Matra Pembaruan* 5, no. 2 (2021): 141-52, <https://doi.org/10.21787/mp.5.2.2021.141-152>.

⁵² Juwita H Prastiwi and Novy S Yunas, "Politik Desa Dan Kepemimpinan Perempuan: Pengintegrasian Isu Gender Di Desa Wilayah Perbatasan Indonesia - Timor Leste," *Palastren Jurnal Studi Gender* 15, no. 1 (2022): 119, <https://doi.org/10.21043/palastren.v15i1.14334>.

participatory manner in order to produce leaders who are credible and capable of moving the village forward.

CONCLUSION

That there are problems in the election of village heads in Sampang Regency, namely changes in the law on villages, the complexity of local political competition, lack of finance and logistics, the practice of money politics, lack of community participation, weak security and order and the existence of a legal vacuum in resolving disputes over the results of village head elections, these problems have an impact on the lack of public trust in village head elections.

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