




Enigma of the Idea from Extending the Village Head Period: Orientation and Implications in a Constitutional Perspective

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Abstract

Introduction: In the developing social, political and economic dynamics, the idea of extending the village head's term of office raises questions regarding orientation, legality and its impact in the context of the Indonesian constitution as well as implications for the principles of democracy and community participation in village governance.

Purposes of the Research: This study aims to examine the enigma of the idea of extending the tenure of village heads in the context of village administration in Indonesia and identify the implications of this idea for aspects of democracy, community participation, and the balance of power from a constitutional perspective.

Methods of the Research: This study uses a legal analysis and policy analysis approach to examine various laws and regulations related to village governance, including the relevance and implementation of extending the tenure of village heads in Indonesia. The document analysis method will be used to collect data from official sources such as government reports, academic journals, and other trusted publications.

Results of the Research: The research results indicate that the enigma of extending the tenure of Village Chiefs in the context of village governance in Indonesia and its relationship with the principles of democracy and community participation as per the Constitution. While the performance of the Village Chief is a consideration, it is important to maintain community participation in the election of Village Chiefs. This extension of tenure has a significant impact on the principle of power rotation, which is essential in safeguarding democracy. Village governance is an integral part of Indonesia's political system, based on democracy and community participation. Although the Village Chief plays a strategic role, the idea of extending their tenure raises important questions related to constitutional principles.

1. INTRODUCTION

In an era of evolving social, political, and economic dynamics, changes and innovations in the system of government and village administration are a necessity.¹ The lengthening of the village chief's tenure of office was one of the suggestions that developed. In the framework of the Indonesian constitution, this idea poses a number of deep problems

¹ Anak Agung Sagung Istri Ratu Agung Pratiwi Ningrat and I Gede Agus Kurniawan, "Digital Business Problems and Regulations in an Integrative Legal Perspective," *Syiah Kuala Law Journal* 7, no. 2 (2023): 141-56.

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about its orientation, constitutionality, and influence. Government and public administration development and change have always been the focus of attention in the context of a country's development. The village head system is an essential feature of local government since it acts as the key pillar in the implementation of government responsibilities at the village level.²

The village is the smallest unit of the government system that has a direct relationship with the lives of local people. The Village Head as the village leader plays a central role in making policies and implementing development programs at the village level. However, in recent years, the idea of extending the term of office of the Village Head has emerged, which has reaped pros and cons in various circles.

This will be referred to as the "Enigma of Village Head Extension Ideas". Village government has an important role in advancing community welfare and regional development in Indonesia. Since the enactment of the Village Law in 2014, villages have gained broader authority to manage resources and policies at the local level. One important aspect of village government is the leadership of the village head.³

The village head is responsible for various tasks, such as managing local resources, delivering public services, and enforcing village regulations. The term of office of the village head has generally been regulated in applicable laws and government regulations.⁴ However, in recent times, there has been a discourse to extend the term of office of the village chief. Some proponents of extending the term argue that a longer leadership period would provide an opportunity to implement a more sustainable and well-rounded development program. On the other hand, critics state that term extensions can have a negative impact on democratic principles, accountability, and community participation in local political processes.⁵

The village head's function as a community leader at the village level is critical in keeping the wheels of government and regional development turning. As a decision maker and party responsible for the development and welfare of rural communities, the role of the village head has a major influence on the development of his area.⁶ The extension of village heads has become a controversy in the context of village government in Indonesia. This phenomenon arises as a result of political dynamics, public policy, and legal interpretation related to the constitution. The conventional term of office of the village head usually lasts for six years, and some argue that this extension of the term can provide an opportunity for the village head to implement more sustainable and effective development policies. On the other hand, there are also critics of this idea, worrying about its impact on democratic principles and community participation in village head elections.

² Riyadi Sri Purnomo et al., *Kajian Reformulasi Dimensi Sistem Administrasi Negara Republik Indonesia (Sanri)*, 2020.

³ Abdul Fatah Fanani, Wahyu Astutik, and Dodik Wahyono, "ANALISIS UNDANG-UNDANG DESA," *Dialektika* 1945 (2014): 1-14.

⁴ J Suwarno, "Kualitas Pelayanan Pemerintah Desa Studi Pelayanan KTP Dan KK Di Desa Teluk Kepayang Kecamatan Kusan Hulu Kabupaten Tanah Bumbu," *Jurnal Ilmu Politik Dan Pemerintahan Lokal* 1 (2012): 1-30.

⁵ Fradhana Putra Disantara et al., "The Integralistic State Idea: Reconstruction of Administrative Efforts Perspective," *Jurnal Daulat Hukum* 6, no. 2 (July 4, 2023): 130, <https://doi.org/10.30659/jdh.v6i2.30982>.

⁶ Mandolang Kabupaten Minahasa, "Peran Kepala Desa Dalam Pelaksanaan Pembangunan Di Desa Tateli Satu Kecamatan Mandolang Kabupaten Minahasa," *Jurnal Politico* 5, no. 1 (2016).

The fundamentals of village governance are well defined in Indonesian laws and regulations. "The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as stipulated in law," according to Article 18B paragraph (2) of the Republic of Indonesia Constitution of 1945.⁷ Within this framework, the extension of the village head's term of office can be analyzed from the perspective of traditional rights and community development.⁸

In addition to the 1945 Constitution, The Village Law (Law No. 6 of 2014) is the legal framework that governs village government. The Village Law specifies in Article 18 paragraph (2) that "the village head or the like is directly elected by the village community in the election of the village head or the like." In this context, the effects of extending the term of office of the village head on the idea of democratic and direct election of village leaders by the community must be considered." In this regard, it is vital to investigate how the extension of the village head's term of office may be considered in accordance with constitutional principles that require some offices, including village heads, to have a fixed time limit. The significance of investigating the possibility of extending the term of office of the village head cannot be overstated. The implications of such a move extend beyond the realm of local government and have the potential to affect the fundamental principles of a country's constitution. The constitution has a central role in maintaining the balance of power, protecting human rights, and upholding democratic principles.⁹ Therefore, any step that has the potential to change the dynamics of power and government structure must be carefully analyzed in accordance with the provisions of the applicable constitution.

This study aims to examine the enigma of the idea of extending the term of office of village heads in the context of village government in Indonesia and identify the implications of these ideas on aspects of democracy, community participation, and balance of power in a constitutional perspective. This study will analyze whether the extension of the term of office of village heads is in accordance with democratic principles that prioritize active community participation and avoid concentration of power. In addition, this study will discuss the impact of extending the term of office of village heads on community involvement in local political processes and accountability of village heads to villagers. This research is expected to provide deeper insight and understanding of this issue and provide constructive recommendations for policy making related to village leadership in Indonesia. This research will focus on the analysis of regulations and practices related to the tenure of village heads in several countries, with emphasis on their constitutional implications. Although term extensions can have important social and political impacts, this study will not go in-depth into those aspects. This research is expected to provide a deeper understanding of the potential extension of the term of office of village heads from a constitutional perspective. The results of this research are expected to be the basis for policy makers, academics, and civil society in making decisions related to changes in local

⁷ Muchamad Taufiq and Fradhana Putra Disantara, "The Principle of People's Authoritative Manifestation in Mining Management: An Inclusive Legal Perspective," *SASI* 29, no. 3 (June 12, 2023): 442, <https://doi.org/10.47268/sasi.v29i3.1329>.

⁸ F. Kapita, Johannis Eduard Kaawoan, and Johnny P Lengkong, "Peran Kepala Desa Dalam Pemberdayaan Masyarakat (Suatu Studi Di Desa Wayafli Kecamatan Maba Kabupaten Halmahera Timur)," *Jurnal Eksekutif* 1, no. 1 (2017): 1-14.

⁹ Fakultas Hukum Universitas Gadjah Mada, *Academic Constitutional Drafting Rancangan Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Terkait Dengan Pokok-Pokok Haluan Negara, Mpr.Go.Id* (Jakarta: REDAKSI Biro Pengkajian Konstitusi, Sekretariat Jenderal MPR RI, 2021).

government systems. In addition, this research can also contribute to a wider discussion about the development of constitutions and democracy in various countries.

2. METHOD

This research will use legal analysis and policy analysis approaches to explore various laws and regulations related to village government, as well as other relevant rules and regulations. In conducting constitutional analysis, we will refer to the principles of democracy, human rights, and principles of good governance. And the use of these laws and regulations will help to analyze the constitutional aspects related to the extension of the term of office of village heads and identify relevance and implementation in the context of village government in Indonesia.¹⁰ This research will use document analysis methods to collect data on laws and policies related to village government as well as the views of legal and public policy experts related to the extension of the term of office of the village head. Secondary data will be taken from official sources such as government reports, academic journals, and other reliable publications. The conceptual framework of this research will be based on the principles of constitution, democracy, and good governance. The constitution became the main foothold in analyzing the compatibility of the idea of extending the term of office of village heads with constitutional values. Implications for democracy will be analyzed through the prism of political participation and accountability. In addition, the concept of separation of powers will be the basis for understanding the impact of term extension on the division of authority between the executive, legislature, and judiciary at the village level.

3. RESULTS AND DISCUSSION

Village government in Indonesia has an important role in realizing the welfare of rural communities. The village head as a local leader has a big responsibility in achieving village development goals. However, in recent times, the idea of extending the term of office of village heads has emerged which has raised questions and controversy.¹¹ The extension of the term of office is closely related to the principles of democracy and public participation which are the main foothold in the perspective of the Indonesian constitution. The principle of democracy places the people as the highest power holders, so fair and transparent village head elections are very important. Active community participation in the village head election process is also key to ensuring political decisions are based on consensus and mutual agreement.¹²

3.1 Enigma of the Idea of Extending the Term of Office of Village Heads: Principles of Democracy and Community Participation in the Perspective of the Indonesian Constitution

Village government is one form of government in Indonesia that has an important role in realizing the welfare and progress of the community at the rural level. The village head

¹⁰ A'An Efendi, Dyah Octorina Susanti, and Rahmadi Indra Tektona, *Penelitian Hukum Doktrinal* (Surabaya: Laksbang Justitia, 2019).

¹¹ Nandyasa Vania Sarinastiti and Loggar Bhilawa, "Kepemimpinan Kepala Desa Dan Pengawasan Masyarakat Dalam Mewujudkan Akuntabilitas Pengelolaan Dana Desa," *Jurnal Akademi Akuntansi* 6, no. 2 (May 2023): 199–214, <https://doi.org/10.22219/jaa.v6i2.26417>.

¹² Ekawahyu Kasih, "Pelaksanaan Prinsip- Prinsip Demokrasi Dalam Sistem Politik Di Indonesia Guna Mewujudkan Keadilan Sosial Bagi Seluruh Rakyat Indonesia," *Jurnal Kajian Lemhannas RI* 34, no. 4 (2018): 1–87.

as a local leader has a great responsibility in leading and managing the village to achieve the expected development goals.¹³ In this context, the issue of extending the term of office of the village head is an interesting topic to discuss. Extension of the term of office of the village head is a phenomenon where a village head serves more than one term of office that has been stipulated in laws or regulations. This can happen for various reasons, including consideration of the performance of the village head who is considered good by the community and government, as well as the stability and sustainability of the village development program that has been carried out.

However, the issue of extending the term of office of village heads cannot be separated from its relation to the principles of democracy and community participation mandated in the perspective of the Indonesian constitution. The principle of democracy places the people as the highest power holders and underlines the importance of active participation of the people in the political decision-making process.¹⁴ As a democratic country, Indonesia has a strong constitutional foundation to ensure community participation in the village governance process. This is reflected in several articles in the 1945 Constitution, including: 1) Article 18B: Mandating a government based on democracy, which means that political decisions must be based on consensus and mutual agreement, not just determined by a group of elites; 2) Article 18C: Regulate regional autonomy and decentralization, which provides opportunities for villages to organize and manage their own households according to the aspirations and needs of their communities; 3) Article 18D: Ensure community participation in development, which means that the community has the right to participate in planning and supervising the implementation of village development.

Therefore, the extension of the term of office of village heads needs to be carefully considered so as not to violate the principles of democracy and community participation that have been mandated in the Indonesian constitution. Although the performance of the village head can be a consideration for the extension of the term of office, it is also important to ensure that community participation in the village head election process is well maintained. The extension of the term of office of village heads is a controversial issue in the context of village governance and can have an impact on the principles of democracy and community participation in Indonesia. To understand more about this issue, let's discuss some relevant points: 1) Democracy and Community Participation: The basic principle of democracy is government by the people, for the people, and from the people.¹⁵ In the context of village government in Indonesia, democracy is realized through the election of village heads carried out directly by the village community. Community participation in the village head election process is very important to maintain democratic principles. The community plays an active role in determining their leader who will take care of village affairs during his tenure;¹⁶ 2) Extension of Village Head Term of Office: Extension of the term of office of the village head is a proposal to extend the term of office

¹³ Gleydis S. Oroh, "Peranan Pemerintah Desa Dalam Pemberdayaan Masyarakat Di Bidang Pertanian Di Desa Tumaratas Kecamatan Langowan Barat Kabupaten Minahasa," *Politico: Jurnal Ilmu Politik* 1, no. 5 (2014).

¹⁴ Sugiman, "Pemerintah Desa," *Pemerintahan Desa, Fakultas Hukum Universitas Suryadarma* 7, no. 1 (2018): 82-95.

¹⁵ Fradhana Putra Disantara, Bayu Dwi Anggono, and A'An Efendi, "Mendudukan Norma Etika: Perspektif Teori Keadilan Bermartabat Terhadap Relasi Etika Dan Hukum," *Rechtsidee* 10, no. 2 (2022): 1-13, <https://doi.org/10.21070/jihr.v10i0.773>.

¹⁶ Naeni Amanulloh, "Demokratisasi Desa," *Kementerian Desa, Pembangunan Daerah Tertinggal, Dan Transmigrasi Republik Indonesia*, 2015, 10.

of the village head after the previously established term of office expires. Usually, the term of office of the village head is regulated in law and can range from 3 to 6 years depending on the applicable regulations; 3) Controversies and Challenges: The extension of the term of office of the village head may cause some controversy and challenges in the context of democracy and community participation. Some of the arguments that are often asked are: a) Potential abuse of power: Extension of tenure can provide opportunities for village heads to abuse their power and result in prolonged control without adequate control of the community; b) Potential lack of participation: Communities may feel less motivated to participate in village head elections if the term is extended, as less frequent elections could decrease community participation rates; 4) Indonesian Constitutional Perspective: The orientation of the idea of extending the term of office of the Village Head in the context of village government and its relation to the principles of democracy and community participation mandated in the perspective of the Indonesian Constitution is a complex and controversial issue. The extension of the term of office of the Village Head is related to institutional aspects, legislation, and democratic principles that exist in Indonesia.¹⁷

The democratic principles mandated in the perspective of the Indonesian Constitution are as follows:

- 1) People's Sovereignty: Article 1 Paragraph (2) of the 1945 Constitution states that sovereignty is in the hands of the people and is fully exercised by the People's Consultative Assembly (MPR) and state institutions established by law.¹⁸

The essential concept of popular sovereignty, which declares that the greatest authority is in the hands of the people, is affirmed in Article 1 paragraph (2) of the 1945 Constitution. The People's Consultative Assembly (MPR) and governmental institutions formed in line with the requirements of the Law fully execute this idea. The principle of popular sovereignty emphasizes the importance of the people's active participation in making political decisions and governing government, and it demonstrates that the government functions as a public servant who must carry out its duties in accordance with the people's will and aspirations. As the highest institution in the state, the People's Consultative Assembly (MPR) plays an essential role in exercising people's sovereignty. The MPR is made up of those elected to the House of Representatives (DPR) and Regional Representative Council (DPD). The MPR is responsible for amending and enacting the Constitution as well as supervising its implementation.

In the context of village government, the principle of people's sovereignty means that villagers have the right and responsibility to participate in decision-making that affects their lives. Active community participation in village head elections is one concrete way to realize this principle. With democratic and participatory village head elections, villagers have the opportunity to express their political preferences and elect leaders who are deemed to represent their interests and aspirations. Thus, people's sovereignty becomes a key principle in Indonesia's political system, where state power comes from the people and for the people. This principle guarantees the active

¹⁷ Soimin & Mashuriyanto, "Mahkamah Konstitusi Dalam Sistem Ketatanegaraan Indonesia," *Yogyakarta : UII Press* 12 (2013): 19-22.

¹⁸ I Gede Agus Kurniawan and Lourenco de Deus Mau Lulo, "Legal Protection Orientation And Formulation For Traditional Musical Instruments As Patents: An Inclusive Legal Paradigm," *Jurnal Dinamika Hukum* 23, no. 2 (2023): 325-39.

participation of citizens in the political decision-making process and affirms the importance of democracy in the Indonesian government.

- 2) Deliberation and Consensus: Article 18B Paragraph (2) of the 1945 Constitution states that the state organizes and holds free, general, secret, honest, and fair elections and provides opportunities for citizens to vote and be elected to political office.

Deliberation and consensus are principles that are closely related to the Indonesian political system based on Pancasila. Deliberation and consensus emphasize the importance of dialogue and mutual agreement in making political decisions. The deliberative process is a way for communities to express opinions, discuss, and reach agreements through open and fair dialogue. While consensus means reaching an agreement based on mutual consent without coercion. In the context of village head election, the principle of deliberation and consensus is reflected in the election process carried out directly by villagers. Candidates for village heads and village officials must compete fairly and honestly, communicate their programs and visions to villagers, and participate in debates and meetings to gain community support. In addition, after the election of the village head is carried out, the principles of deliberation and consensus also apply in the decision-making process by the village head and village officials.

The village head is expected to put forward deliberation with village officials and villagers in preparing village development plans and making other important decisions. By involving the community in the deliberative process, it is hoped that the resulting policies will be more representative and get broad support from villagers. The principle of deliberation and consensus is one of the important pillars in maintaining democracy and community participation in village government. By applying this principle, it is hoped that the process of selecting village heads and decision-making at the village level can run democratically, fairly, and provide equal opportunities for all villagers to participate in local political life.

In the context of village government, the extension of the term of office of the Village Head faces several considerations related to the principles of democracy and community participation. 1) Considerations related to democratic principles: a) Power Rotation: The principle of power rotation emphasizes the importance of periodic leadership changes to prevent the concentration of power in one individual or group. Extending the term of office of the Village Head can lead to a potential monopoly of power and reduce political pluralism at the village level; b) Leadership Accessibility: The extension of the term of office of the Village Head may hinder opportunities for citizen participation in the democratization process and running for Village Head, thus limiting the opportunity for active community participation in decision making. 2) Considerations related to community participation: a) Community Involvement: Good village governance relies on the active participation of citizens in the decision-making process. Term extensions can hinder leadership turnover and reduce opportunities for citizens to participate directly in local political processes; b) Village Head Accountability: Extension of tenure can reduce accountability mechanisms because Village Heads who are in power longer may tend to be less accountable to villagers in carrying out their duties.

The idea of extending the term of office of the Village Head in the context of village government is an issue related to the principles of democracy and community participation which are mandated in the perspective of the Indonesian constitution. Decision Number 42/PUU-XIX/2021 from the Constitutional Court of the Republic of Indonesia is also related

to this issue, especially regarding the interpretation of Article 39 paragraph (2) of Law Number 6 of 2014 concerning Villages:

1) Principles of Democracy

Democratic principles are one of the main foundations in the Indonesian constitution which underlines the importance of the will and active participation of the community in the decision-making process that affects village governance. In the context of village government, this principle emphasizes that the term of office of the Village Head, who is a local leader who plays a very important role, must reflect the essence of democracy itself. This means that the election of Village Heads must take place in a free, fair and competitive manner. Freedom means that village communities have the right to choose without pressure or coercion from any party. Fair means that all Village Head candidates have the same opportunity to compete, without unfair discrimination or inequality. Being competitive means that the election process must encourage healthy competition between Village Head candidates, so that the community can choose the best leader according to their wishes. Thus, these democratic principles provide a strong basis for ensuring that village government runs in accordance with the wishes and aspirations of local communities, allows active participation of residents in the decision-making process, and maintains democratic integrity in all stages of village head elections;

2) Community Participation

Law Number 6 of 2014 concerning Villages gives village communities the right and authority to elect the Village Head through general elections. Active participation of the community in the village head election process is one of the fundamental aspects in the process of democratization and village development in Indonesia. Democratic and inclusive village head elections are a reflection of the basic state principles mandated in the Indonesian constitution. Therefore, an accurate and clear interpretation of Article 39 paragraph (2) of Law 6/2014 is very important. Correct interpretation will ensure that the village head election process can run transparently, fairly and in accordance with the law, so that every villager has an equal opportunity to participate in determining their leader. In this way, balanced and fair community participation in village head elections will be guaranteed, and this will support the development of democracy and sustainable development at the village level;

3) Decision Number 42/PUU-XIX/2021:

Decision Number 42/PUU-XIX/2021 from the Constitutional Court of the Republic of Indonesia is a very important step in dealing with problems related to the interpretation of Article 39 paragraph (2) of Law Number 6 of 2014 concerning Villages. This decision provides a clear and firm interpretation of this provision, which previously faced doubt and multiple interpretations. With a clearer interpretation, the process of calculating the opportunity to renominate a village head will become more transparent and focused.

More importantly, this clarity in interpretation supports the democratic principles underlying the village governance system in Indonesia. In this context, democracy refers to the freedom and active involvement of the community in the election of village heads. A strict interpretation of Article 39 paragraph (2) of Law 6/2014 ensures that village head elections take place fairly and competitively, avoiding ambiguity that could compromise the integrity of the process. Apart from that, this decision also ensures that community participation in village head elections is respected and given equal opportunities. This is in

line with democratic principles which emphasize the importance of community involvement in decision-making processes that affect their lives. Thus, Decision Number 42/PUU-XIX/2021 has an important impact in maintaining the integrity of the village head election process, ensuring democratic principles are fulfilled, and encouraging community participation in village governance in accordance with the mandate of the Indonesian constitution.

In the context of the idea of extending the Village Head's term of office, this needs to be considered carefully. Significant changes in terms of office can have a major impact on democratic principles and public participation. Therefore, before adopting such changes, it is necessary to involve stakeholders, follow appropriate procedures, and ensure that the decisions are in accordance with the constitution and applicable laws. Any changes must be made with the aim of improving the quality of village government and empowering local communities, not for personal or particular group interests.

3.2 Implications of the Village Head Term Extension Enigma on Aspects of Democracy, Community Participation and the Balance of Power in a Constitutional Perspective

Village governance is an important pillar in Indonesia's political system based on the principles of democracy and community participation. The Village Head, as a local leader, has a strategic role in realizing the welfare of the village community and carrying out government functions in accordance with the provisions of the constitution.¹⁹ However, in recent years, the proposal has evolved to prolong the Village Head's term of office from a five-year term to a lengthier one. This idea raises implications that must be carefully considered on aspects of democracy, civic participation, and the balance of power. The extension of the term of office of the Village Head has an impact on the democratic aspect because the principle of power rotation becomes increasingly important in ensuring the continuity of a democratic system of government. This is consistent with Article 18 paragraph (1) of Village Law Number 6 of 2014, which specifies that the Village Head's term of office is five years and that he or she can be re-elected for one term. Extending the term of office of the village head has the potential to reduce the opportunity for new candidates to compete in village head elections, which in turn can reduce political plurality at the village level.

The aspect of community participation is crucial in village government because the Indonesian constitution emphasizes the importance of people's sovereignty. Community participation in local decision-making is one of the essential aspects in ensuring that the policies produced are in accordance with the needs and aspirations of villagers.²⁰ The prolongation of the village head's term of office has the potential to lower the frequency of village head elections, leaving residents with less opportunity to engage directly in the political process.²¹ The balance of power is also a crucial consideration in village government to prevent the concentration of power in one individual or group. The Indonesian Constitution has affirmed the principle of rotation of power in Article 18B Paragraph (2), which mandates free and fair elections to prevent a monopoly of power.²²

¹⁹ Sumarno, "Studi Literatur: Peran Badan Permusyawaratan Desa Dalam Pemerintahan, Pembangunan Dan Pengawasan Keuangan Desa," *Jurnal Widya Praja* 2, no. 1 (2022): 33–45.

²⁰ Joko Riskiyono, *Pengaruh Partisipasi Publik Dalam Pembentukan Undang-Undang*, 2016.

²¹ Rai Widiatmika et al., "The Problems Related to Potential Trademark Rights Infringement: Construction in Inclusive Legal Perspective on Unregistered Marks," *Jurnal Dinamika Hukum* 23, no. 3 (2023): 499–513, <https://doi.org/http://dx.doi.org/10.20884/1.jdh.2023.23.3.3724>.

²² Suprpto, *Dinamika & Problematika Hukum* (Jakarta: Bina Karya (BIKA), 2022).

The extension of the term of office of the village head has the potential to hamper the mechanism for changing leadership and reduce the accountability of the village head to the villagers. The idea of extending the term of office of Village Heads has complex implications for aspects of democracy, community participation, and the balance of power in the perspective of the Indonesian Constitution. Here are some relevant implications:

- 1) Aspects of Democracy: a) Potential Decline in the Quality of Democracy: Extending the term of office of the Village Head can reduce the frequency of periodic leadership changes, which in turn can reduce the opportunity for villagers to express their political preferences through elections. This can reduce the essence of democracy in village government; b) Potential Concentration of Power: Extending the term of office can open up opportunities for the formation of concentration of power in one individual or group, because village heads who are in power longer have more time to build and strengthen political networks, which can reduce openness in decision-making.
- 2) Community Participation Aspect: a) Decreased Community Involvement: If the term of office of the Village Head is extended, community participation in village head elections may decrease because residents may be less motivated to actively participate in the electoral process if leadership changes occur less frequently; b) Reduced Opportunities for Leadership Change: Periodic leadership changes are important to provide opportunities for different village head candidates to compete fairly and compete with their ideas and programs. Term extension can reduce these opportunities and can lead to stagnation in innovation and leadership at the village level.
- 3) Aspects of Balance of Power: a) Potential Replacement of Accountability Mechanism: Extension of the term of office of the Village Head may reduce leadership accountability because the village head who is in power longer may feel less accountable to the villagers. This could disrupt the balance of power mechanism required in village governance; b) Lack of Supervision: Term extension can lead to lack of effective oversight of village head's actions as opportunities to ask questions, evaluate, or criticize leadership can be reduced, resulting in potential abuse of power.

The enigma of extending the term of office of village heads explained in Decision Number 42/PUU-XIX/2021 has important implications for aspects of democracy, community participation and balance of power from a constitutional perspective in Indonesia. Following are some of the implications that can be identified.

1) Democracy

Extending the term of office of village heads is an issue that has a significant impact on the basic principles of democracy which prioritize the principle of rotation of power. Democracy, as the foundation of a government system based on the will of the people, rests on the principle that elected leaders must represent the aspirations and interests of the people in a fair and balanced manner. The principle of rotation of power is an important pillar in keeping democracy alive and healthy.²³ However, when a village head is given the opportunity to run for re-election without a clear time limit, this principle can be threatened. When a village leader can continually extend his term of office, this opens the door to the consolidation of power in the hands of certain individuals or groups. In the long term, this

²³ Erica Frantz et al., "How Personalist Politics Is Changing Democracies," *Journal of Democracy* 32, no. 3 (2021): 94–108, <https://doi.org/10.1353/jod.2021.0036>.

can lead to excessive accumulation of power, which in turn can hinder the development of healthy democracy. The intertwining of unlimited power in one hand has the potential to produce unhealthy political domination, reduce plurality in the electoral process, and reduce competition which should enrich democracy.²⁴

In other words, extending the village head's term of office without a clear time limit could be contrary to democratic principles which emphasize the importance of alternative leaders and rotation of power. A healthy democracy requires opportunities for citizens to freely and periodically elect their leaders. Therefore, it is important to formulate rules that strike a balance between giving successful leaders room to consider longer terms in office with the need to prevent excessive accumulation of power and protect the basic principles of democracy.

2) Community Participation

Extension of the village head's term of office can have a significant impact on community participation in the village head election process. When a village head has the opportunity to run for re-election without a clear time limit, this can result in feelings of apathy among village residents. People may feel that the election outcome is already determined and that their participation will not have a significant impact. As a result, some citizens may lose motivation to actively engage in the electoral process. This has the potential to reduce public interest in participating in village head elections, which in turn could threaten the quality of democracy at the village level.

Community participation is one of the main pillars in maintaining the quality of democracy.²⁵ When citizens feel that their votes are valued and have a real impact in elections, they tend to be more involved in political and governmental processes. However, if there is a perception that village head elections are just a formality without clarity and healthy contestation, community participation may decrease. This could hinder the formation of a more representative and accountable government at the village level, which should be the basic layer in Indonesia's democratic structure. Therefore, it is important to consider the implications of extending the village head's term of office on community participation and ensure that the village head election mechanism continues to encourage active and trusted participation from all village residents.

3) Balance of Power

In the context of the constitution, extending the term of office of a village head has significant implications for the balance of power that is regulated by law. The principle of balance of power is one of the key elements in a government system based on a constitution,²⁶ which aims to prevent excessive accumulation of power in one hand or certain government body. By giving a village head the opportunity to extend his term of office indefinitely, there is great potential that executive power at the village level can become very dominant. This could threaten the balance with legislative and judicial institutions at the village level. This balance of power should be an important support in

²⁴ Ben Palmquist, "Equity, Participation, and Power," *Journal of Law, Medicine & Ethics* 48, no. 3 (January 1, 2020): 393–410, <https://doi.org/10.1177/1073110520958863>.

²⁵ Henrique A. Castro, "The Legal Construction of Power in Deliberative Governance," *Law & Social Inquiry* 45, no. 3 (August 9, 2020): 728–54, <https://doi.org/10.1017/lis.2019.74>.

²⁶ Richard Albert and Yaniv Roznai, *Constitutionalism Under Extreme Conditions: Law, Emergency, Exception* (Cham: Springer Nature, 2020).

maintaining accountability, transparency and control in village government. The executive, legislative and judicial powers must operate in a balanced manner and monitor each other to prevent abuse of power and ensure that the interests of society are well represented. If a village head were able to retain his post indefinitely, the risk of uncontrolled accumulation of power could destroy this balance. Therefore, it is important for the constitution and law to have clear provisions regarding the term of office of village heads, which respect democratic principles and maintain a healthy balance of power at the village level. Constitutional Court decisions, such as Decision Number 42/PUU-XIX/2021, are important in providing clear legal guidance and avoiding potential power imbalances that could occur as a result of extending the village head's term of office.

4) Constitution and Constitutional Court Decisions

The Decision Number 42/PUU-XIX/2021 from the Constitutional Court is very important in the context of maintaining legal clarity related to Article 39 paragraph (2) of Law Number 6 of 2014 concerning Villages. Article 39 paragraph (2) has a complex systematic sentence and tends to be ambiguous, which has led to various different interpretations in calculating the opportunity to nominate the village head again. This ambiguity has the potential to confuse the implementation of the constitution, and this is why a clear and firm interpretation from the Constitutional Court is so important. By providing a firm interpretation, the Constitutional Court not only avoids doubts or multiple interpretations that could hinder the village head election process, but also helps in maintaining the basic principles of democracy. The presence of legal clarity is very important to ensure that every citizen has the same understanding of their rights and obligations in the village head election process. It also supports the principle of strong community participation in a democratic system, by ensuring that the village head election process is fair and transparent.

In addition, legal clarity resulting from Constitutional Court decisions helps maintain the balance of power within the constitutional framework. This avoids the possibility of abuse of power by the village head who can extend his term of office without a clear time limit. Thus, this decision provides protection for the principle of balance of power which is one of the important pillars in a government system based on law. Overall, Decision Number 42/PUU-XIX/2021 from the Constitutional Court is an important step in maintaining the integrity and sustainability of democratic principles, community participation and balance of power in the context of the constitution in Indonesia. The legal clarity provided by the decision plays an important role in ensuring that the constitution and applicable laws can be implemented properly and in accordance with the principles mandated in the constitution. Overall, the extension of the village head's term of office must be considered carefully in the context of democracy and constitutional principles. It is important to ensure that the extension of the term of office does not threaten the basic principles of democracy, public participation and balance of power which are important cornerstones in a law-based government system.

4. CONCLUSION

The Enigma of the Idea of Extending the Village Head's Term of Office in the Context of Village Government, and its Relationship to the Principles of Democracy and Community Participation Mandated in the Perspective of the Indonesian Constitution are discussed in this research. Village government is a form of government in Indonesia which has an

important role in realizing the welfare and progress of society at the village level. Although the performance of the village head can be a consideration for extending the term of office, it is also important to ensure that community participation in the village head election process is maintained well. The implications of the Enigma of Extending the Village Head's Term of Office on Aspects of Democracy, Community Participation and Balance of Power from a Constitutional Perspective are discussed in this research. Extending the term of office of village heads is an issue that has a significant impact on the basic principles of democracy which prioritize the principle of rotation of power. The principle of rotation of power is one of the important pillars in maintaining permanent democracy. Village government is an important pillar in the Indonesian political system which is based on the principles of democracy and community participation. The Village Head, as a local leader, has a strategic role in realizing the welfare of village communities and carrying out government functions in accordance with constitutional provisions. However, in recent times, the idea has emerged to extend the Village Head's term of office from five years to longer. The enigma of extending the term of office of village heads explained in Decision Number 42/PUU-XIX/2021 has important implications for aspects of democracy, community participation and balance of power from a constitutional perspective in Indonesia.

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