The Polemic of Adding the Term of Office for the Village Head in View from the Perception of Constitutional Law

Anang Dony Irawan¹, Ida Ayu Rosida², Ega Permatadani³

¹University of Muhammadiyah Surabaya, Indonesia. Email: unangdonyirawan@um-surabaya.ac.id
²University of Muhammadiyah Surabaya, Indonesia. Email: ida.ayu/rosida-2019@fh.um-surabaya.ac.id
³University of Muhammadiyah Surabaya, Indonesia. Email: ega.permatadani-2019@fh.um-surabaya.ac.id

Abstract

Village administration is the spearhead of national economic development and resilience. In its history, the Village has received recognition by passing Law Number 6 of 2014 concerning Villages. Before the existence of the Village Law, the basis for recognition by the Village Government was only found in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This article tries to find out the forms of community participation in changing laws and regulations regarding Villages. In addition, it also examines the polemic over demands for an additional term of office for the Village Head, which has become the public spotlight from the perspective of Indonesian constitutional law. The type of research used in the preparation of this article is normative juridical with a statute approach and library research, by searching data and sources, which after that did a review and analysis until finally it was put in the form of writing of this article. Considering that Indonesia is a democratic country and not a communist country, where the communist government system seems authoritarian, and the term of office is long, the Village Law contains...
regulations regarding village authority and the term of office of the Village Head.

A. Introduction

Indonesia is a unitary state in the form of a republic, which, in the administration of the state, divides authority into the central Government and regional governments.\(^1\) Regional Government, referred to in Article 2 of Law Number 23 of 2014 concerning Regional Government, is divided into Provincial, Regency, and City Governments. In their government affairs, regional governments are determined to apply the deconcentration principle, which must also be based on autonomy and co-administration,\(^2\) where the main principle in its implementation is the widest possible autonomy as stipulated in the 1945 Constitution. So, in implementing this widest possible autonomy, regional governments must respect the elements of local wisdom, starting from historical aspects, customs, and internal characteristics of the region. The smallest sub-section of regional Government lies in the village government.

The position of the Village in the Unitary State of Indonesia is based on Article 18B paragraph (2) of the 1945 Constitution, that the state recognizes the existence of customary law community units along with their traditional rights. Adat also occupies the lowest hierarchy in the subsystem of the Indonesian Government. The Village is the smallest government unit after the sub-district, which is led by the village head through village head elections by villagers. In implementing village administration, the village head is assisted by village officials as an element of village administration. Law Number 6 of 2014 states this in Villages (Village Law). In this law, the Village is defined as a legal community unit with territorial boundaries and the authority to regulate and manage its governmental affairs whose existence is recognized and respected as part of the Unitary State of the Republic of Indonesia. In other words, the Village has the right to organize and manage the interests of its community.

The authority of the Village Government is regulated in the Village Law jo. Government Regulation Number 43 of 2014 covers village administration, village development, community empowerment, and community empowerment based on community initiatives, origin rights, village-scale local authorities, and local customs. The Village Law is a legal umbrella used as a reference in its implementation. The purpose of forming this law is stated in the preamble\(^3\), which, in essence, is that the Village has the rights of origin and traditional rights in regulating and managing the interests of the local community and playing a role in realizing the ideals of independence and protecting and creating a strong foundation in administering Government and governance, development towards a just, prosperous and prosperous society. Thus, the Government of Indonesia is committed to realizing village autonomy by giving this authority in forming a comprehensive village.

In administering Village Government, the Village Head is assisted by Village Apparatuses as an element of Village Administration as stipulated in Law Number 6 of 2014 concerning

---

2. Elisabeth Lenny Marit et al., *Penegakan Otonomi Daerah Dan Desa* (Yayasan Kita Menulis, 2021).
Villages (Village Law). This law defines the Village as a legal community unit with territorial boundaries. It is authorized to regulate and manage government affairs whose existence is recognized and respected as part of the Unitary State of the Republic of Indonesia. In other words, the Village has the right to regulate and manage the interests of its people. As a form of Government that exists in the Regional Government area, precisely in the Regency area, which has the task of administering governance, development, and society. The existence of a village government is not a mere fantasy. Village administration is increasingly enjoyed by parents and the younger generation, who show their fangs in droves to occupy these positions. Even though current positions in the village government are often targeted, it is necessary to know that before the existence of a village government like today, of course, it has a long historical story, which, of course, the system is not like the current one that has been regulated. It is a form of support that Indonesia is a country of democracy.

Law Number 6 of 2014 concerning Villages divides villages into Villages and Traditional Villages. The definition of this Village is contained in Article 1 point 1 of the Village Law, while for customary villages, it is contained in the general elucidation of the Village Law. The duties of a village and a traditional village are almost the same. The difference between the two is only in the implementation of origin rights, especially regarding the social preservation of traditional villages, regulation, and management of customary territories, customary peace sessions, maintenance of peace and order in customary law communities, and implementation of government arrangements based on the composition original. With the legal umbrella for the Village Law Number 6 of 2014, which protects and regulates all village administration, the existence of village government is increasingly clear, namely regarding the authority given to the village government in carrying out and managing its Government. The principle used in running the village government is the principle of subsidiarity and decentralization. The application of these principles aims to realize village autonomy by granting this authority in forming a complete village with the vision and mission of each Village to create an independent and prosperous village government.

The Village Head is tasked with administering the Village Government for a term of 6 years starting from the inauguration, and can serve a maximum of three terms of office, this is in accordance with Article 39 of the Village Law. Meanwhile, the duties and powers of the Village Head are contained in Article 26 of the Village Law. Village growth from time to time is increasing so that in the future new problems will emerge in the wider community, especially village communities. Implementation of the duties of the Village Head will affect the dynamics of administering the Village Administration, namely in terms of social conditions, population, livelihoods, and even finances. In terms of village development, the village head is given the authority to build village infrastructure using the Village Revenue and Expenditure Budget (APBDes) in its development.

In his journal, Zulman Barniat (2019) states that the Village is an independent community, meaning that the Village regulates itself according to the socio-cultural conditions in their respective regions. In other words, the Village should have self-government and think of its people. Village government is a government subsystem closest to the community because it is

---

5 Ramlan and Eka Nam Sihombing, Hukum Pemerintahan Desa (Medan: Enam Media, 2021).
at the lowest level, so no matter how small the village government is, it still has a role and position in community service and empowerment. The concept of village government itself has the authority regarding regulation and management related to the interests of the local community. Of course, that does not mean that there is no basis, but rather that it is based on the existence of local origins and customs that apply, are recognized, and adhered to in this NRI government system, where the village government itself is centered on the village office, which is usually located in the middle or center of the Village, with a leader who is the head of the Village.

At present, the role of the Village Head is felt to have less impact on village development. Many cases of misappropriation of village funds were carried out by village heads in various regions. Herdiana (2019) in his journal stated that corruption in the current era has infected village government which is the spearhead of the Government in Indonesia. Based on data for 2012-2021, the KPK recorded at least 600 village fund corruption cases involving village officials and ensnared at least 686 village heads. State losses due to the misappropriation of village funds in 2021 reached a nominal value of Rp. 233,000,000,000 (two hundred thirty-three billion rupiah). This is of course a scandal of state losses which is no joke. Recently, there has also been a hot issue regarding village governance, to be precise, the demonstrations carried out by a group of village heads who called for an extension of the term of office of the village head, which was originally 6 years three periods to 9 years two periods, which is considered unconstitutional, especially with the history of misappropriation of village funds, both by the village head and village officials, so it is questionable whether the demonstrators of this village head asked for an extension of their term of office for the sake of welfare the village community or for the welfare of certain persons who serve in the village government.

Thus, what will be discussed in this paper is the polemic on the addition of the village head's term of office from 6 years to 9 years regarding the amendment of the Law Number 6 of 2014 concerning Villages in the realm of constitutional law and what form community participation takes in plans to amend the Village Law.

The writing of this article uses the normative legal method with a statute approach and library research. This research uses primary legal sources obtained from Law Number 6 of 2014 concerning Villages, and Government Regulation Number 43 of 2014 concerning Regulations for Implementing Law Number 6 of 2014 concerning Villages. Secondary legal sources are obtained from legal doctrine, scientific journals, and books. From the approaches and sources of law used in this research, they are then analyzed and developed so that they can answer the issues discussed, namely regarding the polemic of the term of office of the village head from 6 times 3 periods to 9 times 2 periods in the perspective of Indonesian constitutional

---

law and community participation in the amendment of the Law Number 6 of 2014 concerning Villages.

The novelty of this research tends to analyze the polemic on the addition of the village head’s term office from 6 years to 9 years regarding to the amendment of the law Number 6 of 2024 concerning Villages in the realm of constitutional law and what form community participation takes in plans to amend the Village Law. As stated by Dwipayana (2003) in his book that the democratic village government has good legitimacy, is able to work effectively that is supported by equity balance and trust. The polemic that caused the village head’s demonstrate asking for 9 years term at time is due to the demonstrators argued that asking for an extension of the village head’s term of office was overcome the divisions on the village community caused by the village head election so that there was not enough time to conducted the development in the Village, then for the second reason is the village head election funds were said to be better used for village resopurse development facilities. With that emergence of this polemic is the reason for the results of this research.

B. Discussion

1. The Polemic of Adding the Term of Office for the Village Head in the Village Law Viewed from the Perspective of Constitutional Law

The village head is the village leader or is usually seen as the village head. The status of the village head himself is currently being enjoyed more and more by the general public, both parents and the younger generation. Of course the position of village head is an interesting thing for Indonesian people. Why this is interesting, of course, has strong reasons, namely in the form of power or status given to village officials to manage a village, although the decision will of course be held by the community, they still play the role of village head who will lead the community to develop their area so that its citizens, be it in the fields of education, technology, economy, and so forth. Therefore, this position is the dream of one of the many jobs in the Village.

All Village Heads showed their fangs in droves to compete with each other for this position, it is not known with certainty the reason why this position status is so enjoyed and popular and is even used as a reference as the word success even though this position has a fairly high position in the Village. Indeed, in the end, the status of the position of the village head cannot be underestimated because a village head will lead a village and show his fangs when carrying out his duties and authorities in the Village, even the village head has authority as a village administrator. This of course will make a village head someone who has a high status in the Village, besides that he will be well-known among the community as an official in the village area.

Being a village head yourself is not an easy thing, of course managing a village is a very difficult thing by considering the budget so that development and empowerment can take place in a balanced way, the village head's performance can also be seen from the facilities provided by the Village to the local indigenous people. In addition, the accountability that is

---

carried out should become the burden of a leader if the goals and aspirations are not achieved during his term of office, especially if he has crammed in some sweet promises such as work programs for the sake of society but in fact only 30-40% of the work programs designed are implemented,\textsuperscript{13} of course this will be the subject of ridicule by the community besides that it is also a debate.

In general, the position of Village Head is based on juridical provisions, the term of office is 6 years in one position at a time, to be precise Article 39 of the Village Law. Article 47 of Government Regulation Number 43 of 2014 concerning Regulations for Implementing the Village Law, namely that the Village Head holds office for 6 years from the date of inauguration and can serve a maximum of three times in a row or non-consecutively. Because Indonesia itself is a country based on democracy, village heads are elected through Village Consultations (Article 47 (4) of Government Regulation Number 43 of 2014 concerning Regulations for Implementing the Village Law) and voting is carried out directly by village heads, village community that is direct, public, free, confidential, honest and fair.

There is a lot of news circulating on social media at this time, that there are lots of demonstrators consisting of village heads demonstrating to voice their voices. The demonstrators reasoned that asking for an extension of the village head's term of office was to overcome divisions in the village community caused by the election of the village head so that there was not enough time to carry out development in the Village, then for the second itself, village head election funds were said to be better if used for development facilities village resources. Therefore, it was these proposals that became the polemic that caused these village heads to demonstrate asking for a 9-year term at a time. It should be noted that the polemic that contains issues like this does not seem reasonable and logical enough.\textsuperscript{14}

It becomes a strange thing when something like this is questioned because indeed in that period of time it is not even debating the issue of the period of time, what should be debated is the quantity and quality in implementing the work program that has been promised. Things like this might be used as a joke by the general public because they are the ones who make promises, but they are unable to carry out implementation within that period. If we remember, demonstrations or rallies are usually used to reveal something crucial, with strong reasons and of course in accordance with the existing legal basis. Meanwhile, demonstrations carried out with a proposed 9-year term of office were not accompanied by strong and concrete reasons.

Then when the demonstration itself occurs, most of them have already made their decision. However, have those who voiced the proposals during their 9 years in office made efforts for public participation in all elements? We don't think so, at this point it has become a polemic because it has violated human rights. Things like this become obstacles for officials in carrying out their duties and authorities. Regarding whether or not this task has been carried out, of course the village head must have questions in their own minds, how


come none of their work programs have been implemented or if they have been implemented why only 30-40%. Things like this should be a reflection of the officials before voicing it.

If you are basically unable to propose yourself as a leader, it would be better if you didn't have to force yourself and it would be better to just be an ordinary citizen who obeys the law, you don't need to be adventurous to become a leader who certainly has many tasks and heavy responsibilities. So when the objectives of the work program while in office are not achieved, then what happens is the emergence of the opinion that 6 years in one position is not enough to fulfill all of his responsibilities, of course this is only an appendage so that he can serve longer and have power. This kind of thing should be very boring, because this kind of classic reason is like blaming for the time held. Even though 6 years is enough to build a village, if that person is able and able to take responsibility for his work programs.

If we review further about the adequacy of the village head’s term of office, it is possible that someone who is unable to become a leader, nominates or is nominated until he is elected as a leader through village head elections, but in the end when his term of office expires, his term is over, will he defend that his term alone is not enough? Of course this is possible because there are several parties who demonstrated in an effort to change positions from 6 years to 9 years. This has violated the nature of Law Number 6 of 2014.

If he is capable of serving for 6 years, there has been a planning or practice plan even though it has been completed, but if the work program still fails (no results), then what should be suspected is a leader who is unable to carry out his duties. Which had been entrusted to be given by the people to him, but they reneged on what they had promised their people. So from this it can be concluded that there is still a lack of knowledge or knowledge in carrying out or practicing work program performance while in office. So, why is one period in 6 years still lacking if indeed the knowledge is not qualified to implement it? Of course, if after changing it to 9 years it will still be in vain and will definitely not produce anything.

It's a different matter if when you become a village head you are mentally and physically ready for the consequences and responsibilities that will be carried out, then there will be no problem. But that was shown by proposing a number of very unsatisfactory and quite unreasonable reasons, basically if you can't afford it why should you apply for office and when that period will end soon you will only scream or voice your voice with the frill for the welfare of the people. Even though the community itself is not invited to make decisions because it should be community participation in realizing the idea of human rights in Indonesia. It is enough to serve for 6 years, and if it is not enough, the village head may nominate again for the next period. In one term of office it can be up to 6 years and if you nominate yourself and are finally re-elected as village head then it has been 12 years, not to mention if in period 3 or after you nominate again for re-election then you have served as

village head for 18 years, then why the problems like this are still being questioned only because of added reasons for village development, community divisions, to the source of funds that occurred or was budgeted for Village Head Elections.

Dwipayana (2003)\(^{18}\) in his book says that democratic village government has good legitimacy, is able to work effectively which is supported by equity, balance and trust. However, the proposed change of term of office is certainly something that is not reasonable. When village officials cannot work properly for only 6 years, let alone with an extension of office for 9 years, it makes no sense for several parties to raise this issue. Leadership for a mindset that must be honed when serving as village head is not only a complement to obtaining status as a village head, but also to apply his knowledge to make the Village more developed, peaceful and prosperous. Regarding the reasons for the funds used for village head elections which are said to be better used for developing village resources, it also turns out to be insignificant, why is it not significant? Because, as we know, village head elections are different from other official elections. The reason is that the Pilkada election itself is not held simultaneously in Indonesia, even the election for the Village Head certainly does not drain the State Revenue and Expenditure Budget (APBN) so that it disrupts the running of the APBN.

The Village Law and Government Regulation Number 43 of 2014 have explained that Village Head Elections are held every 6 years, with a term of 6 years. Of course, what is stated in the Village Law and Government Regulation Number 43 of 2014 has been patented by the Government by considering several aspects, one of which is that Indonesia is a democratic country, so if our country implements these aspects of democracy in every policy in society. Both of these foundations are a strong legal umbrella because there are already two regulations that regulate it. If indeed 6 years in one term of office is not ideal, the Government should reform or make more changes to related laws and policies. Considering that it is now 2023 and this law was passed in 2014.\(^{19}\) However, this is the first time that the term of office for a village head has become an issue that the village heads who staged a demonstration did not accept, saying that the conclusion was that this period was still not enough to improve their performance. Therefore it can be said that it is ridiculous if it is questioned in 2022-2023 whereas when it is legal or comes into effect in 2014. Why isn't there a demo like this why, is this the first time trying a demo. Or is 6 years not enough for one period or is it the village head who has just taken office? Because it has been almost 9 years since this law was in effect, this is the first time that a problem has arisen under the pretext of public welfare which makes no sense if the people themselves think about it.

Term 6 years is a long enough time to implement the program in his Village and pay attention to empowering village communities.\(^{20}\) So the problem is not a mass problem but how is the knowledge implemented while serving as head of this Village and how is his leadership ability in solving problems that exist in the Village and how to overcome or find solutions when he has only served 6 years. Complete everything by leading around tens of


thousands of citizens alone. So from here it is clear that leadership skills to an open mindset are certainly important points in serving as village heads. If the leadership skills and mindset are not qualified, of course, if the 9-year application is granted, then the 9-year position is still lacking.

Leading a village is not an easy thing, even though it can be said that leading a village is the easiest thing to do compared to leading a district, city, province or country. But still, as a leader leading the people, of course it is not an easy thing and there are definitely a lot of problems and crucial problems that will be passed while in office. But that is a risk for the position holder and it is a responsibility he bears. If he is reluctant or unable to do so, he does not need to serve as village head by leading several villagers. Better to be an ordinary villager who obeys and obeys the laws that have been implemented in Indonesian society.21

Instead of defending yourself if the performance or work program that has been planned cannot be carried out properly or maybe it has not been planned.22 In fact, this should be a re-evaluation during the 6 years in office what he has done, 6 years alone is not a short thing to lead several tens of thousands, certainly not as heavy as the task assigned to the DPR to the president who must lead all the Indonesian people and also as an element that wins people's votes. Actually, 6 years is enough and even very far in upgrading what should be a common goal when conveying it to the public (village community). This is equal to six years but a maximum of three terms. So, in this case it is actually not an additional term of office for the Village Head. For the community it is not how long the tenure of the village head is, but what is most important for the village community is how the village head with a large enough budget (read: APBDes/ADD) can be managed properly (without corruption) and is able to prosper the village community.

Polemics related to proposed changes related to positions that should serve every 6 years to 9 years in one period certainly greatly weaken democracy. never happened in his Village with other leaders, because not all leaders have the same mindset and different leadership in building and advancing the Village. Otherwise, what if the village head does not make satisfactory improvements in 9 years. Isn't that the same as a period of 6 years in one period?. Ideas like this have been substantively explained that it is bound to undermine democracy. This of course has a fundamental reason because the public office elected by the people is in a democracy. Which in a democratic system must be carried out in rotation in order to avoid the occurrence of activities that tend to be authoritarianism or corruption, therefore the policies or contents that have been promulgated or patented to be implemented in Indonesia are certain to be taken into account. juridical is not haphazard just make and then implement. The proposals and reasons behind the creation of demonstrations related to the polemic of dissatisfaction with the term of office that occurred against the village head actually did not have logical and strong reasons.23 6 years itself is a long enough period to govern a village with an average population of only tens of thousands, therefore 6 years in one

position should be sufficient and if this position is still lacking it can be carried out in the next period. by nominating himself as a village head in the next period or in a new period, bearing in mind that the village head can serve for 3 periods and this will not be ruled out until it conflicts with the existing juridical basis in the Village Law and Government Regulation Number 43 of 2014.

Considering that Indonesia is a democratic country and not a communist country whose term of office is very long and seems authoritarian, that's why this village law was born and its policies are used in people's lives today, and of course. To avoid things that are not desirable with smuggling to embezzlement and so on. Juridically, what is stated in the Village Law and Government Regulation Number 43 of 2014 is ideal if Indonesia, which incidentally is a democratic country, runs its term of office in one period, namely 6 years for village heads. the younger generation or generation can also get the opportunity to implement their knowledge to carry out advanced village development.

2. Community Participation related to Amendments to Law Number 6 of 2014 Concerning Villages

The discussions regarding the amendment of the Village Law have sparked several controversies in various circles, both legal activists, groups, and the general public. From the previous discussion, it is known that in making changes to a law must be based on reasonable supporting reasons, so that it can be known what must and will be changed for the welfare of the people. The demonstrators, consisting of a groups of village heads throughout the archipelago, demanded an extension of the term of office from the previous six years to nine years per term of leadership, which is considered unconstitutional and undemocratic.

From Kabar6.com24 Seknas FITRA stated that the amendment of the Village Law are currently not urgent, in fact the Government should focus on improving the quality and mandate of the Village Law, namely mandatory spending to strengthen fiscal space in villages and make improvements related to implementing regulations on the Village Law so that they do not overlap. Misbah Hasan, Secretary General of FITRA stated that FITRA's study of the implementation of the Village Law had not been optimal because of the substance and content of the Village Law, but because of overlapping implementing regulations for the Village Law which "amputated" some of the Village's authority. authority. In fact, village community participation is still low so that supra-village affairs are handed over to the Village and become a heavy burden.

In contrast to FITRA’s statement which stated that the amendment of the Village Law were not currently needed, the Minister of Villages, Development of Disadvantaged Regions and Transmigration (Mendes PDTT), Abdul Halim Iskandar, supported the proposed term of office for the Village Head for nine years. Released on CNNIndonesia.com25 Abdul Halim stated that the additional term of office was proposed because so far the village heads have

---

been considered ineffective because they are busy resolving conflicts that always arise after village head elections. Indonesian President Jokowidodo also agreed to a proposed change in the periodization of village head positions to prevent social conflicts from occurring which could disrupt village development.

Nur Kholis, Head of the Jember Village Heads Association, stated that the extension of the village head's term of office was not only for the personal interests of the village head, but for the welfare of the community. Seeing the long history of village government with the existence of the APDes issued by the Government, there have been many cases of corruption in village funds so that many villages have been neglected with minimal village development. So when the discourse on adding the village head's term of office is approved and discussed in the kitchen of the DPR, will the village government get better soon? Of course there are no guarantees, the longer the term of office of a government seat, the greater the potential for acts of corruption and arbitrariness of office holders, which of course this leads to KKN (corruption, collusion, and nepotism) for the personal interests of the authorities and not for the welfare of society. The 1945 Constitution, which is the highest throne of all existing regulations in Indonesia, contains democratization, socialization and also the obligation of transparency, accountability for village development, which is a matter that needs to be considered because the substance of the regulation regarding the expansion of positions is strictly prohibited, contrary to the material substance of the 1945 Constitution.

26 In connection with public participation in changing laws, it is necessary to pay attention what and how forms of participation according to laws and regulations. In Law Number 12 of 2011 concerning Formation of Legislation, especially in Chapter XI Article 96 it is stated that people who have an interest in the substance of laws and/or draft laws have the right to provide input orally or in writing in the formation of laws and regulations through hearings, community visits, work visits, outreach and/or seminars, workshops and discussions. This certainly cannot be ignored by the Legislature as legislators and lawmakers.

27 Syarief Basir (2022) argues, public participation should get a high place in the formation of laws. Especially in our country which adheres to the concept of a democratic country, where the Kredo Vox Populi applies, namely Vox Dei, the voice of the people is the voice of God. In the concept of a democratic country, the people or society must be heard and obeyed. Ignoring the voice of the people when forming laws can result in the formulation of different articles between what should be (das sollen) and reality (das sein). Of course if this happens it will cause a chaotic atmosphere in society.

The Constitutional Court as an institution that exercises judicial power, one of whose powers is to examine laws, is to act as a bodyguard for the community in participating in the

---


formulation and testing of laws, so that people who feel their interests have been harmed or neglected, can file a lawsuit for the review of a law. The Constitutional Court stated that public participation is guaranteed as a constitutional right based on Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution which provides opportunities for citizens to participate in Government and build society, nation and state. Affirmation of community rights that public participation is open at every stage of preparation, both online and/or offline, and is entitled to easy access to academic papers and/or draft laws and regulations.

Community participation in the formation and review of laws is a manifestation of the principle good governance namely Government that is accountable, transparent and of course involves the community. Community participation is basically a guarantee for the people, in which the community can participate in the state administration process and access public policies in a transparent and free manner. As one of the principles of good governance and a manifestation of people's sovereignty, detailed arrangements and mechanisms for public participation in the legislative process must be guaranteed by the constitution or statutory regulations. The existence of public participation is a manifestation of the prerequisites and representation of a democratic government, without public participation in the drafting or formal review of a law, the principles of good governance adopted by the Indonesian state will not be realized properly. Community participation can be realized in the absorption of community aspirations by providing space for the community to channel their aspirations so that welfare laws and regulations are realized. Thus, the issues of accuracy, absorption (accommodation of public interest), and aspirations or not of these laws and regulations, both central and regional, are equally important for fulfilling ideal statutory requirements.

Since community participation is very important in a democratic country currently running in Indonesia, it is also important to anticipate KKN (Corruption, Collusion, and Nepotism) carried out by village officials who are in power. Especially if there is a village head who is arrogant and anti-criticism, of course, it becomes an evaluation and focus for the community to speak out or again criticize the feasibility of the village head both in quality and quantity. Likewise, with the Village Head, there are limits. The longer or longer the

---


power will be, the more corrupt. Philofos conveyed this from England, Lord Acton (1834-1902): *Power tends to corrupt, but absolute power inevitably corruptions.* Community participation will bring about significant change or progress, considering that participation itself is to make decisions in the community and be approved by the community itself.

If you only look at it from a certain party's point of view, this is unreasonable and unfair. Indonesia is not an authoritarian country but a republican democracy that will see and listen to many parties from various points of view. Suppose the village head forgets that the effort to make decisions should be community participation. In that case, this has violated human rights that have been previously established, and of course, the village head cannot just do a demonstration without community participation efforts first.

According to Solly Lubis (2009), the regulation is considered perfect if it fulfills the following conditions:

1) This regulation provides justice for those with an interest. For example, workers, farmers, fishermen, street vendors, women, teachers, and lecturers feel that with this regional regulation their interests are protected;

2) These legal regulations provide certainty in the sense that with the enactment of these regulations, the boundaries of the rights (*rechts, rights*) and obligations (*plicht, duties*) of all parties involved in a legal relationship (*rechtsbetrekkingen*), for example, in work relations, marriage, job fairs, and so on; and

3) The regulation provides clear benefits for those who have an interest in the presence of the regulation. Generally, if the previous two conditions have been met, this third condition will also be met.

C. Conclusion

The polemic related to proposed changes to positions that should serve every six to nine years in one period certainly substantively undermines democracy. Given that Indonesia is a democratic country, the discourse on extending the tenure of this village head is very irrational because the longer or longer, the more corrupt the power. In realizing the principles of *good governance*, community involvement is of course an important matter in reviewing legislation. In addition, with the participation of the community in the formation, preparation, and formal testing of a statutory regulation, it will bring about a significant change or *progress*, where the community participates in making or changing regulations by providing their aspirations so that decision-making can take place properly, and approved by the community itself for the realization of welfare legislation.

Reference

Books:


**Article Journal:**


Heryanto, Yanto. “Kepemimpinan Kepala Desa Dalam Menjalakan Fungsi Administratif
Pemerintahan Desa.” *Syntax Literate: Jurnal Ilmiah Indonesia* 6, no. 9 (2021): 4789–4804.


**Internet:**


