

The Urgency of Extending the Term of Office of the Village Head in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 concerning Villages

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Abstract

This study discusses the Urgency of Extending the Term of Office of the Village Head in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages. The purpose of this study is to analyze the legal basis as well as the juridical and sociological implications of the policy of extending the term of office of village heads from six years to eight years. The method used is normative legal research with a legislative and conceptual approach. The results of the study show that juridically, the term of office extension policy is intended to create stability in village government, strengthen the effectiveness of development implementation, and reduce political conflicts and the cost of holding village head elections. However, in terms of democracy and governance, this policy raises new problems such as legal uncertainty, weak supervisory mechanisms, and potential abuse of power. Sociologically, term extensions can strengthen social stability, but they also risk prolonging the dominance of village elites and inhibiting leadership regeneration. Therefore, the urgency of this policy can only be justified if it is followed by strengthening the system of accountability, transparency, and community participation in village government.

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1. INTRODUCTION

Village government is an integral part of the national government system which has an important role in realizing bottom-up development. Villages are not only understood as the smallest administrative unit in the state structure, but also as social entities that have authority, rights of origin, and local wealth that need to be developed for the welfare of their communities. Based on the 1945 Constitution of the Republic of Indonesia Article 18B paragraph (2), the state recognizes and respects local government units that are special or special, including villages as entities that have the right of origin in regulating their households.

In the context of regional autonomy, villages hold a strategic function as the front line of government administration, development implementation, and public services that are in direct contact with the community. Therefore, the regulation of villages in laws and regulations has important value, especially in terms of maintaining government stability, development effectiveness, and increasing community participation in decision-making at the local level. The village head, as the highest leader in the village government structure, becomes a central figure who plays a role in driving development, channeling community

aspirations, and ensuring the implementation of good governance principles at the village level.

However, the dynamics of village government are inseparable from various complex problems, ranging from conflicts after the village head election (Pilkades), weak village financial governance, to leadership changes that are too fast so as to hinder the sustainability of development. Many villages fail to achieve development targets because every change of village head is often followed by a change in vision, programs, and priorities, causing inefficiencies in the use of budgets and human resources. In this context, there is a view that the term of office of the village head is too short can hinder the stability of the government and the effectiveness of development at the village level.

To answer this problem, the government together with the House of Representatives (DPR) passed Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages. One of the important substances in this change is the extension of the term of office of the village head from six (6) years to eight (8) years and can be re-elected for one term. This provision is intended so that village heads have a longer time to complete development programs, reduce the frequency of post-election conflicts, and strengthen the stability of village government.

Nevertheless, the extension of the term of office has sparked debate among academics, legal practitioners, and civil society. Some parties consider that this policy has the potential to threaten democratic principles at the local level, because it extends the term of power of village heads without adequate supervision mechanisms. In addition, the extension of the term of office can cause potential abuse of authority and weaken leadership regeneration in the village. Indonesia Corruption Watch (ICW), for example, highlighted that this policy is not accompanied by a strong accountability mechanism, so it is feared that it will increase the space for corruption and politics of retribution at the village level.

From a juridical perspective, the application of the provision for the extension of the term of office of the village head also raises interpretive problems. Law Number 3 of 2024 does not expressly regulate the transitional provisions for incumbent village heads, so there is confusion as to whether village heads who have served for six years automatically get a two-year extension or not. This creates potential legal uncertainty and can cause socio-political tension in society if it is not immediately clarified through implementing regulations.

In addition, the urgency of extending the term of office must also be seen from the perspective of bureaucratic efficiency and effectiveness. The government reasoned that the extension of the term of office could save the cost of holding the Pilkades which was quite large and often caused horizontal conflicts in the community. However, this view needs to be tested empirically: whether it is true that term extensions can increase the effectiveness of village development, or whether they actually prolong the potential for abuse of power and weaken the supervisory system at the local level.

From a sociological point of view, village communities have distinctive characteristics, where the social relationship between leaders and citizens tends to be paternalistic. In such a situation, the extension of the term of office without strengthening the mechanism of community participation can actually strengthen the dominance of local elites and weaken the critical power of citizens. Therefore, this policy must be balanced with strengthening public accountability, transparency in village financial management, and strict restrictions on dynastic political practices at the local level.

Thus, it can be understood that the urgency of extending the term of office of village heads in Law Number 3 of 2024 is a multidimensional issue, which is not only related to

formal legal aspects, but also concerns political, social, and governance aspects. On the one hand, this policy is intended to maintain the continuity of development and stability of village leadership, but on the other hand it has the potential to pose challenges to the principles of democracy, accountability, and power limitations.

Therefore, it is important to further study the extent to which the extension of the term of office of the village head can be considered an urgent and proportionate step in the context of the implementation of village government, as well as what its juridical and social implications are for the implementation of democratic and just village autonomy.

2. RESEARCH METHODS

This type of research is empirical research, which is research with field data as the main source of data, such as interviews and observations. Empirical research is used to analyze the law which is seen as a patterned community behavior in the lives of people who are always interacting and related in social aspects. Empirical legal research is legal research on the enactment or implementation of normative legal provisions in action on every specific legal event that occurs in society.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Legal Basis and Urgency of Extending the Term of Office of the Village Head in Law Number 3 of 2024

Changes in the provisions regarding the term of office of village heads regulated in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages is one of the significant legal policies in governance in Indonesia. Article 39 of this Law states that the term of office of the village head is extended from the previous six (6) years to eight (8) years and can serve a maximum of two consecutive terms or non-consecutively. This provision emerged as a response to the dynamics of village government which has been facing problems of leadership stability, development effectiveness, and social conflicts due to the frequency of village head elections that are too frequent.

Before the birth of Law Number 3 of 2024, the debate about the ideal term of office of the village head had been going on for quite a long time. Many academics and government practitioners consider that a six-year term is not enough to complete a long-term village development program. Village heads are often faced with limited time to complete their vision and mission, especially in the context of the use of Village Funds which must be regulated and supervised with the principles of accountability and sustainability.

The urgency of this change can be reviewed from several aspects. First, the aspect of the effectiveness of village government. A longer term of office is expected to be able to provide space for village heads to prepare a consistent and sustainable village medium-term development plan (RPJMDes), without being disturbed by too rapid a change of leadership. Thus, development policies and programs can be carried out in a more stable direction.

Second, from the aspect of state and regional budget efficiency. The election of village heads (Pilkades) is a local political activity that requires a lot of money, both in terms of implementation and security. By extending the term of office of village heads, the government considers that it can reduce the frequency of Pilkades so as to be able to reduce administrative costs and reduce the potential for horizontal conflicts in the community that often occur due to local political competition.

Third, the social aspect and stability of the village community. Many cases show that after the election of the village head, there are often prolonged social conflicts between the supporting and opposition camps. The extension of the term of office is expected to minimize the intensity of the conflict because the political process at the village level is not carried out too often. Thus, the community can focus more on productive activities and village economic development.

In terms of constitutional law, the policy of extending the term of office of the village head can also be seen as an effort to strengthen the principle of continuity of government. In public administration theory, the sustainability of local leadership is considered essential to ensure that public programs can achieve maximum results.

However, behind this urgency, there is criticism that this policy tends to have political interests and is not supported by comprehensive empirical studies. Some people consider that the extension of the term of office of the village head can threaten the principles of democracy and accountability of village government. The change in the law is considered hasty because it arose at the political pressure of the Association of Indonesian Village Governments (APDESI), not solely on the basis of objective government needs.

Normatively, Law Number 3 of 2024 is valid and valid, but from the perspective of legislative intent, there has been no strong academic study on why the eight-year figure was chosen as the ideal duration of office. Supposedly, the determination of the term of office needs to consider a thorough evaluation of the performance of the village head, the capacity of the village apparatus, and the level of community participation in local government.

Thus, it can be concluded that the urgency of extending the term of office of the village head is basically driven by the need for government stability, continuity of development, and efficiency in the implementation of elections. However, from a legal and democratic perspective, this policy still requires a strong control mechanism so that it does not contradict the principle of checks and balances and does not cause abuse of power at the village level.

b. Juridical and Sociological Implications of the Extension of the Term of Office of the Village Head on the Implementation of Village Government

The policy of extending the term of office of village heads as stipulated in Law Number 3 of 2024 has a number of implications both from juridical and sociological aspects. From the juridical aspect, the issue arises regarding legal certainty and administrative justice for village heads who are or have been in office before this law was enacted.

Normatively, the new law should provide clarity on the transition mechanism (transitional norms) for the current term of office of the village head. However, the provision has not explicitly explained whether village heads whose term of office will end in 2024 automatically get an additional two years of office, or must go through a new decision from the regent/mayor. This ambiguity has the potential to cause differences in interpretations in each region, so that it can give rise to state administrative disputes and reduce public trust in law enforcement at the local level.

In addition, from the perspective of state administrative law, the extension of the term of office of the village head concerns the principles of *rechtszekerheid* (legal certainty) and *gelijkheid voor de wet* (equality before the law).¹⁴ If the implementation of this regulation varies from region to region, then the principle of legal equality is not

fulfilled, because some village heads may obtain an extension of office while others may not. Therefore, implementing rules are needed in the form of government regulations or regulations of the minister of home affairs that can regulate the mechanism for implementing the extension of office uniformly.

From the legal aspect of governance, the extension of the term of office of the village head can also affect the balance between the village government and the Village Consultative Body (BPD). In the village government structure, BPD has a control function over the performance of the village head, but with a longer term of office, the effectiveness of the BPD's supervisory function has the potential to decrease if it is not accompanied by strengthening the capacity of the institution.

Meanwhile, from a sociological aspect, this policy has a variety of impacts. On the one hand, the village community considers this policy beneficial because it is able to maintain social stability and avoid political conflicts due to the Pilkades that are too frequent. However, on the other hand, the community is also worried that the extension of the term of office could prolong the power of the village elite and give rise to the practice of nepotism, politics of revenge, and reduce citizen participation in village government supervision.

In the social structure of village communities that tend to be paternalistic, the relationship between the village head and the community is often patronage, where the community is subject to the authority of the village head without much social control. This condition can be further strengthened if the term of office of the village head is extended, because the longer a person is in power, the greater the potential for the birth of power domination and the weakening of the local democratic mechanism.

In terms of village development, the extension of the term of office does provide benefits in terms of the continuity of development programs. Village heads have a longer time to implement their vision and mission without being hampered by the election cycle. However, this can only produce a positive impact if accompanied by a strong supervision system, transparency in the use of village funds, and active involvement of the community in the development planning and evaluation process.

This policy also has consequences for the pattern of leadership regeneration at the local level. With longer tenures, opportunities for the younger generation to participate in village politics become increasingly limited. In fact, in the context of local democracy, leadership regeneration is important to maintain healthy political dynamics and encourage public policy innovation at the village level.

Empirically, research results in several areas show that village communities are divided into two main views. Most supported the extension of the term of office on the grounds of stability and continuity of development, but others rejected it because they feared that the village head would become too powerful and difficult to control. Therefore, the government needs to balance the interests of government stability with the principles of accountability and citizen participation.

From the overall analysis, it can be concluded that the extension of the term of office of the village head has two contradictory sides. In terms of positives, this policy can create government stability and the effectiveness of village development. However, on the negative side, this policy has the potential to create legal uncertainty, weaken local democracy, and prolong the dominance of village elites if it is not accompanied by a strong monitoring and community participation mechanism.

Thus, the urgency of extending the term of office of the village head can only be justified if it is accompanied by strengthening the supervision institution, increasing

village financial transparency, and strict restrictions on the abuse of authority. The implementation of this law should be directed not only to extend the power of the village head, but to strengthen the foundation of democratic, effective, and community-friendly village government.

4. CONCLUSION

The extension of the term of office of village heads from six to eight years in Law Number 3 of 2024 aims to increase the effectiveness of government, maintain stability, and ensure the continuity of village development. However, this policy still raises juridical and democratic problems, such as legal uncertainty, weak supervision, and potential abuse of power at the local level. From a social perspective, the extension of office can indeed reduce political conflicts, but it also risks strengthening the dominance of the village elite and hindering leadership regeneration. Therefore, this policy can only be considered effective if it is accompanied by strengthening accountability, transparency, and community participation in village government.

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