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## Legal and Social Impact of Village Head Extension Discourse

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### Abstrak

Desa merupakan unit terkecil dalam sistem pemerintahan Indonesia, dipimpin oleh kepala desa yang terpilih secara demokratis oleh masyarakat desa. Sistem ini telah berjalan sejak zaman kerajaan di Indonesia. Pemerintahan desa berperan vital sebagai ujung tombak pelaksanaan program pemerintah pusat dan daerah, terutama dalam hal kesejahteraan masyarakat, pendidikan, kesehatan, dan perekonomian. Pemerintah dan legislatif telah mengeluarkan Undang-Undang Desa No. 6 Tahun 2014, yang memberikan dana besar untuk pembangunan infrastruktur dan pengembangan sumber daya alam dan manusia di desa. Wacana perpanjangan masa jabatan kepala desa muncul karena alasan masa jabatan yang terlalu pendek untuk melaksanakan program kerja secara maksimal, namun ini mungkin hanya kamufase. Sebenarnya, perpanjangan jabatan kepala desa lebih banyak didorong oleh kepentingan politik dan ekonomi. Hal ini tidak tepat jika pemerintah dan legislatif menyetujui revisi undang-undang desa, karena masalah di desa tidak terletak pada masa jabatan kepala desa, melainkan pada bagaimana kepala desa secara inovatif dan kreatif mengimplementasikan kebijakan pemerintah pusat. Substansi Undang-Undang No. 6 Tahun 2014 tentang Desa adalah bagaimana desa dapat berkembang baik secara sumber daya alam maupun manusia untuk menciptakan lapangan kerja dan peluang kerja, dengan bantuan dana desa yang dikelola pemerintah desa dan Dewan Perwakilan Desa (DPD) sebagai pemangku kebijakan desa.

Kata Kunci: *Demokrasi, Implementasi, Inovatif, Kreatif, Legislatif*

## Abstract

The village is the smallest unit in the Indonesian system of government, headed by a village head who is democratically elected by the village community. This system has been running since the time of the kingdom in Indonesia. Village government is vital in implementing central and local government programs, especially regarding community welfare, education, health, and the economy. The government and legislature have passed Village Law No. 6 of 2014, which provides substantial funds for infrastructure development and the development of natural and human resources in villages. The discourse of extending the term of office of the village head arises because the term of office is too short to implement the work program optimally, but this may only be camouflage. The extension of the village head's post is driven more by political and economic interests. It is not appropriate if the government and legislature approve the revision of the village law because the problem in the village does not lie in the village head's tenure but in how the village head innovatively and creatively implements central government policies. Law No. 6 of 2014 on Villages states how villages can develop natural and human resources to create jobs and job opportunities with the help of village funds managed by the village government and the Village Representative Council (DPD) as village policymakers.

*Keywords: Democracy, Implementation, Innovative, Creative, Legislative*

## INTRODUCTION

We still hear the opposition to the discourse of the 3-term president Jokowi. Many support, and not a few reject, various arguments from economic, social, political, and legal aspects (Abrillioiga et al., 2022; Dyastari, 2022; Wido Haruni, 2022). The debate that emerged in response to the discourse of Jokowi's three presidential terms was so massive that President Jokowi had to clarify. Discourse regarding the extension of the term of office of the Village Head is rolling again. After the pressure in January faded, several Village Heads joined the Village Head Government Association (Gunanto & Sahrul, 2023). All of Indonesia (Apdesi) held again at the DPR Building, Jalan Gatot Subroto, Jakarta.

The demand was raised by revising Law Number 6 of 2014 concerning Villages. Nine factions approved the agenda for the revision of the law, including supporting the extension of the cadet position from 6 years to 9 years in one period (Maolani, 2019; Setiawan & Melinda, 2020). The House of Representatives even made the discourse on the Village Law Revision Bill a priority agenda in the list of open cumulative bills. They said the Village Law amendment bill would be on the agenda of the DPR initiative, which would be passed in a plenary meeting on Tuesday.

In general, the thing that encourages the extension of the Village Head office is the stabilization of development. The six years are insufficient to develop amid the instability of

conservative political residues in each Village Head Election (Gunanto & Sahrul, 2023). The office of president in Indonesia has been determined by our constitution, namely the constitution of the Republic of Indonesia in 1945. Article 6 states that the position of president of the Republic of Indonesia is a maximum of 2 periods, each of which is five years (Hendra et al., 2020).

Not gone away, the discourse is now rolling a new discourse, but this time at the rural grassroots, namely the discourse of adding the term of office of the village head, which was initially held for eight years now to be added to 9 years (Putra et al., 2022). The discourse immediately caused pros and cons among the community, practitioners, and academics. The discourse was rolled out by village heads' associations throughout Indonesia; in other words, this discourse was indeed rolled out massively throughout Indonesia. There are various reasons for the term of office of the village head, plus some argue that this time has not been able to maximize the planned work program (Gunanto & Sahrul, 2023).

Looking at this discourse, it seems inappropriate if the reason for extending the term of office of the village head is only seen from the managerial aspect as well as the political cause and effect aspect of the election of the village head. Laymen still poorly understood his philosophical studies (Aspinall & Rohman, 2017). The problem in the village lies not in the tenure of a village head but in how a village head has an excellent managerial system in government management and how to manage village fund finances. How to distribute village funds obtained should be tightened so they are not misused or deviate from predetermined rules (Anjani et al., 2020). Looking at this background, the author tries to reflect in the form of normative research related to the problem with the title of the urgency of extending the term of office of the village head.

## RESEARCH METHODS

The research that the researchers conducted was qualitative research by taking a normative juridical approach, namely by reviewing regulations related to village government, which were then synchronized with existing facts based on news information, articles, and journals related to the research. The theory used is power theory, which examines how leaders get their power, manage their power, and maintain it to carry out the vision and mission for implementing work programs.

## RESULTS AND DISCUSSION

### Rural Head Department Time Extension Policy

The discourse of extending the term of office of the village head is based on three main reasons: sociological, effectiveness, and development.

#### 1. Sociological Reasons

Sociologically, the election of village heads often brings conflict in the community. This phenomenon almost always occurs in various parts of the world after elections, including at the village level. This conflict involves multiple parties, from high-ranking officials of political parties to people at the lower levels. In the village context, this conflict is unavoidable and requires practical solutions to overcome emerging problems (Falah & Fauzi, 2021).

The election of the village head attracted particular attention from the village people. They see this election as a way to find good leaders. However, the electoral process is often fraught with conflict, especially during the campaign period, leading to division and polarization among the public. The conflict can be physical confrontations arising from differences of opinion or support for different candidates.

The polarization of society before, during, and after village head elections creates conflicts that, if not controlled, can spill over into various aspects of village life. This conflict affects social stability and hinders the village government's development process and performance. When this conflict cannot be controlled by the candidate for village head or village government as the organizer, the impact can be widespread (Alam et al., 2021).

Conflicts that occur after the election of village heads are often a significant challenge in conflict management. Election-driven societies often find reuniting difficult, especially if there are sharp disagreements. This can hinder the elected village head from carrying out his duties, as he has to spend time and resources to ease tensions and rebuild community unity (Falah & Fauzi, 2021).

#### 2. Reasons for Effectiveness

The reason for the effectiveness of extending the term of office of the village head relates to the perception that the duration of six years is too short. In this period, it was considered that village heads did not have sufficient time to resolve social problems arising from polarization during elections and to plan and implement village development effectively (Sahabuddin et al., 2019).

Most of the village head's time, which should be used for development and improving the welfare of rural communities, is instead distracted with dealing with post-election social impacts. This includes addressing polarization and emerging conflicts,

which often take time and resources. Village heads face difficulties in planning and implementing development in their villages, both in terms of physical and human development, due to limited time and interference from social conflicts (Aspinall & Rohman, 2017). This hinders village progress and the implementation of effective development programs. With relatively short tenures, village heads often cannot see the long-term results of the development programs they have initiated. This results in development programs not being fully implemented or not achieving overall development goals.

### 3. Development Reasons

One of the main reasons supporting the extension of the term of office of village heads is the need for social and political stability for effective development. Conflicts within communities, especially after the election of village heads, often hinder development initiatives. Village heads with longer tenures are expected to create more sustainable stability, which is essential for village development.

With a longer tenure, village heads are expected to be able to plan and implement development programs more effectively. Continuity in leadership enables long-term strategic plans and consistent implementation of various development programs, physical infrastructure, and human resource improvement.

Extension of tenure is also considered necessary to manage village funds more efficiently. Village funds, which are an essential part of the budget for development, require excellent and sustainable management. Village heads with sufficient time can better supervise and ensure the use of these funds for projects that provide long-term benefits to the community. With longer tenures, development-related conflicts are expected to be reduced. When village heads have sufficient time to dialogue with communities and build consensus, this can reduce resistance and tension that often arise in development projects (Lewis, 2015).

### Legal Basis for Village Law Revision

The revision of Law Number 6 of 2014 concerning Villages is a complex issue and involves various legal and administrative aspects. Here are some key points that explain the legal basis associated with the revision:

#### 1. Broad Implications on Local Government and Constitutional Systems

The revision of the village law has an impact not only on the village government itself but also on the local government system and the Indonesian constitution as a whole. This is because villages are an integral part of local government areas, and

changes in the laws governing villages will affect the structure and function of government at a broader level (Antlöv et al., 2016).

## 2. Consistency with Local Government Regulations

Law Number 6 of 2014 states villages are part of local government areas. Therefore, revisions relating to the term of office of village heads must be consistent with regulations applicable to local government. This is important to maintain order and harmony in the system of government (Antlöv et al., 2016).

## 3. Post-Village Head Conflict Management Issues

One of the primary considerations in revising this law is managing conflicts that arise after the election of village heads. This issue should be part of the obligations of local governments. Law revisions must consider this aspect and find solutions that focus not only on term changes but also on increasing the provincial government's capacity to manage such conflicts (Fauziyah & Praptianingsih, 2018).

## 4. Philosophical Considerations of Public Office Department Time

In a philosophical context, the duration of the term of office of public officials, including village heads, is not determined randomly but based on careful calculations that consider various aspects of government and the community's needs. Therefore, requests to extend the term of office of village heads must be carefully reviewed, considering the impact on governance and society as a whole (Tamrin et al., 2020).

## CONCLUSION

The policy on extending the term of office of village heads will impact various legal, administrative, and community aspects. The policy affects not only the government as a policymaker but also the community as a subject of law. The village community can feel the direct social impact after the passing of the new law on the extension of village heads. The village head will have more time to plan and implement development in his village, including the welfare of the village community. The government and legislature must be wise in forming laws, considering the direct benefit of the community, not just the interests of officials or specific groups. They must also consider the social aspects of the community so that well-regarded legal products do not cause conflicts and reduce the legitimacy of the village government.

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