



# International Conference on Law and Social Science

Editorial Office: Faculty of Law, Riau Islamic University, Pekanbaru, Indonesia.

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## Critical Study of the Issuance of Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages in Indonesia

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### Abstract :

The village government is at the forefront of efforts to realize the welfare and prosperity of the population. Villages have a legal basis in Law no. 6 of 2014 concerning Villages which was amended in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages. In the amended law there are several things that could erode the rights of village residents and future legal developments, such as the term of office of the village head, the use of village funds, and the election of a single candidate for village head. The formulation of the problem raised is how a critical study of Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages in Indonesia is the answer to village problems. The research method used is normative juridical with a statutory approach and a conceptual approach. The results of this research show that the term of office of village heads was extended from 6 years to 8 years in the latest amended law, which has the potential to create a loophole for conducting corruption, collusion and nepotism. Apart from that, the existence of a village fund entity for villages mentioned in Article 5A paragraph (1) of the amendment law requires that there be opportunities for misuse. Then it concerns the election of a single village head which is entirely carried out by the Village Consultative Body which erodes the essence of democracy and people's sovereignty at the village level. Several things that can be done are changing the concept of electing a single village head by continuing to carry out village head elections to maintain the sovereignty of the people in the village. Apart from that, the use of village funds should also be tightened in terms of their use so that it can be a progress for future village development.

**Keywords :** Village, Critical Studies, Indonesia, Village Government.

[ The word limit for the submission is 6000-10000 words (including footnotes and abstract)]

## I. Introduction

The village government is at the forefront of efforts to realize the welfare and prosperity of the population.<sup>1</sup> Because, villages are basically part of the nation that forms the Unitary State of the Republic of Indonesia.<sup>2</sup> Village residents are very dependent on development programs and activities carried out, but the programs that have been implemented tend to be less than satisfactory.<sup>3</sup> Social inequality and economic inequality still exist in the village.

The regulation of villages at the constitutional level is recognized in Article 18 paragraph (7) of the 1945 Constitution of the Republic of Indonesia which confirms that "The structure and procedures for administering Regional Government are regulated in the Law".<sup>4</sup> This indicates that Article 18 paragraph (7) of the 1945 Constitution provides an opportunity for a different government structure in the Indonesian government system. The context of village level

regulation is also reaffirmed in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that "The State recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary Republic of Indonesia." Indonesia, which is regulated in the Law".<sup>5</sup>

Thus, the role of the village government is needed to realize welfare and prosperity in accordance with the fourth paragraph of the preamble to the 1945 Constitution of the Republic of Indonesia.<sup>6</sup> The sovereignty of the village government has been restored with the enactment of Law Number 6 of 2014 concerning Villages and its amendments in Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages. This law is expected to strengthen village rights and sovereignty and increase stability rather than government at the village level itself.

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<sup>1</sup> Richard Timotius, "Village Revitalization in the Constellation of Decentralization According to Law Number 6 of 2014 concerning Villages," *Journal of Law & Development* 48, no. 2 (2018): 323–44.

<sup>2</sup> Sakinah Nadir, "Regional Autonomy and Village Decentralization: Towards Village Community Empowerment," *Journal of Prophetic Politics* 1, no. 1 (2013).

<sup>3</sup> Utang Rosidin, "Village Community Participation in the Process of Forming Aspirational Village Regulations," *Bina Mulia Hukum Journal* 4, no. 1 (2019): 168–84.

<sup>4</sup> Madaskolay Viktoris Dahoklory, "DESIGN FOR EFFECTIVE VILLAGE HEAD ELECTION DISPUTE RESOLUTION," *Rechts Vinding Journal: National Legal Development Media* 12, no. 1 (2023).

<sup>5</sup> Article 18B paragraph (2) of the 1945 NRI Constitution.

<sup>6</sup> Mustafa Mustafa and Eza Aulia, "Analysis of the Utilization of Bumi Sari Village Funds, Nagan Raya Regency Based on the Welfare State Concept," *MAQASIDI: Journal of Sharia and Law*, 2023, 54–67.

<sup>7</sup>In the third point of the amended village law, it is stated that there is a mismatch between the existing arrangements and the needs that exist in the community, especially those that have been amended in Law no. 6 of 2023 concerning the Determination of Perppu No. 2 of 2022 concerning Job Creation. So it is hoped that some of these changes will become relevant again in this new Village Law.

However, several things have become controversial, especially regarding village funds and the term of office of the village head. Village Funds are prioritized to finance development and community empowerment, which are carried out using an independent management system. <sup>8</sup>This development uses local resources and tries to involve more labor from local village residents. The use of Village Funds is also based on the principle of justice, by prioritizing the rights and interests of all village residents without discrimination, as well as paying attention to priorities that are more urgent, needed and directly related to the interests of the majority of the

population. Apart from that, the use of Village Funds also takes into account the unique geographical, social, cultural, economic and ecological characteristics of the village, as well as changes or progress in the village.<sup>9</sup>

Then regarding the term of office of the previous village head in Law no. 6 of 2014, the term of office of a village head is 6 years and can be re-elected for 2 terms of office. Then in Law no. 3 of 2024 which is the second amendment to Law no. 6 of 2014 changes it to 8 years and can be re-elected for 1 term of office. On the one hand, this makes the position of village head too long and prone to irregularities. <sup>10</sup> Regulations regarding the duration of village head leadership in Law Number 06 of 2014 should be parallel to the provisions in Law Number 32 of 2004. If Law Number 32 of 2004 states that the term of office of regional heads is 5 (five) years, then Law Number 06 of 2014 should stipulate similar provisions for village heads. This shows the difference in logic used. In substance, regional heads and village

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<sup>7</sup> Situ Khoiriyah Ngarsiningtyas and Walid Mustafa Sembiring, "The Role of the Village Consultative Body in Preparing and Determining Village Regulations," *JPPUMA: Journal of Government and Social Politics UMA* 4, no. 2 (2016): 159–72, <https://doi.org/https://doi.org/10.31289/jppuma.v4i2.454>.

<sup>8</sup> Yunita Dewi Rahmawati, Ratna Dewi, and Ainun Mardiah, "Village Fund Management for Community Empowerment in Mulya Subur Village, Pangkalan Lesung District, Pelalawan Regency," *Journal of Management and Public*

*Administration Science (JMIAP)* 3, no. 3 (2021): 189–202.

<sup>9</sup> ROBBY PUTRA INDARSYAH and others, "COORDINATION PATTERNS IN MONITORING THE USE OF VILLAGE FUNDS (Case Study of Pancasila Village, Natar District, South Lampung Regency)," 2023.

<sup>10</sup> Abolfazl Jafari and Hamidreza Azizi, "Factors of Emergence and Consolidation of Authoritarianism in Post-Soviet Central Asia," *Central Eurasian Studies*, 2021, <https://doi.org/10.22059/jcep.2021.303852.449934>.

heads are different so their terms of office cannot be the same. This difference is normal in making legal regulations because laws are the result of political decisions that depend on the philosophy and paradigm behind them.<sup>11</sup>

The various problems regarding the new Village Law make it a double-edged sword. Will this new Village Law be the answer for village officials in building their villages better, or will it actually be a threat to village residents and future legal developments? It can even threaten democracy by inserting several articles that do not reflect the representation of village residents over their own leaders. This is the background to this research. The formulation of the problem at the level of this research is how can a critical study of Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages in Indonesia be the answer to village problems?

## **II. Legal Materials and Methods**

The research method used is normative juridical with a statutory and conceptual approach. The legal sources used in this research are primary legal sources, secondary legal sources and tertiary

legal sources. The primary legal source used is the positive legal rules currently in force and closely related to the issues raised.<sup>12</sup>The primary legal sources used are the 1945 Constitution of the Republic of Indonesia, Law no. 6 of 2014 concerning Villages, and Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages. Then, the secondary legal sources used are books and journals that are relevant to the issues raised in this research.<sup>13</sup>For tertiary legal sources used are encyclopedias and various relevant sources to support primary legal sources. The data analysis technique in this research is descriptive-prescriptive, where this research will analyze problems and provide suggestions for the problems raised. The data collection technique used was library *research*.

## **III. Result and Discussion**

A village is a village and a traditional village referred to as a Village is a legal community unit that has territorial boundaries that has the authority to regulate and manage government affairs, the interests of local communities based on community initiatives, original rights, and/or traditional rights that are recognized and respected in the government system. The Unitary State of

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<sup>11</sup> Peni Jati, "The Function of Philosophy, Religion, Ideology and Law in Political Development in Indonesia," *Juridika* 31, no. 1 (2016).

<sup>12</sup> Peter Mahmud Marzuki, *Legal Research: Revised Edition* (Prenada Media, 2017).

<sup>13</sup> Bahder Johan Nasution, "Legal Research Methods" (Bandung: Mandar Maju, 2008).

the Republic of Indonesia.<sup>14</sup> From this article it follows that the village originates from a legal community unit. In this legal community unity, the village has the authority to act and act legally like the existing regional units. It is desired that villages be regulated in a different law from regional government because they have characteristics and origins that are different from the concept of regional government desired in Law no. 23 of 2014 concerning Regional Government.<sup>15</sup>

The idea of creating a special law regarding Villages has emerged several times. The enactment of Law Number 6 of 2014 is considered to have been triggered by a number of problems, both in terms of previous regulations and the challenges of village empowerment and contemporary developments that must be overcome.<sup>16</sup> This law is considered to have begun to raise the status of village rights and sovereignty which were previously neglected. Villages become independent government units in accordance with their origins and autonomy. Villages are given special laws that are different from village

government laws to respect the village itself.

Several regulations have been changed from Law no. 6 of 2014 concerning Villages with Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages. Some of the changes that have occurred are the term of office of the village head, the amount of village funds, and the election of the village head when there is only one candidate. These three problems have a continuity that affects democracy and the sustainability of the village. Apart from that, these things are also related to the sustainability and stability of the village.

The term of office of the previous village head in Article 39 of Law no. 6 of 2014 concerning Villages is stated to be for 6 (six) years and can serve for 3 (three) consecutive or non-consecutive terms. This is stated in Article 39 paragraphs (1) and (2) of Law No. 6 of 2014 concerning Villages which states that "(1) *The Village Head holds office for 6 (six) years starting from the date of inauguration*. (2) *The Village Head as intended in paragraph (1) can serve a maximum of 3 (three) consecutive*

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<sup>14</sup> Melva Fitri Sialagan, Ismail Ismail, and Zaid Afif, "Legal Analysis of Village Management as a Form of Effective Village Government Implementation Seen from the Village Law," *Pioneer Journal* 6, no. 1 (2020).

<sup>15</sup> Yusdianto Yusdianto, "The Relationship between Central and Regional Authorities According to Law Number 23 of 2014 concerning Regional Government," *PADJADJARAN Journal*

*of Legal Sciences (Journal of Law)* 2, no. 3 (2015): 483–504.

<sup>16</sup> Ni'matul Huda and others, "POST-REFORM REGIONAL AUTONOMY REGULATIONS (STUDY OF LAW NUMBER 22 OF 1999, LAW NUMBER 32 OF 2004, AND LAW NUMBER 23 OF 2014 CONCERNING REGIONAL GOVERNMENT)," 2016.

or non-consecutive terms".<sup>17</sup>The context of the article requires that the village head can lead the village for 18 consecutive years if the village residents wish.

In Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages was amended by the provisions of Article 39 in Article 1 point 9 of the *a quo* Law which states that the Village Head holds office for 8 years from the date of inauguration and can serve 2 consecutive or non-consecutive terms. The provisions of the article read that " *The Village Head holds office for 8 (eight) years starting from the date of inauguration. (2) The Village Head as intended in paragraph (1) can serve a maximum of 2 (two) consecutive or non-consecutive terms of office* ".<sup>18</sup>This article requires that the current position of Village Head can serve for 8 years and can serve 2 times in a row. This can destroy democracy if we look at the length of time we hold a government position.

The idea of limiting power is reflected in Lord Acton's statement which states "

*power tends to corrupt, but absolute power corrupts absolutely* ".<sup>19</sup>Awareness of the potential abuse of unlimited power is the basis of this expression.<sup>20</sup>One way to limit power is to regulate the term of office carried out by individuals or legal entities.<sup>21</sup>This can be done by not allowing a second term of office ( *no re-election* ), not allowing consecutive terms ( *no immediate re-election* ), or limiting it to a maximum of two terms of office ( *only one re-election* ).

Limitations on terms of office were initially intended to prevent the tendency of centralizing power to reoccur due to someone being in charge for too long.<sup>22</sup>It is common for a leader who has been in power for too long to end up feeling like he has been in power for too long, which leads to a feeling of comfort over that power. In this way, these legal entities can easily use power for their personal and group interests and away from the interests of the wider community.

The contextualization of the village is that when the village head is given a

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<sup>17</sup>Article 39 paragraphs (11) and (2) Law no. 6 of 2014 concerning Villages.

<sup>18</sup>Article 1 number 9 Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages.

<sup>19</sup> Mohammad Syaiful Aris et al., "A Chance to Defend Regional Heads in the Procedure of Regional Head Dismissal as a Manifestation of the Proportionality Principle," *Journal of Law and Justice* 12, no. 2 (2023): 241–66.

<sup>20</sup> Aprilia Kusumawardani, Chelsea Azkiya Siadari, and Silvia Triwardhani, "ANALYSIS OF

VIOLATIONS OF THE CODE OF ETHICS AND ABUSE OF POWER IN THE FERDY SAMBO CASE," *Kultura: Journal of Legal, Social and Humanities Sciences* 1, no. 2 (2023): 146–54.

<sup>21</sup> Fajlurrahman Jurdi, *Introduction to General Election Law* (Jakarta: Kencana, 2018).

<sup>22</sup> I Gede Hartadi Kurniawan and Henry Arianto, "Polemic on Term Limits for Public Positions in Indonesia Related to Democracy and Pancasila," *Lex Jurnalica* 17 (2020): 264–70.

longer term of office than usual even though it has been limited to only 2 terms, there is still an extension in the first term of office which can be a legal violation for the village head who is currently in office. Apart from that, the term of office of 8 years is longer than the previous regulations. This opened up wide opportunities for corruption, collusion and nepotism to occur in the village when the term of office was extended to 8 years.

Then regarding the issue of village funds which increased after Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages was promulgated. Village funds in 2024 will amount to IDR 539 trillion, of which these funds must be used for development of the village itself.<sup>23</sup> Village Funds are allocated from the APBN to the Village Government. Even though it is the right of the village government, the distribution of Village Funds involves the roles and functions of the Regency/City Government.<sup>24</sup> The process of distributing Village Funds is

carried out on condition that the principles of transparency, accountability and achievement of the use of village funds are achieved.<sup>25</sup> These requirements must be fulfilled by the village government as the recipient of the Village Fund and by the district/city government. The details are regulated in the latest Minister of Finance Regulation of 2020, namely Number 101/PMK.07/2020 concerning Management of Transfers to Regions and Village Funds. In principle, village funds are stimulant assistance or stimulating funds to encourage financing village government programs which are supported by community activity in carrying out bureaucratic activities and community empowerment based on local wisdom and the origins of the village itself.<sup>26</sup>

Indonesia is rich in a variety of local wisdom throughout its territory, which is part of the nation's cultural heritage. Local wisdom varies in each region, containing different norms and values. This is a wise thought held by society,

<sup>23</sup> Thaus Sugihilmi Arya Putra, "Village Funds for the Acceleration of Village Development," Ministry of Finance of the Republic of Indonesia, 2024, <https://www.djkn.kemenkeu.go.id/article/baca/16878/Dana-Desa-untuk-Percepatan-Pembangunan-Village.html>.

<sup>24</sup> Nyimas Latifah Letty Aziz, "Village Autonomy and the Effectiveness of Village Funds The Village Autonomy and the Effectiveness of Village Funds," *Journal of Political Research* 13, no. 2 (2016): 193–211,

<https://doi.org/https://doi.org/10.14203/jpp.v13i2.575>.

<sup>25</sup> EE Goo and M Sanda, "Analysis of the Implementation of Strategic Plan Governance, Accountability and Transparency of Village Funds on Village Financial Management (Study in Magepanda Village, Magepanda District)," *Unipa Accounting Journal* 1, no. 1 (2022): 19–33.

<sup>26</sup> Titi Darmi, "Optimizing the Role of Women Based on Social Capital in the Village Government Sector (Study on Village Fund Management)," *Journal of Anthropology: Socio-Cultural Issues* 18, no. 1 (2016): 21–27.

based on traditional values, habits and customs. To understand the local wisdom of an area, it is important to understand the local cultural values there, such as through village meetings, mutual cooperation, mutual respect, tepo seliro, and other traditions.

In the context of using Village Funds, community participation in village development must be emphasized, especially in managing Village Funds based on local wisdom.<sup>27</sup> This will give the community the ability to access, voice and control the use of village funds more effectively, efficiently and sustainably. This participatory approach is a step forward in development and empowerment of village communities, where communities can be actively involved in development activities and help the economy and village development.

This increase in village funds also has an impact on villages in nature reserve areas, nature conservation areas, production forests and production gardens. This is mentioned in a new article in Article 5A paragraph (1) of Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages which states that "

*Villages located in natural reserve areas, nature conservation areas, production forests and production plantations are entitled to receive conservation funds and/or rehabilitation funds based on the provisions of statutory regulations"*. It should be remembered again that these funds are separate funds outside of village operational funds and in the allocation from the APBN itself so that it is the duty of the central and regional governments to supervise the use of these funds as best as possible to avoid corruption, collusion and nepotism. at the village level in nature reserve areas, nature conservation areas, production forests and production gardens.

Strict supervision from start to finish is very important in the allocation of village funds to prevent misappropriation of village development funds.<sup>28</sup> Apart from supervision, outreach and provision to village heads as managers of village fund allocations are also needed. Regency or city local governments need to improve the qualifications of village heads.<sup>29</sup> Socialization and provision are needed so that village heads can manage village fund allocations effectively. If the socialization of village fund allocation is

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<sup>27</sup> Rosidin, "Village Community Participation in the Process of Forming Aspirational Village Regulations."

<sup>28</sup> Sherlock Halmes Lekipiouw, Hendrik Salmon, and Natanel Lainsamputty, "Supervision Model and Authority Relations in Efforts to Prevent

Village Fund Corruption Crimes," *Legal Standing: Journal of Legal Studies* 6, no. 1 (2021): 14–28.

<sup>29</sup> Dody Eko Wijayanto, "The Relationship between the Village Head and the Village Consultative Body in Forming Village Regulations," *Independent Journal* 2, no. 1 (2014): 40–50.

not carried out well, it is feared that many village heads will face legal problems.

Apart from that, villages are also required to carry out active supervision, which requires villages to send accountability reports to the district/city government and the Ministry of Villages, Transmigration and Disadvantaged Regions. This supervisory context can work effectively when talking about financial responsibility.<sup>30</sup> Apart from this supervision, the government's internal supervisory apparatus also at least supervises villages to ensure that there is no misuse of the implementation and use of village funds themselves. So the hope is that village funds can be used optimally.

In providing its accountability reports, villages must be honest in accordance with the facts on the ground.<sup>31</sup> Because if the accountability report is not appropriate and there are indications of corruption, collusion and nepotism, then the village fund allocation assistance for the following year will no longer be processed. This is confirmed in Article 52 paragraph (1) of the Republic of Indonesia Minister of Finance Regulation No. 201/PMK.07/2022 concerning Village Fund Management

which states that " *In the event that there are Village problems, in the form of: a. the Village head and/or Village officials misuse Village Funds and are named as suspects; b. Villages experience administrative problems, unclear legal status, and/or the existence status of the Village; or c. abuse of authority by the regent/mayor regarding the inauguration and/or termination of the Village head which is not in accordance with the provisions of statutory regulations, the Minister of Finance cq the Director General of Financial Balance may terminate and/or postpone the distribution of Village Funds for non-BLT Villages for the current fiscal year and/ or next fiscal year*" . In this article it is stated that a village can be terminated by the Minister of Finance cq Director General of Financial Balance if there is misuse of village funds and the village head and/or Village officials are named as suspects, or there is an administrative error by the village, or abuse of authority by the regent/mayor. regarding the inauguration and/or termination of the Village Head which is not in accordance with the provisions of the laws and regulations. So if one of these letters is met, the minister through his subordinates can stop village funds.<sup>32</sup> This should also be implemented in the regulations that apply after Law no. 3 of

<sup>30</sup> Israwaty Akhmad, Ahmad Mustanir, and Muhammad Rohady Ramadhan, "The Influence of the Use of Information Technology and Regional Financial Supervision on the Quality of Enrekang Regency Financial Reports," *Social Politics & Economics* 7, no. 1 (2017): 89–103.

<sup>31</sup> Hasyim Adnan, "Supervision of Village Fund Allocation in Village Government," *Al-Adl: Legal Journal* 8, no. 2 (2016).

<sup>32</sup> Mustafa and Aulia, "Analysis of the Utilization of Bumi Sari Village Funds, Nagan Raya Regency Based on the Concept of a Welfare State ."

2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages. This is natural because when higher laws and regulations override the provisions of old laws and regulations, especially in terms of adding village funds in areas mentioned in Article 5 A paragraph (1) of Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning the Village.

Then in the case of selecting a single candidate village head which is carried out by the Village Consultative Body. This is confirmed in Article 34A paragraph (4) of Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages which states that " *In the event that the registration period for Village Head candidates as referred to in paragraph (3) ends and there is only 1 (one) registered Village Head candidate, the Village Head election committee together with the Village Consultative Body shall determine Candidates for Village Head are registered by deliberation to reach consensus* ". The article explains that if during the extension period there is still no village head who re-registers himself and there

is only 1 candidate, then the Village Consultative Body will immediately determine the registered Village Head candidate by deliberation to reach a consensus.

The context of this arrangement clearly ignores the provisions of democracy explained by Abraham Lincoln, namely that democracy is of the people, by the people and for the people.<sup>33</sup> Apart from that, Indonesia also places people's sovereignty as the highest sovereignty in the Republic of Indonesia as explained in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that " *Sovereignty is in the hands of the people and is implemented according to the constitution* ." The realization of this concept is carried out through general elections and elections that involve the people, especially in this case the people in the village.<sup>34</sup> General elections are a real form of procedural democracy.<sup>35</sup> Although democracy is not only about general elections, general elections are an important aspect of democracy that must be carried out democratically.<sup>36</sup> Therefore, in countries that claim to be democracies, general

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<sup>33</sup> Mario Agritama SW Madjid, "Legal Politics of Limiting Presidential Prerogative Rights in the Formation of Ministries Based on the Law on State Ministries," *Constitution Journal* 1, no. 2 (2022): 169–88, <https://doi.org/10.35719/constitution.v1i2.31>.

<sup>34</sup> Sukimin Sukimin and Subaidah Ratna Juita, "ACTUALIZATION OF THE GENERAL ELECTION SUPERVISORY BODY IN PREVENTING ELECTION VIOLATIONS IN

INDONESIA," *JPeHI (Indonesian Legal Research Journal)* 4, no. 1 (2023): 82–91.

<sup>35</sup> Ahmad Zaini, "Democracy: Government by the People and the Majority," *Al-Ahkam*, 2018, <https://doi.org/10.37035/ajh.v14i2.1485>.

<sup>36</sup> Aisyah Dara Pamungkas and Ridwan Arifin, "Democracy and the Black Campaign in the Implementation of General Elections in Indonesia (Analysis of the Black Campaign and Negative Campaign)," *DIKTUM: Journal of Sharia*

elections have become a tradition to elect public officials at both the legislative and executive levels, both at the central and regional levels.<sup>37</sup> Apart from that, Veri Junaidi explained that elections are interpreted as a procedure to achieve democracy or transfer popular sovereignty to certain candidates to occupy political office.<sup>38</sup> In this way, holding general elections in a country is the distribution of citizens' political rights which are basic human rights in life, maximizing people's sovereignty, and a means of making a successful transition of government based on the law itself.

There are restrictions on the Village Consultative Body in selecting a single candidate after actually going through several processes which involve an extension of the registration of village head candidates. Before holding village head elections, candidates are limited to a minimum of 2 people. When there is only one person, the village head election committee extends the registration period for Village Head candidates for 15 days as explained in Article 34A paragraph (2) of Law no. 3 of 2024 concerning the Second Amendment to

Law no. 6 of 2014 concerning Villages which states that " *In the event that the number of Village Head candidates as intended in paragraph (1) is not met and there is only 1 (one) registered Village Head candidate, the Village Head election committee extends the registration period for Village Head candidates for 15 (five) twelve days*".<sup>39</sup> Then, when the 15 day extension period ends and only 1 candidate has registered, the village head election committee extends the registration for 10 days as explained in Article 34A paragraph (3) of Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages which states that " *In the event that there are no more registered Village Head candidates after the extension of the registration period as referred to in paragraph (2) ends, the Village Head election committee will again extend the registration period for another 10 (ten) days*".

<sup>40</sup> Furthermore, when it is still only If only 1 candidate registers, the Village Consultative Body mechanism will apply. On the one hand, this will save more costs than holding village head elections against empty boxes. Even though in terms of democracy, this is

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*and Law* 17, no. 1 (2019): 16–30, <https://doi.org/https://doi.org/10.35905/diktum.v17i1.641>.

<sup>37</sup> Donna O Setiabudhi, "Regional Head Elections in Review of Democracy and Sovereignty," *Lex Administratum* 3, no. 1 (2015).

<sup>38</sup> Asep Mahbub Junaedi and Siti Ngainnur Rohmah, "The Relevance of the Right to Freedom of Expression in Article 28E Paragraph 3 of the

1945 Constitution of the Republic of Indonesia to the Study of Siyasah Fiqh," *Mizan: Journal of Islamic Law* 4, no. 2 (2020): 225–48.

<sup>39</sup> Article 34A paragraph (2) Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages.

<sup>40</sup> Article 34A paragraph (3) Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages

better because it reflects the original voice of the people directly rather than using representative democracy which gives authority to the Village Consultative Body which is vulnerable to the stake of interests there, so there is

#### **IV. Conclusion and Suggestion**

The conclusion that can be drawn from the discussion of this research is that the village is a legal community unit that has its own authority in managing its government affairs. Making special laws for villages, which is embodied in Law no. 6 of 2014, aims to improve the status and sovereignty of villages and pay attention to their uniqueness and origins. However, changes to the law, especially regarding the term of office of village heads, caused controversy. Limiting the term of office of a village head to two terms is actually intended to prevent excessive leadership which has the potential to lead to abuse of power. However, extending the term of office to eight years, even though it is limited to two terms, raises concerns about potential corruption. In addition, the election of a village head with a single candidate raises questions about the essence of democracy, especially when the Village Consultative Body has absolute authority in appointing the village head without an actual election. This shows the need to revise the concept of village head elections so that it remains in accordance with democratic

a need to reconstruct the concept of selecting a single candidate village head as adopted in Law No. 3 of 2024 concerning the Second Amendment to Law No. 6 2014 regarding the Village itself.

principles and respects the sovereignty of the people. In addition, supervision of village funds in terms of transparency, accountability and appropriate use of funds needs to be improved to prevent misuse. Moreover, increasing village funds, especially for villages in natural areas, require stricter supervision so that these funds can truly be used for development and community empowerment in accordance with local wisdom principles and the needs of the village itself.

The advice that can be given is that there is a need to affirm the essence of democracy in the election of a single candidate in the realm of village head elections by emphasizing that direct village head elections will still be carried out. This indirectly shows the will of the people and maximizes people's sovereignty. Apart from that, supervision over village funding must be maximized after the promulgation of Law no. 3 of 2024 concerning the Second Amendment to Law no. 6 of 2014 concerning Villages which adds additional funds for villages as mentioned in Article 5A of the Law. This will maximize the village's potential

while also minimizing fraud committed by village officials in the future.

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