

Village Head Term Extension In Indonesia: A Fiqh Siyāsah Dustūriyyah Perspective

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Abstract

The amendment to Article 39 paragraph (1) of Law Number 3 of 2024, which extends the term of office of village heads from six to eight years, raises questions about development continuity, limitations on power, and the welfare of village communities. This study aims to analyze the legal construction of the extension and assess its conformity with fiqh siyāsah dustūriyyah. This prescriptive-analytical normative legal research applies statutory, conceptual, and case approaches. Primary legal materials consist of Law Number 6 of 2014 as amended by Law Number 3 of 2024, Government Regulation Number 16 of 2026, and Constitutional Court Decisions Number 42/PUU-XIX/2021 and Number 92/PUU-XXII/2024; secondary legal materials consist of books and journal articles on village governance, democracy, accountability, and fiqh siyāsah. Legal materials were collected through document study and source tracing based on relevance, authority, recency, and traceability. They were analyzed through grammatical, systematic, and teleological interpretation, then tested against the principles of amānah, justice, shūrā, maṣlahah, accountability, and prevention of mafsadah. The study finds that the shift from six years for a maximum of three terms to eight years for a maximum of two terms reduces maximum cumulative tenure from eighteen to sixteen years but lengthens the interval of electoral accountability. The policy is therefore a conditional maṣlahah: its substantive legitimacy depends on effective BPD oversight, periodic performance evaluation, budget transparency, community participation, complaint mechanisms, and enforceable sanctions. These findings formulate a conditional maṣlahah test for distinguishing beneficial political stability from a concentration of village power.

Keywords: Fiqh Siyāsah Dustūriyyah, Village Head, Limitations On Power

Abstrak

Perubahan Pasal 39 ayat (1) Undang-Undang Nomor 3 Tahun 2024 yang memperpanjang masa jabatan kepala desa dari enam menjadi delapan tahun menimbulkan persoalan mengenai kesinambungan pembangunan, pembatasan kekuasaan, dan kemaslahatan masyarakat desa. Penelitian ini bertujuan

menganalisis konstruksi hukum perpanjangan masa jabatan dan menilai kesesuaiannya dengan fikih siyāsah dustūriyyah. Penelitian hukum normatif yang bersifat preskriptif-analitis ini menggunakan pendekatan perundang-undangan, konseptual, dan kasus. Bahan hukum primer terdiri atas Undang-Undang Nomor 6 Tahun 2014 sebagaimana diubah dengan Undang-Undang Nomor 3 Tahun 2024, Peraturan Pemerintah Nomor 16 Tahun 2026, serta Putusan Mahkamah Konstitusi Nomor 42/PUU-XIX/2021 dan Nomor 92/PUU-XXII/2024; bahan hukum sekunder berupa buku dan artikel jurnal tentang pemerintahan desa, demokrasi, akuntabilitas, dan fikih siyāsah. Bahan hukum dikumpulkan melalui studi dokumen dan penelusuran sumber berdasarkan relevansi, otoritas, kemutakhiran, dan keterlacakan. Analisis dilakukan melalui penafsiran gramatikal, sistematis, dan teleologis, kemudian diuji dengan prinsip amanah, keadilan, syūrā, maṣlaḥah, akuntabilitas, dan pencegahan mafsadah. Hasil penelitian menunjukkan bahwa perubahan dari enam tahun untuk paling banyak tiga periode menjadi delapan tahun untuk paling banyak dua periode menurunkan akumulasi maksimum jabatan dari delapan belas menjadi enam belas tahun, tetapi memperpanjang jarak pertanggungjawaban elektoral. Kebijakan tersebut merupakan maṣlaḥah bersyarat: legitimasi substantifnya bergantung pada pengawasan BPD yang efektif, evaluasi kinerja berkala, transparansi anggaran, partisipasi masyarakat, mekanisme pengaduan, dan penegakan sanksi. Temuan ini merumuskan uji maṣlaḥah bersyarat untuk membedakan stabilitas politik yang bermanfaat dari konsentrasi kekuasaan desa.

Kata Kunci: Fikih Siyāsah Dustūriyyah, Kepala Desa, Pembatasan Kekuasaan

A. Introduction

Villages are legal community units with recognized authority to regulate local interests, while the village head leads administration, development, empowerment, and management of village resources. Under Law Number 6 of 2014, recognition and subsidiarity connect village autonomy with decentralization. Accordingly, the term of office is not merely a personnel rule but a design choice that shapes authority, participation, and accountability at the level closest to citizens.¹

Before the 2024 amendment, Article 39 of Law Number 6 of 2014 set a six-year term for a maximum of three terms, or eighteen years cumulatively.² Law Number 3 of 2024 changed the scheme to eight years per term³ and a maximum of two terms, while Government Regulation Number 16 of 2026 provides the

¹ Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages (2024).

² Republic of Indonesia, "Law Number 6 of 2014 Concerning Villages," State Gazette of the Republic of Indonesia Year 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495

³ Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages.

implementing framework.⁴ Thus, the amendment lengthens each electoral cycle but lowers the maximum number of periods.

Supporters of the amendment argue that an eight-year term can reduce post-election polarization, consolidate administration, complete medium-term programs, and lower election frequency and costs.⁵ Empirical work also suggests that leadership continuity may support development when accompanied by participation and strong oversight.⁶ These considerations justify stability as a policy objective, but do not prove that a longer term itself improves development.

Critics emphasize that a longer single term delays electoral evaluation and may strengthen elite domination, patronage, dynasties, and barriers to leadership circulation when checks are weak.⁷ Research on local democracy similarly warns that tenure extension without safeguards can weaken democratic control,⁸ while studies of clientelism show how village heads may use assistance and political networks to preserve loyalty.⁹

Accountability is therefore central. Studies identify internal control, competence, and moral sensitivity as important safeguards against village-fund fraud.¹⁰ Accountability and transparency also affect public trust, although formal reporting is inadequate when information is inaccessible or community control is weak.¹¹ Evidence from village governments confirms the importance of

⁴ Government Regulation Number 16 of 2026 concerning the Implementing Regulation of Law Number 6 of 2014 concerning Villages (2026).

⁵ Achmad Rajab, "Perubahan Masa Jabatan Kepala Desa 6 Tahun Menjadi 9 Tahun: Dampaknya terhadap Keuangan Negara dan Pengelolaan Dana Desa," *Jurnal Budget: Isu dan Masalah Keuangan Negara* 8, no. 2 (2023). hlm. 72.

⁶ Syahna Rahmawati Dewi, "Implikasi Perpanjangan Jabatan Kepala Desa terhadap Keberlangsungan Pemerintahan dalam Pembangunan Desa di Kabupaten Purwakarta Perspektif Masalah Mursalah," *Al-Afkar: Journal for Islamic Studies* 8, no. 3 (2025), hlm. 31. <https://doi.org/10.31943/afkarjournal.v8i3.2576>.

⁷ Hario Danang Pambudhi, "Tinjauan Diskursus Perpanjangan Masa Jabatan Kepala Desa Berdasarkan Ajaran Konstitusionalisme," *Wijaya Putra Law Review* 2, no. 1 (2023), hlm. 91. <https://doi.org/10.38156/wplr.v2i1.82>.

⁸ Mayla Fadhila, "Polemik Perpanjangan Masa Jabatan Kepala Desa dan Implikasinya terhadap Demokrasi Lokal," *Innovative: Journal of Social Science Research* 4, no. 3 (2024). hlm. 123.

⁹ Leo Agustino, "How Powerful Are Village Heads? Clientelism in the Reform Era of Indonesia's Democracy," *Frontiers in Political Science* 8 (2026), hlm. 51. <https://doi.org/10.3389/fpos.2026.1747452>.

¹⁰ Sugeng Wahyudi, "Prevention Village Fund Fraud in Indonesia: Moral Sensitivity as a Moderating Variable," *Economies* 10, no. 1 (2022), hlm. 90. <https://doi.org/10.3390/economies10010026>.

¹¹ Suryo Pratolo, "The Roles of Accountability and Transparency on Public Trust in the Village Governments," *Cogent Business & Management* 9, no. 1 (2022), hlm. 141. <https://doi.org/10.1080/23311975.2022.2110648>.

transparent reporting¹² and of combining internal control, participation, accountability, and transparency to prevent corruption.¹³

Fiqh siyāsah dustūriyyah is relevant because it evaluates public authority through substantive constitutional ethics rather than a fixed numerical tenure. Amānah treats power as a trust; ‘adl demands fairness and limitation of power; shūrā requires meaningful consultation; maṣlaḥah requires public benefit; and prevention of mafsadah requires barriers against abuse.¹⁴ The key issue is therefore not simply how long a leader serves, but whether authority remains just, accountable, and beneficial.

Existing studies fall into four tendencies: constitutionalism and limitation of village-head power;¹⁵ development effectiveness, election costs, and accountability;¹⁶ periodization through fiqh siyāsah, especially under Law Number 6 of 2014 or Constitutional Court Decision Number 42/PUU-XIX/2021;¹⁷ and recent analyses of the eight-year rule through good-governance or maṣlaḥah perspectives.¹⁸ None sufficiently formulates operational criteria for determining when stability becomes concentration of power.

This article fills that gap by integrating Article 39 of Law Number 3 of 2024, Constitutional Court Decision Number 92/PUU-XXII/2024, Government Regulation Number 16 of 2026, and fiqh siyāsah dustūriyyah. It asks how the eight-year term is legally constructed, what it means for local democracy and governance, and under what conditions it is normatively justified. Its contribution is a conditional maṣlaḥah test based on legal certainty, justice, circulation of power, shūrā, amānah, accountability, public benefit, and prevention of abuse.

¹² Hafiez Sofyani dkk., “Do Accountability and Transparency Promote Community Trust? Evidence from Village Government in Indonesia,” *Journal of Accounting & Organizational Change* 18, no. 3 (2022): hlm. 397, <https://doi.org/https://doi.org/10.1108/JAOC-06-2020-0070>.

¹³ Caesar Marga Putri dkk., “Creating Good Village Governance: An Effort to Prevent Village Corruption in Indonesia,” *Journal of Financial Crime* 31, no. 2 (2024): hlm. 455, <https://doi.org/https://doi.org/10.1108/JFC-11-2022-0266>.

¹⁴ Imam Al Mawardi, *Al-Ahkam As-Sulthaniyyah: Hukum-Hukum Penyelenggaraan Negara dalam Syariat Islam* (Darul Falah, 2007). hlm. 230.

¹⁵ Muhamad Andre Nurdiansah, “Relevansi Kebijakan Masa Jabatan Kepala Desa dalam Undang-Undang Nomor 06 Tahun 2014,” *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* 4, no. 1 (2023), hlm. 244. <https://doi.org/10.36722/jaiss.v4i1.1809>.

¹⁶ Naufal Fikri Taorik, “Perpanjangan Masa Jabatan Kepala Desa dalam Perspektif Demokrasi dan Akuntabilitas Pemerintahan Desa,” *Qanuniya: Jurnal Ilmu Hukum* 1, no. 2 (2024), hlm. 346. <https://doi.org/10.15575/qanuniya.v1i2.959>.

¹⁷ Ahmad Syaiful Ma’arif, “Fenomena Perodesasi Masa Jabatan Kepala Desa Perspektif Fiqh Siyasah,” *JOSh: Journal of Sharia* 3, no. 1 (2024), hlm. 90. <https://doi.org/10.55352/josh.v3i01.701>.

¹⁸ Fachrul Rizal Azhary, “Tinjauan Yuridis tentang Masa Jabatan Kepala Desa,” *Jurnal Dialogica* 1, no. 2 (2026). hlm. 78.

B. Research Methods

This study employs normative legal research with a prescriptive-analytical nature, using three complementary approaches: the statutory approach to identify the structure and hierarchy of legal rules governing village-head tenure; the conceptual approach to formulate the meanings of limitation of power, accountability, village autonomy, and the principles of *fiqh siyāsah dustūriyyah*; and the case approach to examine the constitutional reasoning in Constitutional Court Decisions Number 42/PUU-XIX/2021 and Number 92/PUU-XXII/2024. The data sources consist of primary and secondary legal materials, with primary materials comprising Law Number 6 of 2014, Law Number 3 of 2024, Government Regulation Number 16 of 2026, and the two Constitutional Court decisions, while secondary materials include classical works on *siyāsah* and peer-reviewed journal articles concerning village-head tenure, local democracy, accountability, clientelism, village-fund governance, and oversight. Legal materials were collected through document study and systematic source tracing, selected based on their relevance to the research questions, legal or scholarly authority, appropriate recency, and source traceability; accordingly, no informants were involved because the unit of analysis consists of legal norms and doctrinal arguments. Data analysis was conducted qualitatively through grammatical interpretation to determine the textual meaning of Article 39, systematic interpretation to examine its relationship with term limits, transitional provisions, decentralization, and village autonomy, and teleological interpretation to identify the policy objectives of continuity and democratic control. The findings were subsequently analyzed deductively by comparing the legal policy with the principles of *amānah*, *‘adl*, *shūrā*, *maṣlaḥah*, accountability, and *sadd al-ẓarī‘ah*, thereby producing prescriptive conclusions concerning legal safeguards rather than merely describing the amendment.

C. Discussion and Research Results

The Legal and Political Context of Village Head Term Extension in Indonesia

The village head is the central executive actor in village government. Law Number 6 of 2014 recognizes village authority based on origin rights and local-scale interests, while the village head coordinates administration, development, assets, finances, services, and relations with the BPD.¹⁹ Tenure must therefore be read together with decentralization and village autonomy, which grant local

¹⁹ Republic of Indonesia, “Law Number 6 of 2014 Concerning Villages,” State Gazette of the Republic of Indonesia Year 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495.

decision-making space but require accountability to the community and compliance with national law.²⁰

Before the second amendment, Article 39 prescribed six years per term and a maximum of three terms, combining relatively frequent electoral review with a cumulative ceiling of eighteen years.²¹ Constitutional Court Decision Number 42/PUU-XIX/2021 clarified term calculations across statutory regimes and reinforced periodization as an instrument of leadership regeneration and prevention of indefinite accumulation of power.²² Law Number 3 of 2024 changed both variables: Article 39 paragraph (1) provides an eight-year term, while paragraph (2) permits at most two terms.²³ Maximum cumulative tenure therefore falls from eighteen to sixteen years, but direct electoral accountability occurs less frequently.²⁴ The reform strengthens the cumulative ceiling while lengthening the interval before voters can renew or withdraw their mandate.

The main policy rationale is continuity: reducing post-election disruption and providing a longer horizon for development, with lower election frequency and costs.²⁵ These are legitimate but instrumental considerations. Evidence indicates that continuity yields benefits only when leadership quality, participation, planning capacity, and oversight are strong.²⁶ Duration therefore cannot be equated with performance.

Transitional rules confirm that stability remains subject to constitutional limits. Article 118 letter e extended the tenure of village heads still in office when Law Number 3 of 2024 was promulgated, but Constitutional Court Decision Number 92/PUU-XXII/2024 prevented that extension from nullifying elections already held under the previous law.²⁷ Government Regulation Number 16 of

²⁰ Nur Aini dkk., "Strategy for Socialization of the General Election Commission of Pesawaran District To Reduce the Abstentions in the 2020 Elections in Perspective of Fiqh Siyasah," *Pranata Hukum* 18, no. 1 (2023): hlm. 89.

²¹ Republic of Indonesia, "Law Number 6 of 2014 Concerning Villages," State Gazette of the Republic of Indonesia Year 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495.

²² Constitutional Court of the Republic of Indonesia, Decision Number 42/PUU-XIX/2021, decided on 30 September 2021.

²³ Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages.

²⁴ Rita Zaharah Refita Aprelia, Agustina Nurhayati, Rudi Santoso, "Implementation of Religious Services Policy for the Elderly in South Sumatera: Analysis of Fiqh Siyāsah Tanfidziyah," *As-Siyasi: Journal of Constitutional Law* 3, no. 2 (2023): hlm. 239, <https://doi.org/http://dx.doi.org/10.24042/as-siyasi.v3i2.21222> Implementation.

²⁵ Rajab, "Perubahan Masa Jabatan Kepala Desa 6 Tahun Menjadi 9 Tahun: Dampaknya terhadap Keuangan Negara dan Pengelolaan Dana Desa."

²⁶ Stani Fajriansyah dkk., "MAQASID : Jurnal Studi Hukum Islam," *Maqasid: Jurnal Studi Hukum Islam* 15, no. 2 (2026): hlm. 44.

²⁷ Constitutional Court of the Republic of Indonesia, Decision Number 92/PUU-XXII/2024, decided on 3 January 2025.

2026 must be implemented consistently with this protection of legal certainty and electoral mandates.²⁸

The eight-year term is thus a legislative policy choice, not an unrestricted privilege. Village autonomy expands local self-government, but electoral legitimacy, institutional supervision, legal certainty, and public participation remain binding limits. The decisive question is therefore not merely whether sixteen years is shorter than eighteen, but how power is controlled within each eight-year term.²⁹

Implications of Village Head Term Extension for Local Democracy and Governance

The reform creates a democratic trade-off. Reducing the maximum number of terms from three to two constrains repeated accumulation of office, while extending each term from six to eight years reduces the frequency of electoral evaluation. Term limits therefore serve two distinct functions—limiting cumulative tenure and periodizing accountability—and the amendment improves the first while weakening the second.³⁰ A longer term may support administrative continuity and implementation of village development plans, but continuity is only an enabling condition.³¹ Research on fiscal and developmental effects shows that competence, participation, integrity, and oversight remain decisive.³² The additional two years are beneficial only if converted into measurable improvements in services, development outcomes, and institutional learning.

The main democratic risk is that a longer interval gives incumbents more time to consolidate informal networks around public resources. Village heads can function as electoral brokers and use access to assistance to cultivate loyalty.³³ When electoral correction is less frequent, weak day-to-day oversight becomes more costly because incompetence, exclusion, or misuse of authority may persist longer.

²⁸ Government Regulation Number 16 of 2026 concerning the Implementing Regulation of Law Number 6 of 2014 concerning Villages.

²⁹ Azhary, "Tinjauan Yuridis tentang Masa Jabatan Kepala Desa."

³⁰ Constitutional Court of the Republic of Indonesia, Decision Number 42/PUU-XIX/2021, decided on 30 September 2021.

³¹ M. Dani Fariz Amrullah D dkk., "Analisis sifat melawan hukum formil terhadap pelaku tindak pidana korupsi berdasarkan pasal 2 dan pasal 3 undang-undang nomor 20 tahun 2001," *Ta'zir: Jurnal Hukum Pidana* 8, no. 1 (2024): hlm. 68, <https://doi.org/https://doi.org/10.19109/tazir.v8i1.22909>.

³² Anthin Lathifah dkk., *Wahbah al-Zuhaili's Epistemology of the Religious Freedom Concept: Between Maqâshid Hifzh al-Dîn and Human Rights*, dalam *Al-'Adalah*, vol. 22, no. 2 (2025), hlm. 69. <https://doi.org/10.24042/adalah.v22.2.6838>.

³³ Mohammad Yasir Fauzi dkk., "Implementation Of The Istihsan Method In Islamic Economic Law," *Asas* 15, no. 01 (2023): hlm. 26, <https://doi.org/10.24042/asas.v15i01.15072>.

Institutional accountability is the necessary counterweight. Although the BPD channels aspirations and supervises village-head performance, studies identify weaknesses in regulatory understanding, access to information, citizen engagement, and the balance of power with the executive. Accountability may also become more upward to supra-village authorities than downward to citizens.³⁴ If these weaknesses persist, the eight-year term risks creating an accountability deficit.

Village financial governance reinforces this concern. Transparency and accountability are associated with community trust, while village-fund reporting still reveals risks requiring stronger safeguards.³⁵ Formal disclosure alone is insufficient when information is inaccessible or service quality is poor.³⁶ Internal control, participation, accountability, and transparency must therefore operate together,³⁷ so less frequent elections are compensated by stronger intra-term accountability.

The Principles of Fiqh Siyāsah Dustūriyyah in Village Governance

Fiqh siyāsah dustūriyyah concerns the normative organization of public authority and the protection of public rights and obligations. Classical thought does not prescribe a single fixed term of office; Al-Māwardī emphasizes collective order, while Ibn Taymiyyah treats authority as an instrument of justice and welfare.³⁸ Tenure is therefore a matter of siyāsah, but remains subject to substantive ethical limits.³⁹

Amānah and *‘adl* require public office to be treated as a trust and exercised fairly. Village heads must use authority for its lawful purposes and avoid discrimination among residents, competitors, or groups with unequal access to resources. Qur’anic principles of trust, justice, responsible obedience, and norm-

³⁴ Irmansyah, “The Application of Stakeholder Theory in a Small Public Sector Accountability Unit: An Indonesian Village Government Case,” *Business and Economic Research* 14, no. 1 (2024), hlm. 321. <https://doi.org/10.5296/ber.v14i1.21363>.

³⁵ Sofyani dkk., “Do Accountability and Transparency Promote Community Trust? Evidence from Village Government in Indonesia.”

³⁶ Putri dkk., “Creating Good Village Governance: An Effort to Prevent Village Corruption in Indonesia.”

³⁷ Rudi Santoso dkk., “Optimalisasi Tugas dan Fungsi DPRD dalam Mewujudkan Pemerintahan Bersih,” *As-Siyasi: Journal of Constitutional Law* 1, no. 1 (2021): hlm. 100, <https://doi.org/10.24042/as-siyasi.v1i1.8960>.

³⁸ Mawardi, *Al-Ahkam As-Sulthaniyyah: Hukum-Hukum Penyelenggaraan Negara dalam Syariat Islam*, hlm. 14.

³⁹ Mustafid, “Etika Pemerintahan Berbasis Fiqih Siyasah Di Era Digital,” *El-Sirry: Jurnal Hukum Islam dan Sosial* 2, no. 1 (2024): hlm. 63., <https://doi.org/https://doi.org/10.24952/ejhis.v2i1.11025>.

based dispute resolution support the view that a longer mandate is legitimate only when responsibility and impartiality increase with the duration of power.⁴⁰

Shūrā is not exhausted by voting at the start of a term. It requires continuing opportunities for residents to influence planning, budgets, regulations, and evaluation. Deliberation can embody substantive participation but may become formalistic when citizens lack information or influence.⁴¹ An eight-year mandate therefore requires stronger continuing consultation because electoral consultation is less frequent.

Maṣlaḥah links governmental action to public interest through the maxim *taṣarruf al-imām ‘alā al-ra’iyyah manūṭun bi al-maṣlaḥah*.⁴² Stability, lower election costs, and program continuity may constitute *maṣlaḥah* when they improve collective welfare, but become pseudo-*maṣlaḥah* when they protect incumbency, reduce participation, or facilitate misuse of resources. Contemporary studies consequently accept flexibility in periodization while insisting on effective regulation and oversight.⁴³

Prevention of *mafsadah* and *sadd al-ẓarī‘ah* require closing foreseeable pathways to harm. Prolonged control over assistance and political networks can be converted into clientelistic influence when safeguards are weak.⁴⁴ Village-fund research likewise shows that weak internal controls create opportunities for abuse.⁴⁵ Transparency, independent oversight, complaint protection, audits, conflict-of-interest controls, and sanctions are therefore integral to extended tenure.

Village Head Term Extension: A Fiqh Siyāsah Dustūriyyah Analysis

Maṣlaḥah (public interest), An eight-year term may improve planning continuity and reduce electoral disruption, but these benefits are not automatic. Evidence on development and village-fund governance shows that outcomes depend on leadership capacity, participation, and oversight.⁴⁶ The extension satisfies *maṣlaḥah* only when the additional time produces measurable collective benefit rather than merely prolonging incumbency.

⁴⁰ Ruhdiara, "Principles of State Organization in Surah An-Nisa' (4): 58–59," *Dusturiyah* 13, no. 1 (2023), <https://doi.org/10.22373/dusturiyah.v13i1.13280>.

⁴¹ Tiyan Rahmanul Hakim, "Indigenous Democracy in the Policy-making Process," *Jurnal Ilmu Pemerintahan* 8, no. 1 (2023), hlm. 63. <https://doi.org/10.24905/jip.8.1.2023.50-63>.

⁴² H. A. Djazuli, *Kaidah-Kaidah Fikih: Kaidah-Kaidah Hukum Islam dalam Menyelesaikan Masalah-Masalah yang Praktis* (Kencana, 2019), hlm. 58.

⁴³ Mei Fiani Ritonga, "Pembatasan Masa Jabatan Kepala Desa Berdasarkan Putusan MK RI No. 42/PUU-XIX/2021 Perspektif Fiqih Siyasah," *Al-Mawarid: Jurnal Syariah dan Hukum* 6, no. 2 (2024), hlm. 63. <https://doi.org/10.20885/mawarid.vol6.iss2.art3>.

⁴⁴ Fauzi dkk., "Implementation Of The Istihsan Method In Islamic Economic Law."

⁴⁵ Wahyudi, "Prevention Village Fund Fraud in Indonesia: Moral Sensitivity as a Moderating Variable."

⁴⁶ Dewi, Rizal, and Amin, "Implikasi Perpanjangan Jabatan Kepala Desa," hlm. 519.

Justice (*'adl*), Reducing three terms to two supports circulation of power, but an eight-year interval delays opportunities for challengers to compete and voters to withdraw support. Constitutional Court Decisions Number 42/PUU-XIX/2021 and Number 92/PUU-XXII/2024 show that periodization and existing electoral mandates cannot be subordinated to incumbent stability.⁴⁷ Justice therefore requires clear transitional rules, equal political access, and effective correction mechanisms during the term.

Shūrā (consultation), Formal enactment of the amendment does not by itself prove substantive consultation with village residents nationwide. The stronger normative requirement lies in implementation: village deliberations must provide understandable information, meaningful opportunities to speak, access to planning and budget documents, and traceable responses to objections and proposals.⁴⁸

Amānah (trust and responsibility), A longer term increases the period in which the village head controls public resources. The additional two years are not an entitlement detached from performance; they require stronger integrity, conflict-of-interest disclosure, service responsibility, and financial stewardship. Research on fraud prevention confirms the importance of internal control, competence, and moral sensitivity.⁴⁹

Accountability, The extension is defensible only if oversight works before the eight-year term ends. BPD supervision, public reporting, inspectorate review, complaints, and community monitoring must operate as real checks. Studies show that accessible, useful information matters for public trust and that village-fund reporting still carries accountability risks.⁵⁰ Less frequent elections must therefore be offset by more frequent non-electoral accountability.

From the perspective of *sadd al-ẓarī'ah*, the two-term limit does not eliminate the risk of abuse within an eight-year term; therefore, continuous safeguards are needed to prevent patronage, self-dealing, manipulation of beneficiaries, and obstruction of oversight. Accordingly, the eight-year term under Article 39 constitutes a conditional *maṣlaḥah* and is not inherently

⁴⁷ Constitutional Court of the Republic of Indonesia, Decision Number 42/PUU-XIX/2021, decided on 30 September 2021.

⁴⁸ Tiyan Rahmanul Hakim, Nandang Alamsyah Deliarnoor, and Neneng Yani Yuningsih, "Indigenous Democracy in the Policy-making Process," *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan dan Politik Daerah* 8, no. 1 (2023): hlm. 63, <https://doi.org/10.24905/jip.8.1.2023.50-63>.

⁴⁹ Melasari dkk., "IJSELAW: Indonesian Journal of Sharia Economic Law IJSELAW: Indonesian Journal of Sharia Economic Law," *IJSELAW: Indonesian Journal of Sharia Economic Law* 3, no. 01 (2025): hlm. 69.

⁵⁰ Anwar Hidayat, "Analysis of the Role of the Village Consultative Body in the Village Government System in Indonesia," *Jurnal Sosial Sains dan Komunikasi* 2, no. 1 (2023): hlm. 139, <https://doi.org/10.58471/ju-sosak.v2i1.553>.

contrary to *fiqh siyāsah dustūriyyah*, since Islamic constitutional thought does not prescribe a fixed numerical term. Its legitimacy depends on the effective implementation of *amānah*, *‘adl*, *shūrā*, accountability, public benefit, and prevention of *mafsadah*; thus, stability loses its justification when it becomes a means of concentrating or abusing power.

Balancing Political Stability, Accountability, and Public Interest in Village Governance

This study proposes a conditional *maṣlaḥah* test with four stages: (1) legality and legal certainty, including clear term, period, and transitional rules; (2) justice and circulation of power, including fair political access and intra-term correction; (3) *shūrā* and public benefit, requiring meaningful deliberation over plans, budgets, and performance; and (4) *amānah*, accountability, and prevention of harm through effective oversight, audits, complaints, conflict-of-interest controls, and sanctions.⁵¹ The first safeguard is annual public accountability beyond mere document submission. Village heads should disclose targets, budget realization, procurement, assets, beneficiary criteria, service indicators, and complaint follow-up in accessible forums. Transparency builds trust only when information is meaningful and linked to service performance.⁵²

The second safeguard is a structured evaluation around the fourth year. Without replacing elections or altering tenure, it would create an intra-term correction mechanism involving the regency or municipal government, inspectorate, BPD, and community representatives. Evaluation should cover development-plan implementation, financial compliance, services, complaints, conflicts of interest, and audit findings, with serious deficiencies triggering improvement plans, special audits, guidance, or lawful sanctions.⁵³

The third safeguard is stronger BPD capacity and substantive citizen participation. BPD members need reliable document access, clear oversight standards, capacity building, and sufficient independence; residents need secure complaint channels, time-bound responses, and access to follow-up results. Evidence shows that weak regulatory understanding and citizen engagement can undermine supervision.⁵⁴

⁵¹ Rindy Mustika dan Hervin Yoki Pradikta, *Pelaksanaan Pelayanan Kesehatan Penyandang Disabilitas: Perspektif Fiqh Siyāsah, AS-SIYASI: Journal of Constitutional Law* <http://ejournal.radenintan.ac.id/index.php/assiyasi/index/AS-SIYASI> Volume: Vol 1, No 2 (2022), hlm. 1.

⁵² Faisal dkk., “A Review of Maqāshid Sharīa on Handling the COVID-19 Pandemic in Lampung and West Java Province,” *Al-‘Adalah* 21, no. 1 (2024): hlm. 221, <https://doi.org/http://dx.doi.org/10.24042/adalah.v21i1.21796>.

⁵³ Aini dkk., “Strategy for Socialization of the General Election Commission of Pesawaran District To Reduce the Abstentions in the 2020 Elections in Perspective of Fiqh Siyāsah.” Hlm. 45.

⁵⁴ Taftiyan, Rohayatin, and Yamardi, “Pengawasan Badan Permusyawaratan Desa.”

The fourth safeguard is prevention of patronage, conflicts of interest, and misuse of village resources. Interests related to procurement should be disclosed, village apparatus must remain neutral, assistance should not be used for political mobilization, and high-risk transactions or beneficiary selection should face risk-based audit. Research on clientelism, fraud, and corruption prevention shows that formal rules alone are insufficient when political networks can neutralize oversight.⁵⁵ Whistleblower protection and enforceable sanctions are therefore essential.

Government Regulation Number 16 of 2026 provides the implementing basis, but outcomes depend on regional oversight and village practice.⁵⁶ The eight-year design should be assessed after a meaningful implementation cycle using indicators of participation, service performance, audit findings, complaints, concentration of political power, and misuse of village funds. Stronger accountability can convert the additional two years into beneficial stability; weak oversight can turn the same duration into unjustified concentration of power.

D. Conclusion

The 2024 amendment changes the architecture of village-head tenure by establishing an eight-year term and a maximum of two terms, reducing the maximum cumulative tenure from eighteen to sixteen years while extending electoral accountability from six to eight years. Although the longer term may strengthen development continuity, administrative consolidation, and political stability, it also creates risks of delayed electoral correction, patronage, elite domination, and misuse of village resources. Constitutional Court Decision Number 92/PUU-XXII/2024 further confirms that transitional implementation cannot invalidate elections already conducted under the previous regime. Thus, the effectiveness of the new tenure system depends not merely on its duration but on the strength of intra-term accountability. From the perspective of *fiqh siyāsah dustūriyyah*, the eight-year term constitutes a conditional *maṣlaḥah*: it is legitimate when it produces measurable public benefit while maintaining *amānah*, *‘adl*, *shūrā*, accountability, and prevention of *mafsadah*. Accordingly, the study recommends annual public accountability, fourth-year performance evaluation, strengthened BPD oversight and access to documents, meaningful village deliberation, transparent procurement and beneficiary criteria, conflict-of-interest controls, risk-based audits, secure complaint mechanisms, and enforceable sanctions. These safeguards constitute the proposed conditional

⁵⁵ Agustino and Hikmawan, “How Powerful Are Village Heads?”; Wahyudi, Achmad, and Pamungkas, “Prevention Village Fund Fraud,” hlm. 26.

⁵⁶ Government Regulation Number 16 of 2026 concerning the Implementing Regulation of Law Number 6 of 2014 concerning Villages.

maṣlahah test, distinguishing beneficial political stability from the concentration and abuse of village power.

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