

DINAMIKA PENGATURAN MASA JABATAN KEPALA DESA DAN BADAN PERMUSYAWARATAN DESA SERTA KETERKAITANNYA DENGAN DESAIN KELEMBAGAAN PEMERINTAHAN DESA

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INTISARI

Penelitian ini dilatarbelakangi oleh serangkaian revisi UU Desa sejak tahun 1948 hingga tahun 2024 yang mencerminkan pergulatan politik hukum antara upaya desentralisasi dengan kecenderungan sentralisasi. Penelitian ini mengkaji bagaimana variasi periodisasi masa jabatan Kepala Desa dan Badan Permusyawaratan Desa (BPD) mulai dari tanpa batas masa jabatan hingga empat, delapan, lima, enam, enam belas, delapan belas, dan enam belas tahun mempengaruhi desain kelembagaan pemerintahan desa yang menimbulkan pertanyaan mendasar yakni apakah perpanjangan jabatan menciptakan stabilitas dan kesinambungan program pembangunan atau justru membuka peluang oligarki dan menghambat regenerasi kepemimpinan. Metode penelitian normatif digunakan, mengintegrasikan analisis perundang-undangan, pendekatan historis, dan telaah konseptual terhadap delapan UU (UU 22/1948, UU 1/1957, UU 19/1965, UU 5/1979, UU 22/1999, UU 32/2004, UU 6/2014, dan UU 3/2024), peraturan pelaksana, risalah sidang DPR, dan naskah akademik. Hasil analisis menunjukkan bahwa setiap rezim politik merumuskan ketentuan masa jabatan sesuai agenda ideologisnya. Orde Lama mengabaikan batas masa jabatan, Orde Baru menetapkan delapan tahun untuk memperkuat sentralisasi, era Reformasi memisahkan eksekutif desa (lima tahun dalam dua periode) dan legislatif desa, UU 6/2014 memperluas hingga tiga periode enam tahun, dan UU 3/2024 menetapkan dua periode delapan tahun. Pergeseran ini sejatinya berimplikasi pada mekanisme *checks & balances*, tingkat partisipasi warga, kapasitas pengawasan BPD, dan efektivitas pelaksanaan program desa, tanpa mengubah hak substantif desa. Sebagai rekomendasi, perlu dilakukan (1) kalibrasi durasi jabatan dengan kapasitas BPD melalui pelatihan terpadu dan alokasi sumber daya memadai; (2) percepatan penerbitan peraturan pelaksana untuk menutup kesenjangan antara norma dan praktik; serta (3) penguatan musyawarah desa yang inklusif guna meningkatkan kontrol sosial dan mencegah konsentrasi kekuasaan.

Kata Kunci: Masa Jabatan, Kepala Desa, Badan Permusyawaratan Desa, Desain Kelembagaan Pemerintahan Desa.

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***THE DYNAMICS OF LEGAL REGULATION ON THE TERM OF OFFICE
OF VILLAGE HEADS AND VILLAGE CONSULTATIVE BODIES
AND ITS CORRELATION WITH THE INSTITUTIONAL STRUCTURE
OF VILLAGE GOVERNANCE***

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ABSTRACT

This research is driven by a series of revisions to the Village Law from 1948 to 2024, which reflect the legal-political struggle between decentralization efforts and centralization tendencies. This study interrogates how shifts in term limits for Village Heads and Village Consultative Bodies (BPD) ranging from no cap to fixed tenures of four, eight, five, six, six, eighteen, and sixteen years have reconfigured the institutional architecture of village governance: specifically, whether extended tenures foster programmatic stability and policy continuity or inadvertently entrench local elites and stifle leadership renewal. Employing a rigorous normative methodology that integrates doctrinal analysis of eight core Village Laws (Law No. 22/1948, Law No. 1/1957, Law No. 19/1965, Law No. 5/1979, Law No. 22/1999, Law No. 32/2004, Law No. 6/2014, and Law No. 3/2024), their implementing regulations, parliamentary debates, and academic policy drafts, the research traces each regulatory regime's political calculus: the Old Order's omission of term limits the New Order's consolidation of power through an eight-year mandate (UU 5/1979), the Reform era's bifurcation of executive and legislative roles via dual five-year terms (UU 22/1999), the post-Reform expansion to three six-year cycles (UU 6/2014), and the recent shift to two eight-year cycles (UU 3/2024). The findings demonstrate that these term-limit configurations have materially influenced the robustness of checks and balances, the depth of civic participation, the oversight capacity of BPD, and the effectiveness of village development programs without altering villages' substantive autonomy. To optimize governance outcomes, the study recommends: (1) calibrating term durations to match BPD's supervisory capacity through systematic training and dedicated resource allocation; (2) expediting the promulgation and enforcement of implementing regulations to close the gap between legislative intent and administrative practice; and (3) strengthening inclusive, deliberative village assemblies to bolster democratic participation and guard against oligarchic capture.

Keywords: *Term of Office, Village Head, Village Consultative Body, Institutional Design of Village Governance*

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