

Periodisasi masa jabatan Kepala Desa berdasarkan prinsip demokrasi sebagai upaya menghindari abuse of power = Periodization of the term of office of The Village Head based on democratic principles as an effort to avoid abuse of power

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Abstrak

Pengaturan mengenai masa jabatan kepala desa sebaiknya bisa menyesuaikan periode ideal masa jabatan dengan tujuan mewujudkan tatanan pemerintahan desa yang demokratis sebagai upaya menghindari abuse of power. Masa jabatan kepala desa tidak diatur secara terperinci dalam konstitusi seperti halnya masa jabatan presiden dan wakil presiden yang diatur pada Pasal 7 UUD NRI 1945 selama 5 tahun dalam 2 periode. Masa jabatan kepala desa diatur dalam pasal 39 Undang-Undang No. 6 Tahun 2014 selama 6 tahun dalam 3 periode. Hal tersebut kemudian menimbulkan kontroversi di tengah masyarakat karena pengaturan masa jabatan kepala desa yang lebih panjang dibandingkan pengaturan masa jabatan presiden telah dianggap melanggar konstitusi dan prinsip demokrasi. Di sisi lain, ada juga usulan untuk lebih memperpanjang lagi masa jabatan kepala desa yang sudah dianggap sangat panjang tersebut. Penelitian ini menganalisis bagaimana konsep masa jabatan kepala desa berdasarkan UU No. 6 Tahun 2014 tentang desa yang dikaitkan dengan prinsip demokrasi dan bagaimanakah periodisasi masa jabatan kepala desa yang ideal di terapkan di Indonesia berdasarkan prinsip demokrasi sebagai upaya menghindari abuse of power. Penelitian doktrinal ini menggunakan studi kepustakaan yang dianalisis secara kualitatif. Dari hasil analisis dapat dijelaskan bahwa, pengaturan masa jabatan kepala desa dalam UU Desa tidak melanggar konstitusi karena pengaturan tersebut termasuk open legal policy dan telah menerapkan prinsip demokrasi melalui pembatasan masa jabatan dalam penerapannya. Maka dari itu, sudah tepat masa jabatan kepala desa diatur selama 6 tahun dalam 3 periode karena wilayah desa memiliki keistimewaan tersendiri yang tidak bisa disamakan dengan pengaturan masa jabatan pemimpin lain. Solusi yang ditawarkan ialah tetap mempertahankan pengaturan masa jabatan kepala desa selama 6 tahun dalam 3 periode serta memperbaiki tata kelola penyelenggaraan pemerintahan desa.

.....Arrangements regarding the term of office of village heads should be able to adjust the ideal period of office with the aim of realizing a democratic village government order as an effort to avoid abuse of power. The term of office of the village head is not regulated in detail in the constitution as well as the term of office of the president and vice president stipulated in Article 7 of the 1945 NRI Constitution for 5 years in 2 periods. The term of office of the village head is regulated in article 39 of Law No. 6 of 2014 for 6 years in 3 periods. This then caused controversy in the community because the arrangement of village tenure that was longer than the arrangement of the presidential term was considered to violate the constitution and democratic principles. On the other hand, there is also a proposal to further extend the term of office of the village head which has been considered very long. This study analyzes how the concept of village head tenure based on Law No. 6 of 2014 on villages is associated with democratic principles and how the ideal term of office of village heads is applied in Indonesia based on democratic principles as an effort to avoid abuse of power. This doctrinal research uses qualitatively analyzed literature studies. From the results of the analysis, it can be explained that the regulation of the term of office of the village head in the Village Law

does not violate the constitution because the arrangement includes an open legal policy and has applied democratic principles through term limits in its application. Therefore, it is appropriate that the term of office of the village head is set for 6 years in 3 periods because the village area has its own privileges that cannot be equated with the arrangement of the term of office of other leaders. The solution offered is to maintain the arrangement of the village head's term of office for 6 years in 3 periods and improve the governance of village governance.