

ANALYSIS OF DPR POLICY IN THE PERIOD OF OFFICE OF THE VILLAGE HEAD

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Abstract

The House of Representatives (DPR) as a policy-making institution contained in the form of laws and is a strategic institution that regulates the entire life of the Indonesian people. However, if studied in *fiqh siyasah*, the concept of caliph (leader) is allowed to serve as long as possible if he can carry out the mandate as stipulated in Islam. In article 39 paragraphs (1) and (2) of Law number 6 of 2014 concerning the term of office of village heads. That the position of village head which was originally 6 years 3 periods was changed to 9 years 2 periods. This raises problems related to the limitation of the power of public office and the occurrence of KKN (corruption, collusion, and nepotism) during the tenure of the village head. This research uses Normative Law research or legal research that views humuk as a norm system building. The method carried out by the author is in the form of collecting sentences both scientific papers, notebooks, approaches to laws and regulations, relevant journals. The results of this study are to avoid conflicts between communities in the election of elected and unelected village heads and to focus on the kineja of village development. Because the regeneration or transition of the term of office of the village head in the community is needed in the context of organizing ideas and ideas about village development.

Keywords: DPR Policy, Village Head Term Extension, *Fiqh Siyasah*

Introduction

The House of Representatives (DPR) as a policy-making institution outlined in the form of a law is a strategic institution that regulates the lives of all Indonesian people (Djuyandi et al., 2018). The DPR through its policies can affect public welfare, reduce poverty, increase life expectancy, improve public education, expand employment opportunities, and much more expected by the community in general. Therefore, the DPR in its legislative work should be supported by valid evidence, produced by various research results, in order to produce quality legislation products (Richardson et al., 2003). Quality policy results have been proven to have support from the wider community (Hénard & Roseveare, 2012). Thus, the DPR will benefit positively from the use of evidence-based policy (August et al., 2018).

Historically, villages were the forerunners of the formation of society and government in Indonesia (Winarsi et al., 2018). Long before the modern nation and state was formed, social groups such as villages or indigenous peoples and so on (Barnhardt, 2001). has become an important part of a State order (Antlöv, 2014). Therefore, the village is the most autonomous region in Indonesia. It is

then strengthened that the group in which has its own traditions, customs, and laws that have been deeply rooted, and relatively independent from interference from outside entities.

In 2022, the demand for a 6-year term of office has not been deemed sufficient by the village head, this is because village heads who are members of Papdesi (Association of Village Government Apparatus throughout Indonesia) are crowded to come to Jakarta to demonstrate in front of the Indonesian Parliament Building. They demanded an extension of the village chief's previous six-year term to nine years. They asked the DPR to revise the term of office stipulated in Law Number 6 of 2014 concerning Villages. Most village heads consider the six-year term to sharpen competition between cakades. Optimistically, the nine-year term can reduce competitive tensions. The demand for a 9-year term is expected by the village head to reduce political tensions, competition and focus more on performance for the village.

During this tenure, the village head carries out his duties and functions, and applies his leadership style as a form of actualization as an individual and leader (Rahmat et al., 2019). On the other hand, a change of leader equals a change of direction and policy of the organization (Somertopcu, 2017). Although sometimes not much is seen directly the difference, members of a group can feel it clearly because different leaders mean different leadership styles (Siewiorek et al., 2013). Likewise, within the scope of the village, different village heads mean different policies and ways of leading (Long et al., 2012). During the tenure of the village head, it is required to simplify his position by empowering the village (De Royer et al., 2018).

The Government of the Republic of Indonesia was formed to protect the entire Indonesian nation and all Indonesian bloodshed, promote general welfare, educate the life of the nation, and participate in implementing world order based on independence, perpetual peace and social justice. Part of the goal of promoting general welfare is the promulgation of Law Number 6 of 2014 concerning Villages. Law Number 6 of 2004 changes the term of office of regional heads from the duration of the period. Article 39 states that "The term of office of the village head is 6 years and can be re-elected for the next 3 terms." From the description of the Article there is an additional duration of 18 years from the 3 periods held. However, for a period that remains consistent then 2 terms with a 9-year tenure.

However, if studied with fiqh siyasah, the concept of khalifah (leader) is allowed to serve as long as possible if it can overshadow the mandate as stipulated in Islam and there is no time limit as applied in the democratic system of the Republic of Indonesia. This is taken into account by the Legislative Body (Baleg) of the DPR regarding the extension period of the village head's office. To avoid conflict and improve performance in village development.

Based on the description above, the problems raised that can be compiled include:

1. What is the form of DPR policy towards the 9-year term of office of village heads?
2. Why is the term of office of the village head extended to 9 years?
3. What is the fiqh siyasah analysis of the tenure of the village head based on Law number 6 of 2014 concerning villages?

METHOD

This research uses Normative Law research, or legal research that views law as building a system of norms. The method carried out by the author is in the form of collecting sentences both scientific papers, notebooks, relevant journals. The approach used is a statutory approach and a concept approach. The final result of this study is an analysis of the legislation that is the object of discussion on the issues being discussed and related to the Term of Office of the Village Head.

RESULTS AND DISCUSSION

Analysis of DPR Policy During the Priode of Village Head Office (Reviewed in the Perspective of Law Number 6 of 2014 concerning Villages and Fiqh Siyasah)

1.DPR Policy on Village Head Term of Office 9 Years

The term of office of the latest Village Head is rumored to have been approved by President Jokowi (Bourchier, 2019). Hundreds of villages or cades who are members of Pabdesi or (Village Government Apparatus throughout Indonesia) held a demonstration in front of the gate of the House of Representatives of the Republic of Indonesia, the Association of Village Heads demanded the House of Representatives of the Republic of Indonesia to revise Law Number 6 of 2014 Article 39 concerning Villages. The term of office increased until the emergence of Law No. 6 of 2014. Article 39 reads that the Village Head holds office for 6 years, starting from the date of inauguration. The Village Head may serve a maximum of three times, not consecutively or consecutively.

One of the demands of hundreds of village heads is to extend the term of office of cades. The 6-year term of office actually sharpened the competition among village head candidates.so the DPR issued a policy for extending the 9-year village head term of office to reduce conflicts in the political competition for village head elections. In addition to the issue of extended tenure, the cadets voiced related to village sovereignty. The extension of the term of office of the village head has reasons, one of which is so that village development is maximized. The reason is, the election of the village head makes polarization in the village quite prolonged. Therefore, it is better if the term of office of the village head is extended to 9 years.

The 9-year term of office of the village head will provide many benefits for the village community. Village heads have more time to prosper their people and village development can be more effectively unaffected by political dynamics due to elections. Those who benefit from this condition are community members. And no less important is that community members do not need to face an atmosphere of unproductive tension too often. Because the unproductive ones are not only the village head but also the residents.

The fact of post-election polarization conflicts almost occurred in all villages (Jarikre, 2017). As a result, development will stall and various activities in the village will also be neglected (Martinez-Fernandez et al., 2012). This means that I felt what the village chief felt even before I became Speaker of the House of Representatives. The political stage in the election during the campaign was due to the tension of the conflict. So by considering the conditions on the ground, experts say the tension of post-election conflict will be easier to reduce if the time is increased.

It is also studied academically so that it fits between the needs and actions taken. Therefore, the periodization is not the arrogance of the village head but answers the need to resolve post-election conflicts. In addition, if the performance of Kades is poor, the community also does not need to worry. Because the government, in this case, the Ministry of Home Affairs (Kemendagri) has the authority to dismiss village heads who perform very poorly. That way, the villagers do not have to wait for nine years to replace the Village Chief who is performing very poorly.

2.Village Head Term of Office extended to 9 years

Since the birth of Law Number 6 of 2014 concerning Villages, the position of villages as autonomous regions that have the authority of villages to regulate their own government has

become stronger. Although the village is the smallest part of the regional head system, therefore a village with decentralization cannot be separated from the village head and decentralization. The village has the authority to administer government affairs and the interests of the local community led by the Village Head. Based on Law Number 6 of 2014 concerning Local Government, Article 39 paragraph (1) and paragraph (2) regulates the term of office of the Village Head with a term of office of 6 (six) years and can be elected for three terms and is valid after being inaugurated.

The rights of origin and traditional rights are recognized and respected in the government system of the Unitary State of the Republic of Indonesia. This further strengthens the role of village government is also getting stronger with the birth of Law Number 6 of 2014 concerning Regional Government to regulate and make policies at the village level. The Village Head as the organizer of Village Government is increasingly strengthened his position to be given the authority to prepare the Village Medium-Term Development Plan (RPJM Desa), the existence of village funds which are the source of village finance also increasingly provides strength for villages to carry out development. The position of Village Head has become very strategic and in demand by many people, almost in every Village Head Election has many candidates 3 (three) to 5 (five) participants.

The Village Head as the leader of the village government is directly elected with a term of office for 6 (six) years each period and can be elected up to 3 (three) times which means that a Village Head can be for 18 (eighteen) years. In 2022, the demand for a 6-year term of office has not been deemed sufficient by the village head, this is because village heads who are members of Papdesi (Association of Village Government Apparatus throughout Indonesia) are crowded to come to Jakarta to demonstrate in front of the DPR Building.

They demanded an extension of the village chief's previous six-year term to nine years. They asked the DPR to revise the term of office stipulated in Law Number 6 of 2014 concerning Villages. Most village heads consider the six-year term to sharpen competition between cakades. Optimistic that a nine-year term can reduce competitive tensions. The demand for a 9-year term is expected by the village head to reduce political tensions, competition and focus more on performance for the village.

It is during this tenure that the village head carries out his duties and functions and applies his leadership style as a form of actualization as an individual and leader. On the other hand, a change of leader is the same as a change of direction and organizational policy. Although sometimes it is not seen much. Directly the difference but members of a group can feel it clearly because different leaders mean different leadership styles. Likewise, within the scope of the village, different village heads mean different policies and ways of leading. During the tenure of the village head, it is required to simplify his position by empowering the village. The Legislative Body (Baleg) of the DPR agreed on the term of office of village heads to be 9 years in one period and can be re-elected in the next period. The agreement was taken in a working committee meeting (Panja) for the preparation of a draft revision of Law Number 6 of 2014 concerning Villages.

3. Fiqh Siyasah Analysis of the Term of Office of the Village Head Based on Law Number 6 of 2014 concerning Villages

The word "fiqh siyasah" comes from two words namely the word fiqh and the second is al-siyasah. The word fiqh linguistically is understanding. This is as taken from the verse of the

Qur'an, which means They say O Shu'aib, we do not understand much of what you are talking about. In terms, according to the ulama usul, the word fiqh means understanding the laws of the sharia of the Amaliah nation which is extracted from its postulates in detail.

As for al-siyasah, linguistically it means to govern, as in the hadith which means that their prophet leads their problems like what leaders do to their people. It could also be like Zaid managing the case and taking care of the matter. While the form of mashdar siyasah is linguistically acting on something with what is appropriate for it.

The definition of siyasah syar'iyah or fiqh siyasah according to Abdul Wahab Khalaf as quoted by Mujar, Zada and Ahmad Sukardja is a science that discusses how to regulate constitutional issues such as how to hold legislation and various other regulations in accordance with Islamic principles, although regarding the arrangement of all these issues there is no specific proposition that regulates it. Other sources used in the process of fiqh siyasah studies are humans themselves and their environment. Regulations derived from man's own environment such as expert views, customary law, human experience and cultural heritage need to be linked to transcendental values and norms so as not to conflict with God's will and policies as stipulated in his Shari'a.

The above description ultimately leads to the understanding that Islam through fiqh siyasah regulates its people to remain within the corridors of Islamic law (syar'iah) in the management of constitutional law which contains applicable legal regulations, including matters concerning the election of leaders. The existing laws and regulations are expected to bring closer to the good of the benefit of the people, not just a mutual agreement or based on a decision alone. In relation to the term of office of the Village Head, in order to produce leaders who bring benefits, Imam al Mawardi, for example, provides 7 (seven) conditions that must be met, namely: fairness, knowledge, physical health (limbs and five senses), scientific competence related to law and politics, courage, nasab. According to him, someone occupying a leadership seat must meet these requirements.

CONCLUSION

Hundreds of Village Heads or cades who are members of Pabdesi or (Village Government Apparatus throughout Indonesia) held a demonstration in front of the gate of the House of Representatives of the Republic of Indonesia, the Village Heads Association demanded the House of Representatives of the Republic of Indonesia to revise Law Number 6 of 2014 Article 39 concerning Villages. The term of office of village heads increased giving more time to cades to prosper their residents and village development can be more effectively not affected by political dynamics due to elections. The Village Head as the organizer of Village Government is increasingly strengthened his position to be given the authority to prepare the Village Medium-Term Development Plan (RPJM Desa), the existence of village funds which are the source of village finance also increasingly provides strength for villages to carry out development. It is during this tenure that the village head carries out his duties and functions and applies his leadership style as a form of actualization as an individual and leader. On the other hand, a change of leader equals a change of direction and policy. Fiqh siyasah is a science that discusses how to regulate constitutional issues such as how to carry out legislation and various other regulations in accordance with Islamic principles, although regarding the arrangement of all these issues there is no specific proposition that regulates it. The concept of khalifah (leader) is allowed

to serve as long as possible if it can carry out the mandate as stipulated in Islam and there is no time limit as applied in the democratic system of the Republic of Indonesia. Regulations based on man's own environment such as expert views, customary law, human experience and cultural heritage need to be linked to transcendental values and norms so as not to conflict with God's will and policies as stipulated in his Shari'a.

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