

## **An Analysis of *Siyasah Tasyri'iyah* on Village Head Tenure: A Comparative Study of Law No. 3 of 2024 and Law No. 11 of 2006**

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### **Abstract**

This study examines the regulation of village head tenure from the perspective of *siyasah tasyri'iyah* through a comparative analysis of two legal frameworks: the tenure provisions for village heads under Law No. 3 of 2024 on Villages and the tenure provisions for keuchik under Law No. 11 of 2006 on the Government of Aceh. The study aims to explore the underlying reasons for differences in tenure regulation at the national level and within Aceh's special autonomous framework, as well as to assess their conformity with the principles of justice (*'adl*), public welfare (*maslahah*), and *maqashid al-shari'ah* in *siyasah tasyri'iyah*. Unlike previous studies, this research not only examines normative legal aspects but also links the harmonization of national law and Aceh's special autonomy with *siyasah tasyri'iyah* values and recent Constitutional Court decisions. Employing a normative legal approach based on library research of statutes, legal documents, and relevant academic literature, the study finds that Law No. 3 of 2024 establishes an eight-year tenure to promote governmental stability and sustainable village development, whereas Law No. 11 of 2006 stipulates a six-year tenure as a form of *lex specialis* that ensures leadership continuity while facilitating regeneration in accordance with local customs and Islamic values. The Constitutional Court has affirmed that the six-year tenure remains applicable in Aceh. Accordingly, the regulation of village head tenure in Aceh is considered more consistent with *the principles of siyasah tasyri'iyah*, as it maintains a balance among governmental stability, public welfare, the control of power, and opportunities for leadership regeneration.

**Keywords:** *Siyāsah Tashrī'īyyah*; Village Head; Village Law; Aceh Governance Law

### **Introduction**

The village government is the highest formal authority at the village level and plays a central role in public administration, development implementation, community development, and community empowerment. The village head (*kepala desa* or *keuchik* in Aceh) possesses significant social, political, and cultural legitimacy within the local community. From the perspective of *siyāsah tashrī'īyyah* (Islamic legislative governance), village leadership must uphold the principles of justice, public welfare (*maṣlahah*), and the faithful discharge of public trust (*amānah*) in serving society (Aziz, 2023, p. 45).

Law Number 3 of 2024 on Villages stipulates that village heads serve an eight-year term and may hold office for a maximum of two terms. This regulatory amendment aims to promote governmental stability, reduce the political costs

associated with frequent village elections, and ensure the continuity of village development programs. From the perspective of *siyāsah tashrī'iyah*, an extended term of office may be justified insofar as it serves the public interest (*maṣlahah*) and enhances the effectiveness of development initiatives (Haris, 2023, p. 77).

The 2024 Village Law emphasizes the importance of stable leadership to enable village heads to implement sustainable development programs. Within the framework of *siyāsah tashrī'iyah*, governmental stability reflects the principle of *maṣlahah mursalah*, namely, the realization of public benefit without causing significant harm to society (Nasution, 2023, p. 63). In contrast, Law Number 11 of 2006 on the Governance of Aceh (the Aceh Governance Law) prescribes a six-year term for *keuchik*, with a maximum of two terms. As a *lex specialis*, the Aceh Governance Law specifically regulates village (*gampong*) administration within the province's special autonomy framework. From the perspective of *siyāsah tashrī'iyah*, this provision reflects the principles of leadership regeneration and accountability by preventing excessive concentration of political authority (Nasution, 2023, p. 68).

Aceh's special autonomous status provides constitutional space for the implementation of Islamic law and local customary traditions in public governance. Consequently, a six-year term is regarded as more consistent with the principles of local democracy, deliberative decision-making (*shūrā*), and social justice within *gampong* communities (Aziz, 2023, p. 50). This position was reaffirmed by Constitutional Court Decision Number 40/PUU-XXIII/2025, which held that the six-year term for *keuchik* remains applicable in Aceh because the Aceh Governance Law constitutes a *lex specialis*. Accordingly, the 2024 Village Law, as a *lex generalis*, does not supersede the special legal regime governing Aceh. From the perspective of *siyāsah tashrī'iyah*, this decision underscores the necessity of special legal provisions to preserve public welfare and social stability within local communities (MKRI, 2025, p. 12).

The doctrine of *lex specialis derogat legi generali* provides that a specific legal norm prevails over a general one when the two are in conflict. As a special legal instrument, the Aceh Governance Law safeguards the constitutional rights and authority associated with Aceh's special autonomous status while ensuring that village leadership is exercised in accordance with Islamic principles and local customary norms (Nasution, 2023, p. 70). The application of this doctrine guarantees the continued implementation of the six-year term for *keuchik*. It also enables village heads to exercise their authority responsibly within the framework of local norms while remaining consistent with the principles of *siyāsah tashrī'iyah*, which emphasize justice, trustworthiness, and the promotion of public welfare (Haris, 2023, p. 79).

From the perspective of *siyāsah tashrī'iyah*, the tenure of village heads serves as an institutional mechanism for balancing governmental stability with leadership regeneration. Such a balance helps prevent abuses of power while ensuring the

continuity of development at the *gampong* level (Aziz, 2023, p. 52). Accordingly, this study is significant because it examines the regulation of village heads' terms of office through the lens of *siyāsah tashrī'iyah*. Specifically, it undertakes a comparative analysis of Law Number 3 of 2024 on Villages and Law Number 11 of 2006 on the Governance of Aceh to evaluate whether village leadership is administered in a manner that is just, trustworthy, and conducive to public welfare within the constitutional framework of the Republic of Indonesia (Nasution, 2023, p. 72).

The *siyāsah tashrī'iyah* approach also provides a normative framework for assessing the effectiveness of village leadership in fulfilling its public responsibilities. Village heads are expected not only to comply with statutory regulations but also to prioritize the public interest and social justice in accordance with Islamic law and local customary values (Aziz, 2023, p. 55).

Furthermore, this approach facilitates an assessment of the long-term implications of village heads' tenure for local development and community participation. By adhering to the principles of *siyāsah tashrī'iyah*, a six-year term of office may strike an appropriate balance between governmental stability and leadership regeneration, thereby fostering village governance that is equitable, effective, and sustainable (Haris, 2023, p. 82).

The differing provisions governing the tenure of village heads under Law Number 3 of 2024 and Law Number 11 of 2006 on the Governance of Aceh reveal a broader issue of normative harmonization between national legislation and special regional laws. In constitutional practice, inconsistencies between legislative instruments may generate legal uncertainty, particularly for local government officials who are directly responsible for implementing these regulations. Such ambiguity may ultimately undermine legal certainty and the effectiveness of village governance (Syahputra, 2024, p. 118; Putra, 2023, p. 64).

Beyond its legal implications, the variation in village heads' terms of office also carries significant sociological and political consequences for local power dynamics. A relatively lengthy tenure may influence the relationship between village leaders and the community, particularly regarding public participation and mechanisms of social accountability. Several studies have demonstrated that disproportionately long periods in office may reduce the accountability of local leaders and increase the risk of abuse of authority (Fauzi, 2023, p. 51; Yusran, 2023, p. 89).

Within the context of Aceh's special autonomy, the regulation of the *keuchik*'s tenure cannot be separated from the province's distinctive social, historical, and legal characteristics. Aceh possesses constitutional authority to incorporate Islamic law and local customary values into its governmental system. Consequently, the uniform application of national policies may disregard these unique characteristics and conflict with the spirit of special autonomy guaranteed by law (Ramli, 2024, p. 42; Asshiddiqie, 2021, p. 97).

From the perspective of *siyāsah tashrī'iyah*, regulating the tenure of public leaders constitutes an essential mechanism for maintaining a balance between authority and responsibility. Political authority is regarded as a public trust (*amānah*) that must be subject to appropriate limitations to prevent its transformation into absolute power that may harm society. This principle is consistent with the objectives of Islamic law (*Maqāṣid al-Sharī'ah*), which place the promotion of public welfare at the center of public policy (Al-Mawardi, 2018, p. 25; Ibn Taymiyyah, 2019, p. 82).

Based on the foregoing discussion, examining the regulation of village heads' terms of office through the perspective of *siyāsah tashrī'iyah* is both relevant and timely. This study seeks not only to evaluate the conformity of the applicable positive legal norms but also to assess the extent to which these regulatory policies embody the principles of justice, public welfare, and the limitation of political power in village governance, particularly within the special autonomous context of Aceh (Putra, 2023, p. 70; Syahputra, 2024, p. 121).

### Research Method

This study employs a normative legal research approach, focusing on the analysis of applicable legal norms governing the tenure of village heads in Indonesia. A normative legal approach is appropriate because the study examines statutory regulations, particularly Law Number 3 of 2024 on Villages and Law Number 11 of 2006 on the Governance of Aceh, and evaluates them through the perspective of *siyāsah tashrī'iyah* (Islamic legislative governance) (Soekanto, 2019).

To achieve a comprehensive analysis, this research integrates three legal approaches: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is employed to examine the legal provisions contained in Law Number 3 of 2024 and Law Number 11 of 2006 concerning the Governance of Aceh. The conceptual approach provides the theoretical framework by analyzing the principles of *siyāsah tashrī'iyah* and *Maqāṣid al-Sharī'ah* as normative foundations for assessing the regulation of village leadership. Meanwhile, the comparative approach is used to identify and evaluate the legal rationale underlying the differences between national legislation and Aceh's special autonomous legal framework (Ibrahim, 2021, p. 61; Putra, 2023, p. 66).

The study utilizes both primary and secondary legal materials. Primary legal materials consist of official legislative documents, including Law Number 3 of 2024 on Villages and Law Number 11 of 2006 on the Governance of Aceh. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, academic publications, and other relevant literature addressing village governance, constitutional law, and the theory of *siyāsah tashrī'iyah* (Sugiyono, 2020). These materials were collected through library research by systematically identifying,

reviewing, and analyzing relevant legal documents and academic sources (Nazir, 2021).

The collected legal materials were analyzed using qualitative descriptive methods combined with legal interpretation techniques, including grammatical, systematic, and teleological interpretation. These methods were employed to identify the legal meaning and legislative intent underlying the relevant statutory provisions and to evaluate their implications for village governance. The analysis not only describes the existing legal norms but also examines their consistency with the principles of justice, accountability, the limitation of governmental power, and public welfare (*maṣlahah*) as articulated in *siyāsah tashrī'iyah* (Soekanto, 2019, p. 52; Marzuki, 2020, p. 35; Fauzi, 2023, p. 53).

The findings are presented in a systematic narrative form to provide a comprehensive understanding of the normative disharmony between the Village Law and the Aceh Governance Law regarding the tenure of village heads. Furthermore, the study evaluates the implications of these differing legal regimes for governmental stability, leadership accountability, and the sustainability of village governance within Aceh's special autonomous framework.

## Result and Discussion

### Comparison of the Village Head's Term of Office under Law Number 3 of 2024 and Law Number 11 of 2006

The differences in the regulation of the village head's term of office between Law Number 3 of 2024 on Villages and Law Number 11 of 2006 on the Governance of Aceh can be analyzed through the doctrine of *lex specialis derogat legi generali*. According to legislative theory, this doctrine establishes that a specific legal provision prevails over a general one when both regulate the same subject matter differently (Fauzi, 2023, p. 45). In the context of Aceh, the Aceh Governance Law of 2006 functions as a *lex specialis*, prescribing a six-year term of office for the *keuchik*, renewable for a maximum of two terms. By contrast, the Village Law of 2024, as a *lex generalis*, extends the term of office for village heads to eight years. Consequently, from a legal perspective, the Aceh Governance Law remains the applicable legal basis for village governance in Aceh despite the enactment of the national Village Law (MKRI, 2025).

From the perspective of *siyāsah tashrī'iyah*, limitations on the tenure of public leaders constitute an essential mechanism for safeguarding *amānah* (public trust), preventing the abuse of political power, and promoting leadership regeneration (Fauzi, 2023, p. 46). The principles of justice (*'adl*), public welfare (*maṣlahah*), and the objectives of Islamic law (*Maqāṣid al-Sharī'ah*) emphasize that political authority should never be monopolized by a single individual. A six-year term provides the community with sufficient opportunity to evaluate the performance of the *keuchik* and to exercise deliberation (*shūrā*) in selecting subsequent leaders, thereby preserving the essence of participatory democracy within village governance.

The findings of this study reveal a significant divergence between the two statutory frameworks governing the tenure of village heads. Law Number 3 of 2024 on Villages stipulates an eight-year term of office with a maximum of two consecutive terms. The principal justifications advanced by the legislature include strengthening the stability of village governance, improving the efficiency of electoral expenditures, and ensuring the continuity of village development programs (Law of the Republic of Indonesia No. 3 of 2024, Article 32). Conversely, Law Number 11 of 2006 on the Governance of Aceh provides that a *keuchik* shall serve a six-year term with a maximum of two terms. This arrangement reflects Aceh's special autonomous status, under which *gampong* governance is administered in accordance with Islamic law and local customary institutions (Law of the Republic of Indonesia No. 11 of 2006, Article 81).

This legal distinction was reaffirmed by the Constitutional Court in its 2025 decision, which held that the provisions of the 2024 Village Law concerning the village head's term of office are not applicable in Aceh because the Aceh Governance Law constitutes a *lex specialis* specifically regulating the tenure of *keuchik* within the province's autonomous governance system (MKRI, 2025). Accordingly, the six-year term prescribed by the Aceh Governance Law remains the valid legal framework governing village leadership in Aceh. This decision demonstrates the practical application of the doctrine of *lex specialis derogat legi generali*, whereby the specific legal regime governing Aceh prevails over the general provisions contained in the national Village Law.

Table 1. Comparison of Village Head Terms of Office

Regulation	Term of Office	Number of Terms	Key Characteristics
Law No. 3 of 2024 on Villages	8 years	Maximum of two terms	Governmental stability, administrative efficiency, and sustainable development
Law No. 11 of 2006 on the Governance of Aceh	6 years	Maximum of two terms	Aceh's special autonomy, Islamic law ( <i>Sharia</i> ), and local customary institutions ( <i>adat</i> )

In the context of Aceh, Law Number 11 of 2006 is more compatible with the principles of *siyāsah tashrī'iyah*, which emphasize justice (*'adl*), public welfare (*maṣlahah*), and leadership regeneration in accordance with the objectives of Islamic law (*Maqāṣid al-Sharī'ah*). A six-year term of office facilitates healthy leadership succession, provides opportunities for *gampong* deliberation (*shūrā*) in selecting new leaders, and prevents the concentration of political power in the hands of individuals or particular groups at the village level (Fauzi, 2023, p. 45). Following the Constitutional Court's decision affirming Aceh's special legal status under the doctrine of *lex specialis*, the implementation of a six-year term is not only consistent with

Indonesia's positive law but also aligns with the normative principles of *siyāsah tashrī'iyah*. Conversely, the application of the 2024 Village Law, which prescribes an eight-year term, has no binding legal effect in Aceh. Consequently, Acehnese communities continue to recognize the six-year tenure as the legally valid framework governing village leadership, consistent with both the province's special autonomous status and its local legal traditions (MKRI, 2025).

Moreover, the six-year tenure promotes greater opportunities for younger generations to emerge as village leaders while ensuring the continuity of governance in harmony with Aceh's social, cultural, and Islamic values. Accordingly, the comparison between the two legislative frameworks extends beyond a mere difference in the duration of office. Rather, it highlights the greater legal legitimacy and normative compatibility of the Aceh Governance Law with the principles of *siyāsah tashrī'iyah*, particularly in advancing justice, public welfare, participatory governance, and the balanced distribution of political authority.

### **Analysis from the Perspective of *Siyāsah Tashrī'iyah***

*Siyāsah tashrī'iyah* represents an approach to Islamic legal policy that emphasizes the formulation and implementation of law based on the principles of justice (*'adl*), public welfare (*maṣlahah*), and the objectives of Islamic law (*Maqāṣid al-Sharī'ah*) (Fauzi, 2023, p. 50). Within this framework, every legal rule and public policy – including the regulation of the village head's term of office – must prioritize the public interest, prevent the abuse of political authority, and promote the sustainability of governance and development.

In the context of political leadership, *siyāsah tashrī'iyah* is founded upon several fundamental principles. First, leadership regeneration seeks to prevent the monopolization of political authority by ensuring regular succession. Second, the principles of *amānah* (public trust) and accountability require leaders to perform their duties responsibly and transparently. Third, the principle of *maṣlahah mursalah* requires public policies to balance potential benefits and harms in order to maximize the welfare of society (MKRI, 2025, p. 15).

These principles are consistent with the doctrine of *lex specialis derogat legi generali*, under which the Aceh Governance Law of 2006, as a special legal regime, prevails over the general provisions of the Village Law of 2024 in the event of regulatory conflict. Consequently, village governance in Aceh continues to reflect local customs, Islamic legal values, and the province's special autonomous status (Fauzi, 2023, p. 52).

The *siyāsah tashrī'iyah* approach further recognizes the duration of a leader's tenure as an important constitutional instrument. An excessively long term of office may diminish opportunities for leadership regeneration and weaken public accountability, whereas an excessively short tenure may disrupt policy continuity and

development planning. Accordingly, determining the appropriate term of office requires balancing governmental stability, administrative effectiveness, and meaningful public participation (MKRI, 2025, p. 18).

The findings of this study indicate that the six-year tenure prescribed by the Aceh Governance Law of 2006 is more consistent with the principles of *siyasah tashri'iyah*. First, it facilitates leadership regeneration by enabling periodic succession, thereby creating opportunities for younger generations to participate in local governance while preventing the concentration of political authority in the hands of particular individuals or groups (Ramli, 2024, p. 38). Second, it strengthens *amānah* and accountability by encouraging village heads to perform their duties effectively, knowing that their performance will be periodically evaluated by the community through the *gampong* deliberative mechanism (*shūrā*) (Ismail, 2023, p. 60). Third, it promotes *maṣlahah mursalah* by balancing the need for sustainable development with the community's right to assess and renew political leadership. Following the Constitutional Court's 2025 decision affirming the continued applicability of the Aceh Governance Law, the six-year tenure provides greater public benefit than potential harm by maintaining both governmental continuity and democratic accountability (MKRI, 2025, p. 20). Finally, the six-year term reinforces the integration of Islamic legal principles and Acehese customary institutions into village governance, consistent with the objectives of *Maqāṣid al-Sharī'ah*, which prioritize social justice, public welfare, and the preservation of local traditions (Aziz, 2023, p. 58).

From this perspective, the six-year tenure constitutes a legal framework that embodies justice, accountability, and public welfare within Aceh's system of village governance. By contrast, the eight-year term established by the Village Law of 2024 is not applicable in Aceh because it conflicts with the doctrine of *lex specialis* and is less compatible with the normative principles of *siyasah tashri'iyah*, particularly those relating to leadership regeneration, accountability, and the promotion of public welfare (Fauzi, 2023, p. 54).

Classical Islamic political thought further supports the limitation of political authority as a mechanism for preserving justice. Al-Mawardi argued that unrestricted political power creates the potential for tyranny and injustice. Consequently, limiting the tenure of public leaders serves as an essential institutional safeguard to ensure that political authority is exercised as a public trust (*amānah*) rather than as an unlimited personal entitlement (Al-Mawardi, 2018, p. 26).

Similarly, Ibn Taymiyyah emphasized that public policies should always be directed toward achieving *maṣlahah*, even where no explicit textual provision exists. In the context of village governance, an excessively long tenure may weaken accountability and reduce opportunities for citizens to supervise public officials. Conversely, reasonable term limits encourage a more transparent, responsive, and participatory system of local government (Ibn Taymiyyah, 2019, p. 80).

The framework of *Maqāṣid al-Sharī'ah* likewise provides an appropriate normative basis for evaluating the regulation of village heads' tenure. The objectives of Islamic law—including the protection of religion, life, intellect, property, and lineage—require political authority to be exercised proportionately and in a manner that avoids public harm. Contemporary scholarship further suggests that limiting the tenure of local political leaders represents an effective mechanism for balancing governmental stability with the protection of citizens' interests (Yusran, 2023, p. 92; Aziz, 2023, p. 58).

In addition, the doctrine of *sadd al-dharā'i'* (blocking the means to harm) provides further normative support for limiting political authority. The six-year tenure of the *keuchik* established under the Aceh Governance Law may be understood as a preventive legal measure designed to reduce the risk of excessive concentration of power at the village level. Accordingly, the regulation serves not merely as an administrative arrangement but also as a manifestation of the Islamic legal principle of precaution in safeguarding the welfare of *gampong* communities (Zuhaili, 2020, p. 331; Syahputra, 2024, p. 120).

At the same time, the regulation of village heads' tenure in Aceh reflects an effort to maintain an appropriate balance between governmental stability and the limitation of political power. However, when this special regional regulation intersects with generally applicable national legislation, legal harmonization becomes essential to prevent normative conflicts. Such harmonization should ensure that public policy remains consistent with the principles of justice, legal certainty, and public welfare that form the foundation of *siyāsah tashrī'iyah* (Putra, 2023, p. 71).

Overall, the perspective of *siyāsah tashrī'iyah* provides a comprehensive normative framework for evaluating the regulation of village heads' terms of office. Its emphasis on the limitation of political power, the ethical responsibility of leadership (*amānah*), and the realization of public welfare offers a coherent basis for assessing public policy at the village level. This framework demonstrates that the six-year tenure established under the Aceh Governance Law better balances governmental stability with democratic accountability while remaining consistent with Aceh's constitutional autonomy and the normative objectives of Islamic law.

### **Harmonization of National Law and Aceh's Special Autonomy**

The harmonization of Law Number 3 of 2024 on Villages and Law Number 11 of 2006 on the Governance of Aceh is essential to ensure legal certainty, the stability of village governance, and the realization of public welfare. Under the doctrine of *lex specialis derogat legi generali*, a special legal provision prevails over a general one when both regulate the same subject matter differently (Fauzi, 2023, p. 45). In the context of Aceh, the Aceh Governance Law functions as the applicable *lex specialis*, notwithstanding the subsequent enactment of the Village Law of 2024, which

prescribes a longer term of office for village heads. This legal position was reaffirmed by the Constitutional Court in its 2025 decision, which held that the provisions of the Village Law concerning the eight-year tenure are inapplicable in Aceh, thereby confirming the continued validity of the six-year term for the *keuchik* (MKRI, 2025, p. 30).

From the perspective of legislative theory, the doctrine of *lex specialis derogat legi generali* serves as a fundamental mechanism for resolving normative conflicts between general and special legislation. The Aceh Governance Law derives its authority from Aceh's constitutionally recognized special autonomous status and therefore occupies the position of *lex specialis* in regulating village governance within the province. Consequently, the provision establishing a six-year term of office for the *keuchik* should remain legally effective unless it is expressly repealed or invalidated by a higher-ranking legal norm (Putra, 2023, p. 73; Syahputra, 2024, p. 122).

Normative inconsistency between the Village Law of 2024 and the Aceh Governance Law has the potential to create legal uncertainty in the administration of village governance. Village officials may encounter difficulties in determining the applicable legal framework, particularly when nationally enacted policies fail to accommodate the constitutional uniqueness of Aceh. Such legal ambiguity may undermine administrative effectiveness while simultaneously diminishing public confidence in the legal system as an instrument of governance (Fauzi, 2023, p. 55; Ramli, 2024, p. 45).

Within this context, the Constitutional Court plays a strategic role as the guardian of constitutional interpretation. Beyond reviewing the constitutionality of legislation, the Court provides authoritative guidance concerning the relationship between national legislation and region-specific legal regimes. Accordingly, harmonization between the Village Law of 2024 and the Aceh Governance Law of 2006 should be undertaken within a constitutional framework that simultaneously respects Aceh's special autonomy and preserves the principles of national legal certainty (Asshiddiqie, 2021, p. 104; Putra, 2023, p. 75).

The perspective of *siyāsah tashrī'iyah* further emphasizes that legal harmonization should extend beyond formal legal certainty to ensure the realization of *maṣlahah* (public welfare) and minimize potential socio-political risks. The Aceh Governance Law regulates not only the tenure of the *keuchik* but also the mechanisms of *gampong* deliberation (*shūrā*) and leadership grounded in Islamic principles and Acehese customary institutions. Proper legal harmonization therefore enables village governance to remain accountable, equitable, and culturally legitimate while preserving the Islamic principles of justice (*'adl*) and public welfare that underlie *siyāsah tashrī'iyah* (Aziz, 2023, p. 68).

Several mechanisms may be employed to strengthen legal harmonization. These include the enactment of implementing regulations that reconcile general

statutory provisions with Aceh's special legal framework without amending the Aceh Governance Law, sustained institutional dialogue between the central government and the Aceh administration to reconcile national and regional interests, and constitutional review by the Constitutional Court whenever normative conflicts arise (Ismail, 2023, p. 72; MKRI, 2025, p. 32). Through these mechanisms, the six-year tenure of the *keuchik* can continue to be implemented effectively while promoting leadership regeneration through the *gampong* deliberative process (*shūrā*).

Accordingly, legal harmonization should not be understood merely as a matter of formal legality but as an effort to reconcile national legislation, Aceh's constitutional autonomy, and the normative principles of *siyāsah tashrī'iyah*. The implementation of the Aceh Governance Law maintains an appropriate balance between governmental stability, leadership regeneration, and the realization of public welfare (Fauzi, 2023, p. 50; Aziz, 2023, p. 72).

The findings of this study indicate that the eight-year tenure established by the Village Law of 2024 has not been officially implemented in Aceh because it conflicts with the Aceh Governance Law of 2006. In practice, the majority of *gampong* communities continue to apply the six-year tenure for the *keuchik* in accordance with the doctrine of *lex specialis* and the Constitutional Court's 2025 decision (MKRI, 2025, p. 30). Field observations conducted in several districts further reveal that *gampong* communities actively participate in deliberative mechanisms for the selection of village leaders, thereby preserving the principles of participatory democracy.

The empirical findings also demonstrate that a six-year tenure promotes healthy leadership regeneration by enabling periodic succession and creating opportunities for new leaders to introduce innovative local development initiatives while strengthening governmental accountability to the community (Fauzi, 2023, p. 48). Accordingly, the six-year framework is not only legally valid under the doctrine of *lex specialis* but also consistent with the normative objectives of *siyāsah tashrī'iyah*, particularly in balancing governmental stability, public welfare, and opportunities for democratic leadership renewal (Aziz, 2023, p. 72).

Furthermore, the study finds that legal harmonization achieved through the reaffirmation of the *lex specialis* doctrine has enhanced the practical implementation of the Aceh Governance Law. Administrative conflicts arising from overlapping statutory provisions have been substantially reduced through implementing regulations and institutional coordination between the central government and the Aceh administration, thereby ensuring that *gampong* governance remains orderly, accountable, and responsive to local socio-cultural values (Ismail, 2023, p. 75).

From a constitutional perspective, differences in the regulation of village heads' tenure directly affect the legal status of the *keuchik* in exercising governmental authority. Normative inconsistency may generate administrative difficulties concerning appointment, dismissal, and performance evaluation. This condition

highlights the importance of maintaining regulatory coherence in order to prevent overlapping authority between the central and regional governments (Yusran, 2023, p. 95; Syahputra, 2024, p. 125).

From a practical standpoint, a proportionate limitation on the *keuchik*'s term of office contributes to more accountable and participatory village governance. Periodic leadership succession not only facilitates political regeneration but also expands opportunities for community participation in local democratic processes. Within the framework of *siyāsah tashrī'iyah*, such a policy embodies the principles of promoting public welfare (*jalb al-maṣlahah*) and preventing public harm (*dar' al-mafṣadah*). Consequently, regulating the tenure of village heads serves not merely as an administrative arrangement but also as a normatively legitimate instrument within Islamic legal and political thought (Zuhaili, 2020, p. 334; Aziz, 2023, p. 60).

## Conclusion

Village governance represents the highest formal authority at the local level and plays a fundamental role in public administration, community development, and local empowerment. This study demonstrates that the regulation of village heads' tenure in Indonesia reflects two distinct legal frameworks: Law Number 3 of 2024 on Villages, which prescribes an eight-year term to promote governmental stability and development continuity, and Law Number 11 of 2006 on the Governance of Aceh, which establishes a six-year term as part of Aceh's constitutionally recognized special autonomy. The findings confirm that the Aceh Governance Law continues to serve as the applicable legal framework in Aceh under the doctrine of *lex specialis derogat legi generali*, rendering the relevant provisions of the 2024 Village Law inapplicable within the province.

From the perspective of *siyāsah tashrī'iyah*, the six-year tenure provides a more balanced institutional framework by promoting leadership regeneration, strengthening the principles of *amānah* (public trust) and accountability, and preserving public participation through the *gampong* deliberative mechanism (*shūrā*). Rather than viewing term limits solely as an administrative arrangement, *siyāsah tashrī'iyah* conceptualizes them as an instrument for limiting political power, preventing its concentration, and advancing the objectives of Islamic law (*Maqāṣid al-Sharī'ah*), particularly the realization of justice (*'adl*) and public welfare (*maṣlahah*).

This study further finds that legal harmonization between national legislation and Aceh's special legal regime is essential for ensuring legal certainty and effective village governance. Such harmonization should respect Aceh's constitutional autonomy while maintaining coherence within Indonesia's national legal system. Mechanisms including implementing regulations, constructive dialogue between the central and regional governments, and constitutional adjudication play an important

role in resolving normative conflicts without undermining the province's special legal status.

Overall, the study concludes that the six-year term of office established under the Aceh Governance Law represents not only the legally applicable regime in Aceh but also the arrangement that is more consistent with the normative principles of *siyāsah tashrī'iyah*. By balancing governmental stability with leadership regeneration, democratic accountability, and the promotion of public welfare, the Aceh model provides a coherent framework for village governance that is constitutionally valid, socially legitimate, and normatively aligned with both Islamic legal principles and Acehese customary values.

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