



# Implementation of Law Number 6 of 2014 concerning the Election of Village Heads in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency in 2022 from the Perspective of Siyasaah Dusturiyah

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**Abstract:** This study aims to examine the implementation of Law Number 6 of 2014 concerning Village Head Elections in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency in 2022 from a Siyasaah Dusturiyah perspective. Village head elections are a concrete form of local democracy that provides space for village community participation in determining leaders. However, in practice, elections in Cinta Damai Village were marred by alleged violations of election principles, such as voters whose domiciles do not match their ID cards, voters who were replaced by other parties, and negligence by the committee in verifying voter data. The Siyasaah Dusturiyah perspective assesses that these actions violate the principles of justice, trustworthiness, and honesty, which are the main foundations of Islamic law. The research method used is an empirical legal approach with data collection through interviews and observations. The findings indicate weak supervision and implementation that is not in accordance with democratic principles and sharia values, resulting in conflict and community dissatisfaction. Therefore, system improvements and strict supervision are needed in the implementation of the Village Head Election to comply with positive legal provisions and the principles of justice in Islam.

Keywords: Village Head Election, Village Law, Siyasaah Dusturiyah.

## 1. Introduction

Democracy is a form of government in which all citizens have equal rights in making decisions that can change their lives (Octavian, 2021), (Nabila, NST, Fatimah, & Trisno, 2024). Democracy allows citizens to participate, either directly or through representatives, in the formulation, development, and enactment of laws. Democracy encompasses social, economic, and cultural conditions that allow for the free and equal exercise of political freedom. Democracy is also a set of ideas and principles about freedom, along with its practices and procedures. Democracy implies respect for human dignity (Mamonto, 2024), (Lismanto & Utama, 2020).

Democracy greatly influences elections in Indonesia, which can provide results regarding whether elections are of good quality or not, this depends on the organizers of the elections and on the awareness of the community in choosing prospective leaders, both prospective leaders such as president, governor, regent, and other prospective leaders (Triwahyuningsih, 2019), (Zahara et al., 2023).

Along with the development of democratization in Indonesia, the implementation of Village Head Elections (Pilkades) is also carried out in the village area. The legal basis for the implementation of village head elections is regulated in Law Number 6 of 2014 concerning Villages and Regulation of the Minister of Home Affairs Number 112 of 2014 concerning Village Head Elections as last amended by Regulation of the Minister of Home Affairs Number 72 of 2020 concerning Amendments to Regulation of the Minister of Home Affairs Number 112 of 2014 concerning Village Head Elections, and is regulated in the Regional Regulations of each district (Fazhira & Irwansyah, 2023), (VMP Umar, 2023). However, in practice, village head elections are not considered an electoral system in Indonesia. This is despite the fact that village head elections are a real practice and are

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carried out by village communities as the most concrete form of democracy in the village (Rahmanudin, nd),(Hsb, 2023).

The village head election is not just a bet between political opponents in the local village, but more than that: it is a bet against the prestige and self-respect of a figure who is running for village head, making it vulnerable to conflict in the community (Tome, Rusman, & Ibrahim, 2021). In addition, other potential problems such as oversight of the village head election process, voting procedures, and disputes over the results of the village head election should also be regulated so that the village head election can proceed as it should. (Lagalante, Mau, & Ismail, 2024) Therefore, the central government makes regulations which are then followed up by regional governments as policy makers in the regions in determining policies related to village head elections (Wahab, 2021),(Silaban et al., 2025).

It is stated in Article 34 paragraph (2) of Law No. 6 of 2014 that the election of Village Heads is direct, general, free, secret, honest and fair (Kaka, Yohanes, & Tupen, 2023),(Fikri, 2021). And also in Article 202 paragraph (1) of Law No. 32 of 2004 it is stated that the village head is elected directly by and from the village residents who are citizens of the Republic of Indonesia, the further requirements and procedures for the election of which are regulated by regional regulations which are guided by government regulations (National Commission, 2007).

Explanation in Article 34 paragraph (2) of Law Number 6 of 2014 states that the election of Village Heads is direct, general, free, secret, honest and fair: Direct: choose to vote directly without intermediaries (Nurkholis, Edyar, & Habiburrahman, 2024),(Mutawalli, 2023). General: All eligible villagers have the right to vote without discrimination and without discrimination based on religion, race, gender, social status, or other background. Free: Voters are free to vote make their choice without coercion, pressure, or intimidation from any party. Secret: The voter's choice must not be known by anyone and is carried out using a voting booth. Honestly: All processes in the Village Head Election must be conducted it with honesty and there must be no data manipulation, fraud, bribery, or money politics. Fair: All candidates and voters receive equal and non-discriminatory treatment. Every stage of the election must be carried out according to the rules (MH Umar, 2014),(Dewi, 2020).

The implementing regulations of Law Number 6 of 2014 concerning Villages, also known as the Village Law, include several government regulations (PP) and ministerial regulations. Some of the main implementing regulations are Government Regulation Number 43 of 2014 concerning the Implementing Regulations of Law Number 6 of 2014 concerning Villages, which has been amended several times, including by PP Number 47 of 2015 and PP Number 11 of 2019. In addition, there is also a Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration (Permendesa) which regulates various aspects of the implementation of the Village Law (Dotulong, Pioh, & Waworundeng, 2018),(Suryani, 2023).

Dr. Djohermansyah Djohan, the former Director General of Regional Autonomy, believes that village head elections must be conducted with due regard for local socio-political stability, as this process often gives rise to horizontal friction if not managed properly. "Village head elections cannot be separated from the social dynamics of village communities, therefore, they must be protected from becoming an arena for horizontal conflict (Bayo, Santoso, & Samadhi, 2018),(Rozaki, 2021).

In the election of the head of Cinta Damai Village, there were 3 candidates for village head according to the verification results from the village head election committee, namely number 1. Josta Josevina Br Tambunan with 1,408 votes, number 2. Edward Tua Simatupang received 1,399 votes, number 3. Sugiman with 138 votes. In the process of the village head election, the election results were won by the candidate for village head number 1. Mrs. Josta Josevina Br Tambunan, but it turned out that there were frauds that occurred during the village head election, namely in the results of the supervision of witnesses prepared by Edward Tua Simatupang, it was found that at one of the polling stations there were people who were allowed to vote but the person was not domiciled in

the village according to the Resident Identity Card (KTP). In addition, there were also names found that were not written on the voting invitation but were allowed to vote, then it was also found that his child was traveling and replaced by his parents (Sari, Nasution, & Sihombing, 2024), (Pratiwi, 2020).

So in writing this research, the author raised the title "Implementation of Law Number 6 of 2014 concerning the Election of Village Heads in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency in the Perspective of Siyasah Dusturiyah" also to find out how the mechanism for implementing the election of Village Heads in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency and what is the basis for the election of Village Heads in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency is not in accordance with what has been regulated in Law Number 6 of 2014.

Administrative violations in village head elections, such as inaccurate verification of the permanent voters list (DPT), undermine maqasid al-shariah principles within the framework of Siyasah Dusturiyah because they ignore substantive justice and the legitimacy of village governance. This irregularity not only undermines public trust in the democratic process, but also contradicts the basic values of sharia that make justice the foundation of legitimate power. Therefore, the protection of citizens' political rights through accurate voter verification is an integral part of the objectives of Islamic law and essential in establishing a village election system with integrity.

## 2. Research Methods

This study uses an empirical legal approach aimed at examining the implementation of Law Number 6 of 2014 concerning Village Head Elections from a Siyasah Dusturiyah perspective. Data collection techniques were carried out through direct observation and interviews with relevant parties, such as the election committee, village head candidates, and the community of Cinta Damai Village. The data obtained were analyzed descriptively and qualitatively to reveal the extent to which the implementation of the Village Head Election complies with the principles of honesty, fairness, and trustworthiness as stipulated in positive law and Islamic sharia principles. This approach was chosen to clearly describe the problems in the implementation of the Village Head Election and its implications for social justice and leadership legitimacy.

## 3. Results and Discussion

### 3.1 Implementation of Law Number 6 of 2014 concerning the Election of Village Heads in Cinta Damai Village, Percut Sei Tuan District, Deli Serdang Regency

Law Number 6 of 2014 concerning Villages is the primary legal basis for the implementation of village governance, including the election of village heads (pilkades). Article 34 paragraph (2) mandates that pilkades must be carried out directly, publicly, freely, secretly, honestly, and fairly. Pilkades is a concrete form of local democracy that serves as a means for village communities to directly elect their leaders. However, the implementation of this ideal often faces obstacles in the field, as occurred in Cinta Damai Village.

Cinta Damai Village is a village in Percut Sei Tuan District, Deli Serdang Regency, which has a diverse social structure and strong local political dynamics. In the 2022 Village Head Election, the election was quite tight between several candidates, and was ultimately won by candidate number 1, namely Mrs. Josta Josevina Br Tambunan. However, after the election, lawsuits and complaints emerged from candidate Edward Tua Simatupang regarding alleged fraud at a number of polling stations. Based on reports from Edward Tua Simatupang's witnesses, indications of violations of the principles of honest and fair elections were found. Among them, there were voters who did not reside in Cinta Damai Village but were still allowed to vote. This is contrary to Article 202 paragraph (1) of Law No. 32 of 2004. And also found individuals who voted even though their names did not match those written on the invitation, some even

represented their children who were away from home. This shows the weakness of the verification process for the Permanent Voter List (DPT) and supervision during voting. In a legal context, this violates the principle of "one man one vote" and has the potential to violate the principle of the validity of voters' votes.

These issues also reflect the Village Head Election Committee's (PPKD) weak oversight and indecisiveness in enforcing regulations. According to Home Affairs Ministerial Regulation No. 112 of 2014 concerning Village Head Elections, the committee has a significant responsibility to ensure the election process complies with legal requirements, including verifying voter identities and distributing invitations.

Normatively, the Village Law provides clear guidelines on the procedures for village head elections. However, at the implementation level, weak oversight and the quality of human resources involved in the elections pose major challenges. Susanto cited weak training for the committee and suboptimal support from sub-districts and regencies as the main factors contributing to irregularities in the village head elections.

### ***3.2 The View of Siyasa Dusturiyah on the Implementation of Law Number 6 of 2014 on the Election of Village Heads in Cinta Damai, Percut Sei Tuan District, Deli Serdang Regency***

Siyasa, linguistically, means to regulate, manage, and govern, or to govern, politics, and policy-making. Furthermore, terminologically, siyasa means the regulation of legislation produced to maintain order and public welfare, thereby regulating the situation.

Then, based on the understanding above, it can be concluded that Siyasa fiqh is an aspect of Islamic law which discusses the regulation and control of human life in the state for the benefit of the people themselves.

Siyasa Dusturiyah is a branch of Islamic jurisprudence (fiqh siyasa) that examines the laws and regulations of a country. It also discusses the concepts of the constitution, legislation, democratic institutions, and the shura (lawful assembly), which serve as pillars of legislation. This study also explains the concept of the rule of law within siyasa, the reciprocal relationship between the government and society, and discusses the rights of citizens that must be protected.

siyasa dusturiyah which discusses the rules of government with the people, which is based on the theory of jasser auda In the book *Maqasid Al-Shariah As Philosophy Of Islamic Law* namely "blood, money, and honor of every Muslim" as a 'holy place' (haram) that should not be violated, However, lately, the phrase 'maintaining honor' has gradually been replaced in Islamic legal literature with 'maintaining human dignity and even 'protecting human rights' as the goal of Islamic law itself. In Siyasa Dusturiyah also discusses the concept of the rule of law and the reciprocal relationship between the government and citizens, as well as the protection of the rights of citizens that must be upheld. In this case, it means that the government policy intended by the village government must not ignore the rights of village head candidates and must be fair and honest in the village head election process in accordance with Law Number. 6 of 2014 and be treated fairly in the eyes of the law in line with Islamic values.

From the theory of Jasser Auda in his book *Masqasid Al-Shariah as Philosophy Of Islamic Law*, if it is related to the problems explained above, in the election of the village head in the village of Cinta Damai, Percut Sei Tuan District, Deli Serdang Regency, the rights of the village head candidates number 2 and 3 have been lost and the community's trust in the village government has been lost regarding the election of the village head. In addition, the loss of self-esteem of the elected village head due to fraud committed by the elected village head, then there is no justice carried out by the village head election committee in the election of the village head in the village of Cinta Damai, Percut Sei Tuan District, Deli Serdang Regency with evidence of fraud.

Fiqh Siyasa emphasizes the principle of 'adl (justice) as the basis for leadership legitimacy. If there are indications of fraud in the election process, such as manipulation of voter lists or falsification of voter identities, the results do not reflect the principle of

justice. This violates Islamic values, which demand honesty (*sidq*), trustworthiness, and transparency in public decision-making. Therefore, leaders who rise through fraudulent means lack strong sharia legitimacy.

A leader elected through a process that is illegitimate under both positive and Islamic law is questionable in terms of legitimacy and validity. Al-Mawardi's book, "Al-Ahkam al-Sultaniyyah," explains that leaders must be elected through a legitimate process and gain the trust of the people. If the election process is tainted by violations or fraud, the people have the right to demand clarification, annulment, or a re-election to restore political legitimacy and social justice.

In the context of Islamic jurisprudence, actions found at polling stations, such as voters not having the domicile as stated on their ID cards, unregistered voters, and the election of someone else in place of someone supposed to vote, are categorized as *ghairu masyrū'* (illegible according to Islamic law). This fraud is contrary to the principle of trustworthiness and can undermine social order and give rise to slander within the community, which is strictly prohibited in Islam.

In Islamic jurisprudence (*Fiqh Siyasah*), one of the impacts of a fraudulently elected leader is the disruption of social stability and a decline in public trust in the local government system. This was evident in the case of Cinta Damai Village, where tensions between candidate supporters escalated due to alleged fraud. Islam rejects all forms of power built on injustice, as they will cause greater harm to society.

#### 4. Conclusions

The implementation of the 2022 village head elections in Cinta Damai Village demonstrated deviations from the principles stipulated in Law Number 6 of 2014, particularly the principles of honesty, fairness, and legitimacy. Various violations occurred, such as voters not domiciled, voters not meeting invitations, and the substitution of voting rights by other parties. This reflects weak oversight and verification by the organizing committee. From the perspective of *Siyasah Dusturiyah*, these actions contradict the principles of justice (*'adl*), trustworthiness, and honesty (*sidq*), which are fundamental values in Islam. Fraud in village head elections not only undermines the legitimacy of leadership but also undermines public trust and has the potential to trigger social conflict. Therefore, system improvements, improved quality of organizers, and strict law enforcement are needed to ensure that the village democratic process runs in accordance with Islamic law and applicable positive law. Recommendations for improving the *Pilkades* system need to be formulated operationally through the drafting of new Standard Operating Procedures (SOPs) that include layered verification of the Permanent Voters List (DPT), the involvement of independent supervisors such as local *Bawaslu*, and the establishment of an ethics task force to follow up on administrative and ethical violations. Local governments are also advised to integrate digital reporting systems and organize mandatory technical training for *Pilkades* committees. Findings regarding weak committee supervision can be followed up through revisions to regulations, particularly *Permendagri* No. 112/2014, by adding supervisory performance indicators, structured reporting systems, and periodic evaluations by the regional inspectorate. The drafting of these new regulations and SOPs should ideally involve the participation of Islamic law and village governance academics so that the principles of *Siyasah Dusturiyah* can be integrated with positive law, creating fair and constitutional election governance at the village level.

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