AL RISALAH: Jurnal Ilmu Syariah dan Hukum

VOLUME 26 NO 1, MAY 2026
P-ISSN: 2252-8334 / E-ISSN: 2550-0309
This work is licensed under a Creative Commons Attribution 4.0 International License
https://doi.org/10.24252/al-risalah.vi.66475

The Domicile Requirement for Village Heads After Constitutional Court Decision No. 128/PUU-XIII/2015 and Its Implications for the Administration of Village Governance

Rut Simatupang[1*], Janpatar Simamora[2], Hisar Siregar[3]
[1]*E-mail: rut.simatupang@student.uhn.ac.id*
[2]*E-mail: patarmora@uhn.ac.id*
[3]*E-mail: hisar.siregar@uhn.ac.id*
[1,2,3]*Program Studi Ilmu Hukum, Fakultas Hukum, Universitas HKBP Nommensen Medan, Indonesia*
*corresponding author

Article history:
Received in revised form: 02 March 2026
Acceptance date: 16 March 2026
Available online: 24 March 2026

Keywords:
Village Head; Domicile; Constitutional Court; Village Government; Constitutional Rights.

How to Cite:
Simatupang, R., Simamora, J., & Siregar, H.. (2026). The Domicile Requirement for Village Heads After Constitutional Court Decision No. 128/PUU-XIII/2015 and Its Implications for the Administration of Village Governance. Al-Risalah Jurnal Ilmu Syariah Dan Hukum.
https://doi.org/10.24252/al-risalah.vi.66475

License:
Copyright (c) The authors (2026)
This work is licensed under a Creative Commons Attribution 4.0 International License.

Abstract
This study aims to analyze the dynamics of regulating domicile requirements for Village Head candidates and their implications following Constitutional Court Decision Number 128/PUU-XIII/2015 on village governance. Although the decision removed domicile restrictions to guarantee equal constitutional rights, previous studies have focused more on its normative and constitutional aspects than on its sociological impact on village communities with strong local values. This study fills that gap by examining how the removal of domicile requirements affects social acceptance, leadership legitimacy, and the effectiveness of village governance. Using an empirical juridical method with a descriptive qualitative approach, this research collected primary data through in-depth interviews with community leaders, village officials, and villagers, while secondary data were obtained from regulatory documents and relevant literature. The findings show that the implementation of the Court's decision is still marked by social resistance, as communities tend to trust local candidates more because they are considered to better understand village customs and social conditions. At the same time, the inclusion of non-local candidates has encouraged higher competency standards in village political competition. The novelty of this study lies in showing that the implications of the Court's decision extend beyond the protection of constitutional rights to include changes in social legitimacy and leadership effectiveness at the village level. These findings are significant in indicating that effective village governance depends not only on managerial competence, but also on the elected Village Head's ability to adapt to local wisdom and community values.

INTRODUCTION

Indonesia, as a state governed by the rule of law, places law as the highest foundation in state life to limit governmental power and prevent arbitrary actions.[1] Within this framework, the 1945 Constitution guarantees equality before the law as well as every citizen's right to obtain fair legal protection and to participate in governance.[2]

One of the important pillars of the Constitution is Article 28D paragraph (3), which guarantees every citizen the right to participate equally in government. This right represents a concrete manifestation of democratic principles, where the people hold the highest authority. Etymologically, the term "democracy" originates from the Greek words *demos* (people) and *kratos* (power). Thus, theoretically, democracy defines a system of government in which sovereignty fully resides in the hands of the people.[3]

There is a fundamental and inseparable relationship between human existence and human rights. From birth, every individual is endowed with inherent rights that form an integral part of their identity as human beings.[4] The practical implementation of human rights in state governance is reflected in granting equal opportunities for every citizen to participate in government. To ensure that this right reaches all citizens, Indonesia adopts a territorial division system. In accordance with Article 18 paragraph (1) of the 1945 Constitution, Indonesia is not governed in a centralized manner alone, but is divided into provinces, which are further subdivided into regencies and municipalities. Each region is granted authority to manage its own affairs through local governments, the legal basis of which is regulated by law.[5]

As a state based on law, Indonesia not only adheres to regulations but also upholds the values of justice and divinity in every policy. This system is designed to regulate how political institutions function. However, regulations alone are insufficient; it is also necessary to build a rational legal awareness within society. The ultimate goal is to create an orderly and professional system of governance that leads to prosperity for all.[6]

---

[1] Janpatar Simamora, "*Tafsir Makna Negara Hukum dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*", Jurnal Dinamika Hukum, Vol.14, No. 3, 2014, p. 547.
[2] Janpatar Simamora, "*Perlindungan Hak Memilih Sebagai Hak Konstitusional Warga Negara*", Jurnal Yudisial Komisi Yudisial Republik Indonesia, Vol.6, No. 2, 2013, p. 124.
[3] Janpatar Simamora, "*Eksistensi Pemilukada dalam Rangka Mewujudkan Pemerintahan Daerah yang Demokratis*", Mimbar Hukum, Vol. 23, No.1, 2011, p. 224.
[4] Elsita Lumban Gaol & Janpatar Simamora, "*Tinjauan Yuridis Strategi Nasional Bisnis dan Hak Asasi Manusia Berdasarkan Peraturan Presiden No 60 Tahun*" Jurnal Media Informatika, Vol.6, No. 2, 2025, p.1002.
[5] Pasal 18 Ayat (1) UUD NRI Tahun 1945
[6] Fitriawan, M. F, "*Tugas Kepala Desa dalam Penyelenggaraan Pemerintahan Untuk Mewujudkan Kesejahteraan Masyarakat Perspektif Politik Islam (Studi Di Desa Pakis Kecamatan Panti Kabupaten Jember)*", Skripsi, UIN Kiai Haji Achmad Siddiq Jember, 2023, p.1.

In Indonesia, the highest authority lies in the rule of law, not in the personal will of officials or rulers. Therefore, every government policy must have a clear legal basis. This is intended to prevent leaders from acting arbitrarily or abusing their power.[7]

Indonesia recognizes villages and customary law communities as the oldest governmental entities, possessing unique characteristics and original rights that must be respected within the national constitutional system.[8] After independence, villages were positioned as administrative units of government, with their designation standardized nationally alongside urban wards (*kelurahan*).[9] In the constitutional structure, villages occupy the lowest level of government and play an important role in local governance and development.[10] Constitutionally, the regulation of regional governance procedures is delegated to statutory law, as affirmed in Article 18 paragraph (7) of the 1945 Constitution. Recognition of customary law communities[11] and their traditional rights is also affirmed in Article 18B paragraph (2).[12] Over time, regulations concerning village governance have evolved from being part of regional administration toward strengthening more autonomous village governance.[13]

The existence of villages is formally regulated by the Regional Government Law and the Village Law. These legal frameworks grant broad authority for villages to independently manage their own affairs. Under this autonomy principle, villages have full rights to make decisions and carry out development tasks for the benefit of their communities.[14]

Village governments are responsible for creating an environment that respects the voice of the people. Through optimal social services, they play a key role in achieving community welfare, maintaining social order, and ensuring fair treatment for all

---

[7] Tarigan, R. S, *Menuju Negara Hukum yang Berkeadilan*. Ruang Karya Bersama, 2024, p.15.

[8] Talent Siburian, Janpatar Simamora & Kasman Siburian, "*Efektivitas Fungsi dan Peran Badan Permusyawaratan Desa (BPD) dalam Meningkatkan Kinerja Kepala Desa (Studi Desa Sihonongan, Kecamatan Paranginan, Kabupaten Humbang Hasundutan)*", Nommensen Journal of Constitutional and Administrative Law, Vol.02, No. 01, 2023, p.24.

[9] Sihombing, E. N. *Hukum Pemerintahan Desa*, Kumpulan Buku Dosen, 2021, p.2.

[10] Rahma, A. A., Suharno, S., & Raharno, R. "*Tinjauan Yuridis Tugas dan Fungsi Kepala Desa dalam Penyelenggaraan Pemerintahan Menurut Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*", Jurnal Inovasi Penelitian, Vol.2, No.8, 2022, p.1.

[11] Pasal 18 Ayat (7) UUD NRI Tahun1945.

[12] Pasal 18B Ayat (2) UUD NRI Tahun 1945.

[13] Larunga, H. L., Labatjo, R., & Mustikowati, E, "*Syarat Domisili Pada Pencalonan Kepala Desa dan Pengangkatan Perangkat Desa Setelah Putusan Mahkamah Konstitusi Nomor 128/Puu-Xiii/2015*", Jurnal Yustisiabel, Vol.6, No. 1, 2022, p.39.

[14] Pamungkas, B. A, "*Pelaksanaan Otonomi Desa Pasca Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*", Jurnal USM Law Review, Vol.2, No. 2, 2019, p.212-213.

citizens.[15] According to Article 1 paragraph (2) of the Government Administration Law, carrying out governmental functions involves five main tasks: formulating regulations, delivering public services, promoting development, educating or empowering citizens, and ensuring security and protection for society.[16] According to Law No. 6 of 2014, the essence of village governance is a combination of administrative state functions and accommodating local community needs, all as an inseparable part of the national governance structure.[17]

The duties of village governance in serving and protecting the community constitute a constitutional mandate as the highest law of the state. The Constitution functions as the fundamental guideline that regulates the distribution of power, establishes citizens' rights, and structures a just relationship between the government and the people.[18]

The Constitution guarantees the rights of every citizen, including the principle of equality before the law and government as stated in Article 27 paragraph (1) of the 1945 Constitution. This principle requires the government to treat all individuals equally.

As part of the post-reform constitutional system, the Constitutional Court was established to uphold the Constitution and strengthen the judicial system in Indonesia.[19] Based on Article 24C paragraph (1) of the 1945 Constitution, the Court has the authority to adjudicate constitutional cases, including disputes over authority between state institutions whose powers are derived from the Constitution.[20]

Thus, a village represents a real interaction between its inhabitants and their surrounding environment. A village is not merely a territorial unit but also reflects how its people manage their living environment. Through elections, the community grants authority to the Village Head to lead and develop the village.[21] The primary role of the Village Head is to act as a driving force for progress in line with national development goals. This indicates that the Village Head is a key determinant of development success at the most basic level.[22]

---

[15] Hajar. S, *Pemerintahan Desa dan Kualitas Pelayanan Publik*. umsu press, Medan, 2021, p.7.
[16] Pasal 1 Ayat (92) UU Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan.
[17] Undang-Undang Nomor 6 Tahun 2014 Tentang Desa.
[18] Wibowo, A, *Teori Hukum Umum, Analisis Aturan, Penalaran dan Konstitusi*, Yayasan Prima Agus Teknik, Semarang, 2025, p.10.
[19] Janpatar Simamora, "*Urgensi Keberadaan GBHN dalam Sistem Ketatanegaraan Republik Indonesia*", Jurnal Litigasi, Vol.17, No. 2, 2016, p.3428.
[20] Janpatar Simamora, "*Problematika Penyelesaian Sengketa Kewenangan Lembaga Negara oleh Mahkamah Konstitusi*", Jurnal Mimbar Hukum, Vol.28, No.1, 2016, p.78.
[21] Ramlan, Sihombing. E. N, *Hukum Pemerintahan Desa*, Enam Media, Binjai, 2021, p.2.
[22] Rusyan, H. T, *Membangun Efektivitas Kinerja Kepala Desa*, Bumi Aksara, Jakarta, 2022, p.1.

Regional head elections are a central symbol of democracy in Indonesia, placing the people as the ultimate decision-makers. Through this system, the public has full control to choose leaders who will carry out their mandate, thereby reinforcing Indonesia's identity as a state that upholds popular sovereignty.[23]

The administration of village governance in Indonesia has undergone significant transformation in line with legal and policy developments, particularly following Constitutional Court Decision No. 128/PUU-XIII/2015. This decision abolished the requirement for village head candidates to have resided in the village for at least one year prior to registration, as previously stipulated in the Village Law. This change was driven by a commitment to democratic principles and human rights, as well as the intention to broaden public participation in the village head election process.

Although the decision expands citizens' constitutional access to run for village head, its implementation has created new challenges at the local level. In many village communities, sociological proximity, understanding of local customs, and historical ties to the community remain important elements in determining the legitimacy of village leadership.

The Constitutional Court's decision emerged as a response to demands from the public and village officials who considered the strict domicile requirement to restrict citizens' political rights, especially for those who migrate or relocate for self-development. The Court held that the minimum one-year domicile requirement was discriminatory and contrary to Article 28C paragraph (2) of the 1945 Constitution, which guarantees every individual the right to develop themselves and to contribute collectively to the development of society and the state. The removal of the domicile requirement has had a significant impact on village governance. Village head elections have become more open, allowing migrant villagers to return and run as candidates, thereby strengthening political participation and democracy at the village level. However, this change also introduces new challenges, such as potential conflicts of interest, doubts about candidates' competence, and increasingly complex social and political dynamics within villages.

Previous studies generally position the requirements for village head candidacy within the framework of citizens' political rights, local democracy, and judicial review of statutory norms against the Constitution. Other studies have also examined Constitutional Court decisions as instruments for correcting limitations on constitutional

[23] Haq, Nur, M. H. "Urgensi Syarat Domisili Bagi Calon Kepala Daerah dalam Pemilihan Kepala Daerah", *UIN KH Abdurrahman Wahid Pekalongan*, 2025, p.1.

rights. However, these studies tend to focus on normative aspects and have not thoroughly explored the empirical implications of abolishing the domicile requirement, particularly regarding the social legitimacy of village heads, the relationship between leaders and communities, and the effectiveness of village governance at the local level.

This study aims to analyze the dynamics of domicile requirements for village head candidates following Constitutional Court Decision No. 128/PUU-XIII/2015 and its implications for village governance. This article positions itself as an empirical-juridical study that connects the normative dimension of judicial decisions with the socio-political realities of village governance. The contribution of this research lies in explaining the relationship between the expansion of political rights, societal acceptance, and the effectiveness of village leadership after the removal of the domicile requirement.

Based on the above discussion, the author considers it necessary to further examine the domicile requirement for village heads, particularly by analyzing Constitutional Court Decision No. 128/PUU-XIII/2015 and its implications for the administration of village governance. Therefore, this research is conducted under the title: "The Domicile Requirement for Village Heads after Constitutional Court Decision No. 128/PUU-XIII/2015 and Its Implications for Village Governance."

METHODS

This study employs an empirical juridical method with a qualitative descriptive approach. The research was conducted in Batumanumpak Village, Pangaribuan Subdistrict, North Tapanuli Regency, selected due to its relevance to the issue of domicile requirements for village head candidates following Constitutional Court Decision No. 128/PUU-XIII/2015. Primary data were obtained through interviews with community members and stakeholders involved in village governance, while secondary data were collected from statutory regulations, Constitutional Court decisions, academic literature, and other supporting documents. Informants were selected using purposive sampling based on their relevance and understanding of the research subject. The data were analyzed qualitatively through stages of data reduction, data presentation, and conclusion drawing. To ensure data validity, source triangulation techniques were applied by comparing findings from interviews, documents, and relevant literature.[24]

[24] Balaka, M. Y, *Buku Metodologi Penelitian Kuantitatif*, Widina, 2022, p.21.

RESULTS AND DISCUSSION

1. The Dynamics of Regulating Village Head Domicile Requirements in Indonesia

Dynamics can be described as an interlocking chain in which all components are interconnected and mutually influential. Because everything is linked, even a slight change in one part will inevitably affect and adjust the others.[25] Over time, the dynamics of nationhood and state governance continue to evolve. This development makes it impossible to rely indefinitely on outdated regulations that may no longer be relevant. In order for the law to remain responsive to contemporary challenges and public expectations, the Constitution must be adapted. This is why constitutional amendments are undertaken as an adaptive measure by the state in response to change.[26]

The regulation of domicile requirements for village head candidates in Indonesia has undergone significant changes in line with the development of legislation and Constitutional Court decisions. Initially, this requirement was explicitly regulated in Law Number 6 of 2014 concerning Villages, which required candidates for village head to reside in the village to ensure social attachment and proximity to the community.

This provision was later updated through Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 on Villages, which substantively aligns with Constitutional Court Decision Number 128/PUU-XIII/2015. This law emphasizes that domicile is no longer a mandatory requirement for village head candidacy. Therefore, it is important to examine in detail how this regulation has evolved before and after the Constitutional Court decision in order to understand its implications for village governance.

Prior to Constitutional Court Decision Number 128/PUU-XIII/2015, the domicile requirement for village head candidates was governed by Law Number 6 of 2014 on Villages. Article 33 letter (g) stipulated that candidates must have resided in the village for at least one year prior to registration. This provision was reinforced by Government Regulation Number 43 of 2014 concerning the Implementation of the Village Law, as amended by Government Regulation Number 47 of 2015. These technical regulations emphasized domicile as a mandatory administrative requirement for village head candidates. Consequently, the election committee had the authority to reject candidates who did not meet the domicile requirement.

---

[25] Marliani, R., & Merisa, N., "*Budaya Organisasi dan Dinamika Organisasi*", Jurnal Pelita Nusantara, Vol.1, No. 4, 2024, p.521.

[26] Janpatar Simamora & Bintang, M. E. Naibaho, "*Penguatan Landasan Konstitusional Kejaksaan dalam Sistem Ketatanegaraan Republik Indonesia*", Jurnal Konstitusi, Vol.22, No. 2, 2025, p.333.

The dynamics of regulating village head domicile requirements in Indonesia have undergone a fundamental paradigm shift, moving from local protectionism toward a more inclusive liberalization of village democracy. Juridically, Constitutional Court Decision Number 128/PUU-XIII/2015 has effectively rolled out the red carpet for all citizens to participate in village leadership contests without geographical barriers. However, at the empirical level—particularly in Batumanumpak Village, Pangaribuan Subdistrict, North Tapanuli Regency—this dynamic has created an interesting tension between legal certainty and the sociological awareness of the local community. Although legal access has been widely opened by the state, reality shows that public acceptance of non-local leaders remains strongly tied to deeply rooted local values and wisdom.

Legally, the "red carpet" has indeed been laid out for outsiders through Constitutional Court Decision No. 128/PUU-XIII/2015. In this context, the "red carpet" signifies the removal of restrictive administrative requirements, thereby facilitating easier access for prospective leaders. It is viewed as a special pathway that smooths leadership circulation, making political competition at the village level more open to a wider range of participants.[27]

Before this decision, Article 33 letter (g) of Law No. 6 of 2014 on Villages was seen as a barrier preventing non-residents from serving in a village. The Constitutional Court emphasized that the right to be elected is a constitutional right that must not be restricted by rigid domicile requirements.

The Court held that the one-year domicile requirement contradicted Article 28I paragraph (2) of the 1945 Constitution regarding protection from discriminatory treatment. With this ruling, villages are no longer viewed as closed entities but as part of the Unitary State of the Republic of Indonesia, where every citizen holds equal status in governance.

Although determining eligibility requirements is generally the authority of the legislature and the government (open legal policy), the Constitutional Court intervened because the domicile requirement was considered to have exceeded the bounds of justice and hindered the vertical mobility of competent citizens.

Today, in formal legal terms, a professional from Jakarta, Surabaya, or any other city can run for village head in remote areas without first changing their identity card (KTP). This reflects an effort to eliminate narrow regionalism in village politics so that competence, rather than origin, becomes the primary consideration.

[27] Triadi, R. B., & Nurjanah, N. "*Dekonstruksi Citra Dinasti Jokowi Pada Pemberitaan Koran Tempo. Co*", Pena Literasi:Jurnal Pendidikan Bahasa dan Sastra Indonesia, Vol.8, No. 1, 2025, p.89.

However, many members of the community are still unaware of this change. Based on interviews with several respondents in Batumanumpak Village, it was found that most residents were not aware of the revised regulation regarding domicile requirements. One informant, Mr. Mangatas Gultom (61 years old), a trader, stated: "*As far as I know, if you want to run for village head, you must be from here and have a local ID card.*"[28] This statement indicates that legal developments at the national level have not been evenly disseminated, leading communities to continue adhering to the old rules that require domicile as an absolute condition.

Even when informed that legally outsiders are allowed to run, the community tends to reject such candidates based on local identity considerations. Lack of awareness is not the only barrier; there is also strong cultural resistance. Mrs. Risma Simamora (46 years old) expressed her view: "*Maybe according to state regulations it is allowed, but for us, a village is not just an office. It is about kinship. Outsiders will not understand land boundaries that often become disputed or which families must be respected here. We would rather choose a local person who may be less educated but whose background we know, than a smart outsider who is unfamiliar to us.*"[29] This statement highlights that sociological legitimacy in the village outweighs the administrative legitimacy granted by the Constitutional Court decision.

The community perceives the village head not merely as an administrator, but as a guardian of values. In an in-depth interview with a local customary leader, Mr. Altur Simangunsong (71 years old), concerns were raised that the "red carpet" for outsiders could erode local values. He stated: "*The village head is also a customary leader. If he is not from here, how can he lead village ceremonies or understand rituals like village cleansing? We do not want our village to be managed like a factory – only dealing with paperwork while losing its soul.*"[30] This demonstrates that changes to domicile requirements are perceived as a threat to the stability of the village's cultural identity.

On the other hand, there is some openness when viewed from the perspective of village development, although doubts remain. A different view emerged from the village youth. One informant, Dini Tampubolon (27 years old), a teacher and youth organization mentor at the church, stated: "*Actually, it is not a problem if an outsider becomes village head, as long as they can bring development projects or improve the village economy. But the challenge is huge – they will likely face resistance from long-established local families. So even though the rules allow it, the 'red carpet' is actually full of thorns for outsiders.*"[31] This statement suggests

[28] Mangatas Gultom (Pedagang Sembako), wawancara pribadi, Senin, 23 Februari 2026.
[29] Risma Simamora (Petani), wawancara pribadi, Rabu, 18 Februari 2026.
[30] Altur Simangunsong (Tokoh Adat), wawancara pribadi, Jumat, 20 Februari 2026.
[31] Dini Tampubolon (Pembina Pemuda), wawancara pribadi, Minggu, 1 Maret 2026.

that while rationally the community is beginning to open up, politically the chances for outsiders remain very limited.

From a juridical perspective, the regulation of village head domicile requirements has undergone full liberalization following Constitutional Court Decision Number 128/PUU-XIII/2015. The Court has effectively opened broad access for all citizens to participate in village democracy without geographical restrictions. However, empirical findings show that this dynamic remains one-sided. At the community level, sociological resistance persists, where unwritten domicile requirements still prevail. People continue to believe that the legitimacy of a village head is not determined solely by formal appointment, but also by primordial ties and emotional closeness as a native member of the community.

Based on the above findings, it can be concluded that the dynamics of domicile requirements after Constitutional Court Decision Number 128/PUU-XIII/2015 in Batumanumpak Village remain socially static. Although the state has eliminated domicile-based discrimination in the name of human rights, the local community continues to collectively enforce unwritten domicile requirements. This creates a gap between the Court's aspiration to establish a competitive village leadership system and the on-the-ground reality, which still prioritizes primordial closeness.

2. The Implications of Regulating Village Head Domicile Requirements After Constitutional Court Decision No. 128/PUU-XIII/2015 on the Administration of Village Governance

In simple terms, an implication is a consequence that arises from a particular cause. Due to its flexible meaning, this term can be applied in various contexts, both formal and informal. It is often used in discussions or debates when someone seeks to explain the potential impacts of a given situation.[32]

The juridical transformation brought about by Constitutional Court Decision No. 128/PUU-XIII/2015 has fundamentally not only reshaped the landscape of village political contestation but has also generated significant implications for the stability and dynamics of village governance. From the perspective of bureaucratic governance, the abolition of the domicile requirement introduces new challenges, particularly in synchronizing the Village Head with the village bureaucratic apparatus, which tends to be more permanent. Although, in the research location, the phenomenon of a non-local

[32] Jaelani, R. T., & Ufran, U., "*Penguatan Hak Milik Atas Tanah Berdasarkan Putusan Pengadilan (Analisis Putusan Nomor 42/Pdt. G/2018/PN Mataram)*". Journal of Community Engagement, Vol.4, No. 2, 2023 p.444.

Village Head has not yet materialized, the implications of this decision have already operated psychologically and administratively within the local governance structure.

To examine these implications more concretely, this study explores perspectives from the most vital element of the village bureaucracy, namely the Village Secretary. As the central figure in administrative control, the Village Secretary's views reflect the readiness of the village governance structure to accommodate cross-domicile leadership dynamics. Based on the interview findings, a crucial point emerged, illustrating both readiness and concern within the local bureaucracy. The Village Secretary often anticipates potential conflicts between the leadership style of outsiders—typically more modern—and village officials who are accustomed to socio-cultural working patterns. The Village Secretary of Batumanumpak, Mr. Lastigor Gultom (51 years old), expressed significant concern regarding the possible entry of an external leader: *"We work here based on a familial system. Sometimes office matters are resolved at the dining table. If a Village Head from the city brings rigid disciplinary standards without understanding our social rhythm, I fear coordination will break down. As the Village Secretary, I would be in a difficult position, bridging the rigid expectations of the leader with the reality of traditional staff."*[33]

Furthermore, the Village Secretary also highlighted implications for the sense of security among village officials. He emphasized issues of loyalty and job stability. There is an implicit concern among the village apparatus that if the Village Head comes from outside, they may lack emotional ties with existing staff. This raises fears that the new leader might bring in their own associates from outside to fill strategic positions, potentially displacing current officials. Such a situation could create an unhealthy working environment characterized by mistrust between the new leadership and existing staff.

Moving into the technical realm of governance, there is an impact that is rarely considered by policymakers at the central level but is clearly felt in practice—namely, the increased workload of the Village Secretary. While much attention has been given to the political rights of candidates, the sociological dimension of village bureaucracy is often overlooked. If the elected Village Head is an outsider without adequate understanding of the geographical and social conditions of the village, the Village Secretary inevitably assumes a dual role. Beyond administrative duties, they must also act as a guide for the new Village Head. This includes explaining the history of community conflicts, identifying disaster-prone areas, and understanding the characteristics of local leaders. Based on field interviews, this situation poses a significant challenge, as it may disrupt

[33] Lastigor Gultom (Sekretaris Desa Batumanumpak), wawancara pribadi, Sabtu, 28 Februari 2026.

the Village Secretary's primary administrative responsibilities. As stated by the Village Secretary: "*If the Village Head is from here, they already understand flood-prone areas, land dispute histories, and the character of each hamlet head. If an outsider comes in, my role shifts to becoming a teacher of the village's history and geography. My administrative duties may be neglected because I must accompany the Village Head in 'learning' the village every day. This is a bureaucratic burden that policymakers rarely consider.*"

On the other hand, village youth figures view the current implication as a shift in how the position of Village Head is perceived. "*Now, the position of Village Head no longer belongs to a particular clan. Anyone can enter. This has pushed local candidates to become more active in social outreach and in learning the rules, because they fear competition from capable outsiders.*".[34] This indicates a positive implication in the form of increased political competence at the local level.

From the perspective of the Village Secretary, Constitutional Court Decision No. 128/PUU-XIII/2015 is normatively sound in terms of democratic theory. However, in practice, it generates what can be described as "hidden costs." These costs manifest in the form of time and energy. When the Village Head is an outsider, the transition period of governance involves not only administrative adjustment but also a process of "territorial learning." As a result, the effectiveness of village governance may decline during the first year, as the Village Secretary must focus on transferring local knowledge to the new leader. This represents a form of bureaucratic inefficiency that is rarely calculated by policymakers.

Although the research location has not yet experienced the leadership of a non-local Village Head, the implications of this Constitutional Court decision have already influenced the psychological and administrative dimensions of village governance, including:

a. Territorial Education Burden: The most visible implication is the emergence of additional responsibilities for the Village Secretary as a sociological mentor. If the leader is an outsider, the Village Secretary bears a dual burden of transferring local knowledge—such as land history, community conflicts, and customs—which may hinder the primary administrative functions during the early years of leadership.
b. Shift in Power Dynamics: This decision indirectly strengthens the position of the Village Secretary as the key holder of local information. If not properly managed, this may create an imbalance of power between the Village Head as the political leader and the village apparatus as the controllers of field data.

[34] Lastigor Gultom (Sekretaris Desa Batumanumpak), wawancara pribadi, Sabtu, 28 Februari 2026.

c. Competency Standards: On the positive side, this regulation serves as an early warning for local figures to enhance their professionalism in order to remain competitive against potential candidates from outside the region in the future.

CONCLUSION

The Constitutional Court Decision No. 128/PUU-XIII/2015 affirms the expansion of citizens' political rights in village head candidacy through the abolition of the domicile requirement. However, the findings of this study indicate that such normative openness is not yet fully aligned with the sociological realities of village communities, which still regard cultural, historical, and territorial proximity as essential bases for leadership legitimacy. Therefore, this study contributes theoretically by emphasizing that the effectiveness of legal norms at the village level is determined not only by their constitutional validity but also by the social acceptance of the elected leader.

From a practical perspective, this study highlights the need for more structured transitional policies in village leadership, particularly for village heads originating from outside the area, to ensure more effective adaptation to the village's social, cultural, and administrative conditions. Furthermore, strengthening the capacity of village apparatus, improving data-based administrative systems, and enhancing political education among the community are crucial steps to support a more inclusive, responsive, and accountable village governance system following the Constitutional Court decision.

REFERENCES

Books

Balaka, M. Y. Buku Metodologi Penelitian Kuantitatif, Widina, 2022.

Hajar, D. S., & SOS, S. Pemerintahan Desa dan Kualitas Pelayanan Publik, umsu press, 2021.

Ramlan, Sihombing. E. N., Hukum Pemerintahan Desa, Enam Media, Binjai, 2021

Rusyan, H. T., Membangun Efektivitas Kinerja Kepala Desa, Bumi Aksara, 2022.

Sihombing, E. N., Hukum Pemerintahan Desa, Kumpulan Buku Dosen, 2021.

Tarigan, R. S., Menuju Negara Hukum yang Berkeadilan, Ruang Karya Bersama, 2024.

Wibowo, A., Teori Hukum Umum, Analisis Aturan, Penalaran dan Konstitusi, Yayasan Prima Agus Teknik, Semarang, 2025.

Journals

Gaol, E. L., & Simamora, J., "Tinjauan Yuridis Strategi Nasional Bisnis dan Hak Asasi

Manusia Berdasarkan Peraturan Presiden No 60 Tahun" Jurnal Media Informatika, 6(2), 2025.

Haq, Nur. M. H., "Urgensi Syarat Domisili Bagi Calon Kepala Daerah dalam Pemilihan Kepala Daerah", UIN KH Abdurrahman Wahid Pekalongan, 2025.

Jaelani, R. T., & Ufran, U., "Penguatan Hak Milik Atas Tanah Berdasarkan Putusan Pengadilan (Analisis Putusan Nomor 42/Pdt. G/2018/PN Mataram)", Journal of Community Engagement, 4(2), 2023.

Larunga, H. L., Labatjo, R., & Mustikowati, E., "Syarat Domisili Pada Pencalonan Kepala Desa dan Pengangkatan Perangkat Desa Setelah Putusan Mahkamah Konstitusi Nomor 128/Puu-Xiii/2015", Jurnal Yustisiabel, 6(1), 2022.

Marliani, R., & Merisa, N., "Budaya Organisasi dan Dinamika Organisasi", Jurnal Pelita Nusantara, 1(4), 2024.

Pamungkas, B. A., "Pelaksanaan Otonomi Desa Pasca Undang-Undang Nomor 6 Tahun 2014 Tentang Desa", Jurnal USM Law Review, 2(2), 2019.

Rahma, A. A., Suharno, S., & Raharno, R., "Tinjauan Yuridis Tugas dan Fungsi Kepala Desa dalam Penyelenggaraan Pemerintahan Menurut Undang-Undang Nomor 6 Tahun 2014 Tentang Desa", Jurnal Inovasi Penelitian, 2(8), 2022.

Rivai, A., Saraswati, R., & Wardhani, L. T. A. L., "Implementasi Putusan Mahkamah Konstitusi Nomor 128/PUU-XIII/2015 Tentang Syarat Pencalonan Kepala Desa", Diponegoro Law Journal, 8(1), 2019.

Siburian, T., Simamora, J., & Siburian, K "Efektivitas Fungsi dan Peran Badan Permusyawaratan Desa (BPD) dalam Meningkatkan Kinerja Kepala Desa (Studi Desa Sihonongan, Kecamatan Paranginan, Kabupaten Humbang Hasundutan)", Nommensen Journal of Constitutional and Administrative Law, 02(01), 2023.

Simamora, J., "Perlindungan Hak Memilih Sebagai Hak Konstitusional Warga Negara", Jurnal Yudisial, 6(2), 2013.

Simamora, J., "Tafsir Makna Negara Hukum dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945", Jurnal Dinamika Hukum, 14(3) 2014.

Simamora, J., & Naibaho, B. M. E., "Penguatan Landasan Konstitusional Kejaksaan dalam Sistem Ketatanegaraan Republik Indonesia", Jurnal Konstitusi, 22(2), 2025.

Simamora, J., "Problematika Penyelesaian Sengketa Kewenangan Lembaga Negara oleh Mahkamah Konstitusi", Jurnal Mimbar Hukum, 28(1), 2016.

Simamora, J., "Urgensi Keberadaan GBHN dalam Sistem Ketatanegaraan Republik Indonesia", Jurnal Litigasi, 17(2), 2016.

Triadi, R. B., & Nurjanah, N., "Dekonstruksi Citra Dinasti Jokowi Pada Pemberitaan Koran Tempo. Co", Pena Literasi: Jurnal Pendidikan Bahasa dan Sastra Indonesia, 8(1), 2025.

Thesis

Fitriawan, M. F., "Tugas Kepala Desa dalam Penyelenggaraan Pemerintahan Untuk Mewujudkan Kesejahteraan Masyarakat Perspektif Politik Islam (Studi Di Desa Pakis Kecamatan Panti Kabupaten Jember)", Skripsi, UIN Kiai Haji Achmad Siddiq Jember, 2023.

Legislation

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan.

Undang-Undang Nomor 6 Tahun 2014 Tentang Desa.

Interviews

Altur Simangunsong (Tokoh Adat), wawancara pribadi, Jumat, 20 Februari 2026.

Dini Tampubolon (Pembina Pemuda), wawancara pribadi, Minggu, 1 Maret 2026.

Lastigor Gultom (Sekretaris Desa Batumanumpak), wawancara pribadi, Sabtu, 28 Februari 2026.

Mangatas Gultom (Pedagang Sembako), wawancara pribadi, Senin, 23 Februari 2026.

Risma Simamora (Petani), wawancara pribadi, Rabu, 18 Februari 2026.