

The Postponement of Simultaneous Village Head Elections in Majene Regency: Local Governance, Democratic Legitimacy, and Regulatory Inconsistency

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KEYWORDS	ABSTRACT
Keywords: Policy Review; Village Head Election Suspension; Majene Regency; Regent Regulation; Village-Level Democracy. Conflict of Interest Statement: . Copyright © 2025 Vifada Assumption Journal of Law. All rights reserved.	Purpose: This study examines the legal and governance implications of postponing the simultaneous Village Head Elections in Majene Regency, West Sulawesi, in 2023. The central legal issue concerns whether the postponement was consistent with the principles of legality, accountability, and local democratic governance. Previous studies have discussed the postponement of Village Head Elections in other regions, but limited attention has been given to the relationship between regulatory inconsistency, regent authority, and democratic legitimacy at the village level. This study offers novelty by analyzing the Majene case through an integrated philosophical, sociological, and juridical perspective. Research Design and Methodology: Using a descriptive qualitative approach, data were collected through regulatory document analysis, interviews with key stakeholders, field observation, and supporting documentation. Findings and Discussion: The findings show that the postponement created legal uncertainty, weakened the continuity of democratic leadership, and shifted village accountability from electoral legitimacy to bureaucratic appointment. The use of an improper legal instrument and the inconsistent replacement of local regulations also weakened public trust in regional governance. Implications: This study contributes to the development of local government law by emphasizing that postponing Village Head Elections must be based on a clear legal foundation, transparent justification, accountable procedures, and protection of villagers' voting rights.

Introduction

The government system of the Unitary State of the Republic of Indonesia makes decentralization the main principle, giving local governments flexibility to manage their household affairs independently.¹ In this order, the village occupies a vital position as the spearhead for implementing basic community services and a forum for the growth of democracy at the lowest level. The village head serves as the executive leader, whose mandate comes directly from the people through an election process that upholds the principles of democracy: direct, free, secret, honest, and fair, in accordance with Law Number 6 of 2014 concerning Villages.² Article 39 of the law states that the village head's term of office lasts six years and allows re-election for a maximum of three terms.

¹ Adissya Mega Christia and Budi Ispriyarso, "Desentralisasi Fiskal Dan Otonomi Daerah Di Indonesia," *LAW REFORM* 15, no. 1 (May 27, 2019): 149, <https://doi.org/10.14710/lr.v15i1.23360>.

² Nia Agustina, Esa Esa, and Mohamad Yusuf, "Model Kelembagaan Pemerintah Desa," *TUTURAN: Jurnal Ilmu Komunikasi, Sosial Dan Humaniora* 2, no. 1 (January 11, 2024): 201-9, <https://doi.org/10.47861/tuturan.v2i1.775>.

The Pilkades is essentially the most concrete mechanism for realizing people's sovereignty at the village level. Through this forum, villagers exercise their right to determine for themselves who will lead them.³ However, on the ground, implementing the Pilkades often stumbles over obstacles ranging from social friction and the interests of certain groups to overlapping rules. These obstacles have delayed the implementation of the Pilkades in a number of regions with different backgrounds.⁴

One case of postponement that drew public attention occurred in Majene Regency, West Sulawesi Province. Through Statement Letter Number 014/688/2023 signed by Regent Andi Achmad Syukri Tammalele on May 27, 2023, the local government stipulated the suspension of the simultaneous Regional Elections in 43 of the 64 existing villages. This postponement is claimed to maintain a conducive atmosphere and regional security ahead of the 2024 General Election. As a result, Perbup Number 4 of 2023 concerning the Implementation of Simultaneous Regional Elections, officially stipulated on April 11, 2023, was revoked and replaced by Perbup Number 10 of 2023 dated June 12, 2023. The reason for the revocation is that Perbup Number 4 of 2023 is considered to deviate from Regional Regulation Number 6 of 2019.

The public reaction to this policy was unstoppable. Several student groups in the Majene Islamic Student Association (HMI) Alliance took to the streets to voice their rejection. The Governor of West Sulawesi, Prof. Zudan Arif Fakrulloh, even gave a direct explanation to the student masses. The fundamental question is whether the Regent has sufficient legal authority to postpone the Regional Elections based on Permendagri Number 72 of 2020, and whether the policy aligns with the existing regional regulatory framework.

This issue shows an important research gap in the study of village governance and local democracy. Previous studies have generally discussed the postponement of Village Head Elections from the perspective of administrative policy, technical implementation, or crisis-based electoral delay. However, limited attention has been given to how regulatory inconsistency in local legal instruments affects the legality of postponement, the legitimacy of village leadership, and public accountability in regional governance. In the Majene case, the problem is not only the delay of the election schedule, but also the legal consequence of using a Regent's Statement Letter and inconsistent Regent Regulations as the basis for restricting villagers' opportunity to elect their leaders.

This issue warrants in-depth study, as postponing the Regional Elections directly deprives villagers of their right to choose their leaders. In addition, regulatory chaos and signals of political interests behind the decision could erode citizens' trust in local government institutions. On that basis, this study aims to analyze whether the postponement of the 2023 Village Head Elections in Majene Regency was consistent with the principles of legality, accountability, and local democratic governance. This article contributes to the study of local government law by explaining the limits of regent authority, the legal consequences of regulatory inconsistency, and the importance of protecting democratic legitimacy in village-level elections.

Literature Review

Conception of Power and Regional Governance

Power is the main foundation in political science. Max Weber, in his monumental work *Wirtschaft und Gesellschaft* (1922), formulated power as the capacity of a person in a social relationship to actualize his will, even in the midst of resistance from other parties.⁵ Truly legitimate power should be rooted in the legitimacy the people give to their chosen leaders. In the context of village

³ Anang Wahyu Kurnianto and Ridwanto Ardi Kusumo, "Recall on Village Heads Election: An Election Law Reform," *Journal of Law and Legal Reform* 1, no. 2 (January 13, 2020): 201-14, <https://doi.org/10.15294/jllr.v1i2.35406>.

⁴ M Hary Rubianto, Ardiansyah Ardiansyah, and Bagio Kadaryanto, "The Prohibition of Civil Servant (ASN) in Actions to Benefit Prospective of Regional Head in Public," *Jurnal Daulat Hukum* 5, no. 1 (March 28, 2022): 20, <https://doi.org/10.30659/jdh.v5i1.18498>.

⁵ Ameni Hasnaoui et al., "'Arab Spring' Transformations and the Contestation of State Authority in Forestland Use," in *Power Dynamics in African Forests* (London: Routledge, 2023), 133-55, <https://doi.org/10.4324/9781003363101-7>.

leadership, the village head's legitimacy comes directly from the citizens' collective decisions through a democratic process.⁶

Jean Jacques Rousseau, as quoted by Franz Magnis Suseno (2016), stated that power actually comes from the people and is handed over to the state through a social contract.⁷ The state as a political entity carries out the task of realizing the public will which is a reflection of the common interests of society.⁸ Meanwhile, Montesquieu through the idea of Trias Politica emphasized the need for a balanced distribution of power to prevent absolute authority while ensuring justice.⁹ Ramlan Surbakti and Miriam Budiardjo similarly argue that power should be used to influence public behavior proportionately and not exceed the limits set by regulations.¹⁰

In the framework of regional autonomy, the authority of the regent is rooted in the laws and regulations that apply in stages. The hierarchy of regulations, as mandated by Law Number 12 of 2011, requires that any lower-level regulation must not conflict with higher regulations.¹¹ Consequently, the Regent Regulation must refer to the Regional Regulation, which in turn must align with the Ministerial Regulation, the Law, and the Constitution of the Republic of Indonesia in 1945.

In this article, the theory of power and regional governance is used to examine the limits of regent authority in postponing Village Head Elections. Local authority cannot be understood merely as administrative discretion, but must be placed within the principle of legality and the hierarchy of laws and regulations. Therefore, when a postponement policy is based on an improper legal instrument or inconsistent local regulations, the issue is not only administrative error, but also a problem of democratic legitimacy and accountability in village governance.

Theoretical Framework for Public Policy Evaluation

Implementing public policies is not enough; they must be constantly monitored and evaluated. Nugroho (2009) emphasized that policy evaluation is an accountability instrument that measures how effective a public policy is in responding to the needs of its constituents, as well as mapping the gap between the goals designed and real achievements on the ground.¹² Hogwood and Gunn as quoted by Wahab (2001) introduced two typologies of policy failures: failure because it is not implemented at all, and failure because its implementation deviates far from the initial target.¹³

In the formation of regional regulations, policy evaluation must include three pillars, as outlined in Law Number 12 of 2011. The first pillar is the philosophical foundation, which ensures that a rule aligns with the values of Pancasila and the spirit of the Preamble to the 1945 Constitution. The second pillar is the sociological foundation, which reflects the real conditions and actual needs of the community. The third pillar is the juridical foundation, which considers the authority to form regulations, the suitability of the substance, and the absence of conflict with existing regulations.¹⁴

The policy evaluation framework is relevant to this study because the postponement of Village Head Elections must be assessed not only from its policy objective, but also from its legal foundation, procedural accountability, and social consequences. The philosophical aspect is used to assess whether the policy reflects justice, transparency, and people's sovereignty. The sociological aspect

⁶ Fence M Wantu and Abdul Hamid Tome, "Dynamics of Village Head Election Arrangements," *Jambura Law Review* 3 (April 30, 2021): 96-116, <https://doi.org/10.33756/jlr.v3i0.8783>.

⁷ I Nyoman Sukandia, I Nyoman Putu Budiarta, and Ketut Adi Wirawan, "Penal Mediation in the Criminal Law as a Shift in Social Contract Theory," *Yuridika* 35, no. 3 (September 1, 2020): 559, <https://doi.org/10.20473/ydk.v35i3.21654>.

⁸ Brint Milward et al., "Is Public Management Neglecting the State?," *Governance* 29, no. 3 (July 21, 2016): 311-34, <https://doi.org/10.1111/gove.12201>.

⁹ Surohmat and Bambang Sudiarto, "Power Reduction in Constitutional Democracy," *KnE Social Sciences*, January 5, 2024, <https://doi.org/10.18502/kss.v8i21.14716>.

¹⁰ Tonye Clinton Jaja and Zaka Firma Aditya, "Promoting The Good Governance By Advancing The Role of Parliamentarians and The Term Offices Limitation (Comparing Nigeria And Indonesia)," *JILS* 7 (2022): 265.

¹¹ Zainal Arifin Mochtar, "A Notion of Regulatory Reform," *Fiat Justisia: Jurnal Ilmu Hukum* 16, no. 1 (June 7, 2022): 65-82, <https://doi.org/10.25041/fiatjustisia.v16no1.2431>.

¹² Muhammad Arifin Nasution and Nurman Achmad, "The Measurement of Public Policy Assessment of North Sumatra Province, Indonesia," *International Journal of Sustainable Development and Planning* 18, no. 3 (March 31, 2023): 927-33, <https://doi.org/10.18280/ijdsdp.180328>.

¹³ A.H. Bajari et al., "The Implementation of Poverty Reduction Programs Through PNPM Mandiri-Prospek: A Study Conducted In South Jayapura Sub-District of Papua," *Russian Journal of Agricultural and Socio-Economic Sciences* 77, no. 5 (May 30, 2018): 256-68, <https://doi.org/10.18551/rjoas.2018-05.31>.

¹⁴ Nuvazria Achir and Sri Nanang Meiske Kamba, "The Function Of Sharia-Based Regional Regulations On Education And Social Services In The Regions," *Jambura Law Review* 3 (April 24, 2021): 1-17, <https://doi.org/10.33756/jlr.v3i0.7643>.

is used to assess its impact on public trust and village leadership legitimacy. The juridical aspect is used to assess whether the legal instruments used by the local government comply with the hierarchy of laws and regulations.

A Review of Previous Research

A number of previous research are important references for this research. Mushthofa, Aminah, and Siropi (2023) conducted a study on the postponement of the Regional Elections in Sampang Regency based on Perbup Number 27 of 2021. Their findings revealed that there were inconsistencies in the postponement, where the legal basis referred to Article 44F of the Minister of Home Affairs Number 72 of 2020 which actually applied specifically to the emergency conditions of the COVID-19 pandemic, but the postponement was actually extended until 2025 without an adequate proportional basis.¹⁵

Radiale, Anggraini, and Rachmad (2013) examined the postponement of the Pilkades in Lumajang Regency which was triggered by the similarity of the schedule with the Regional Head Election. The local regent submitted a request for a postponement to the Governor of East Java, which was then confirmed through a circular letter from the Minister of Home Affairs.¹⁶ This study confirms that the validity of the postponement of the Pilkades must be rooted in recognized legal instruments. Hidayatulloh and Sunarso (2021) examined the issue of e-voting-based Pilkades in Sleman Regency, highlighting the importance of having rules and infrastructure in place before implementing the new system.¹⁷

Unlike previous studies, this article focuses specifically on the postponement of Village Head Elections in Majene Regency as a legal problem arising from regulatory inconsistency, the use of an improper legal instrument, and the shift of village leadership from electoral legitimacy to bureaucratic appointment. Previous studies have discussed postponement in relation to crisis situations, electoral scheduling, or technical readiness, but they have not sufficiently examined how inconsistent local regulations may affect the legality of postponement and weaken democratic legitimacy at the village level. This study therefore fills that gap by analyzing the Majene case through an integrated philosophical, sociological, and juridical perspective.

Research Design and Methodology

This research takes a qualitative-descriptive approach aimed at photographing and understanding the phenomenon of the postponement of the Pilkades in Majene Regency comprehensively and in depth. In line with Lexy J. Moleong's view, qualitative research collects data in the form of narratives and descriptions, not numbers, so it can capture the complexity of the legal, social, and political issues surrounding the postponement policy.¹⁸

Data collection was carried out through four channels. First, a review of literature and regulatory documents, including Permendagri Number 72 of 2020, Regional Regulation Number 6 of 2019, Perbup Number 4 of 2023, Perbup Number 10 of 2023, and Regent Statement Letter Number 014/688/2023. Second, in-depth interviews with four key speakers: (1) Chairman of the Majene Village Government Association (APDESI), Burhanuddin; (2) Head of the Legal Section of the Majene Regency Government, Syarifuddin Jusuf; (3) Chairman of Commission I of the Majene Regency DPRD, Adi Ahsan; and (4) Chairman of the HMI Majene Alliance, Hendra Wahid. The informants were selected purposively based on their direct involvement, institutional authority, and knowledge of the postponement of the Village Head Elections in Majene Regency. APDESI was selected to represent the perspective of village government actors, the Legal Section of the Majene Regency Government was selected to explain

¹⁵ Nabila Diara Putri, Irwan Triadi, and M. Adnan Madjid, "Postponement of General Elections in Crisis Situations: Legal Analysis, History, and Implications for Democracy," *JUSTISI* 11, no. 3 (September 30, 2025): 1019-35, <https://doi.org/10.33506/js.v11i3.4787>.

¹⁶ Rizki Ramadani and Farah Syah Rezah, "Regional Head Election During COVID-19 Pandemic: The Antinomy in the Government Policies," *Yuridika* 36, no. 1 (January 1, 2021): 213, <https://doi.org/10.20473/ydk.v36i1.23528>.

¹⁷ Eko Budi Santoso et al., "Pemilihan Kepala Desa Secara Digital Di Kabupaten Sleman," *Jurnal Ilmu Pemerintahan Widya Praja* 48, no. 2 (January 25, 2023): 159-78, <https://doi.org/10.33701/jipwp.v48i2.3033>.

¹⁸ Delfina Gusman and Marryo Borry, "Health Facility Licensing Dispute," *Unnes Law Journal* 6, no. 1 (April 30, 2020): 97-118, <https://doi.org/10.15294/ulj.v5i2.27707>.

the regulatory drafting and administrative process, Commission I of the DPRD was selected to provide the legislative oversight perspective, and HMI Majene was selected to represent civil society responses to the postponement policy. Third, the collection of documentation in the form of photographs, videos, and copies of official documents. The interviews were conducted using a semi-structured format to allow the researcher to explore the legal basis, policy considerations, institutional responses, and social consequences of the postponement. The main questions were directed at the chronology of the postponement, the legal instruments used, the role of each institution, the public response, and the impact of appointing acting village heads. The interview results were then compared with regulatory documents, field observations, and supporting documentation to ensure consistency of information. Fourth, field observation to verify the actual condition of the village government during the delay.

The types of data used include primary data obtained directly from sources through interviews and observations, as well as secondary data in the form of journals, laws and regulations, and scientific references. Data analysis is carried out qualitatively based on three pillars of policy evaluation: philosophical, sociological, and juridical. Interview recordings are transcribed, compiled, and analyzed simultaneously in a repetitive process to produce systematic and verified descriptions. Data validity was maintained through source triangulation and technique triangulation. Source triangulation was carried out by comparing information from APDESI, the local government, the DPRD, and civil society. Technique triangulation was carried out by comparing interview data with regulatory document analysis, field observation, and documentation. This validation process was used to reduce subjective interpretation and strengthen the accountability of the qualitative findings.

The philosophical, sociological, and juridical pillars were operationalized as analytical categories. The philosophical aspect was used to assess whether the postponement reflected accountability, transparency, legal certainty, and the value of people's sovereignty. The sociological aspect was used to examine the impact of the postponement on village leadership legitimacy, public trust, and the relationship between citizens and acting village heads. The juridical aspect was used to analyze the authority of the Regent, the hierarchy of regulations, the validity of the legal instruments, and the consistency of the postponement policy with national and regional regulations.

Findings and Discussion

Overview of Research Locations

Majene Regency is located in West Sulawesi Province, with coordinates 2°38' to 3°38' South Latitude and 118°45' to 119°4' East Longitude, and a total area of 947.84 km². This regency was established under Law Number 29 of 1959, and its anniversary is commemorated every August 15. Administratively, Majene Regency consists of 8 sub-districts, 20 sub-districts, and 62 villages, with a population of 188,780 people. This regency is known by the motto Bumi Assamalewuang, which means living in the spirit of mutual help and cooperation, and it is also an educational city marked by the presence of several state universities.

In 2023, Regent Andi Syukri Tamalele and Deputy Regent Aris Munandar, who were inaugurated on June 27, 2021, will lead Majene Regency. Of the 64 villages across the region, as many as 43 were affected by the postponement of the Regional Elections due to Statement Letter Number 014/688/2023. This situation created a leadership vacancy in almost two-thirds of the villages, which was then filled by an ASN appointed directly by the Regent as the acting village head.

Study from a Philosophical Perspective

The philosophical pillar in the formation of laws and regulations refers to the values of Pancasila and the Preamble to the 1945 Constitution as the highest source of law.¹⁹ In the context of the postponement of the Regional Elections in Majene Regency, the philosophical analysis focuses on

¹⁹ Syarif Syarif and Suparno Suparno, "Legal Ideal of Pancasila on Legal Politic in the Formulation of Laws and Regulations," in *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia* (EAI, 2021), <https://doi.org/10.4108/eai.6-3-2021.2306458>.

aspects of government accountability in making decisions, the openness of the regulatory process, and the alignment of values between the initial goal of establishing rules and the reality of its implementation.

The results of the study found a number of philosophical irregularities in the decision-making process for postponing the Pilkades. Perbup Number 4 of 2023 concerning the Implementation of Simultaneous Pilkades was stipulated on April 11, 2023, which indicates that all technical preparations, including the provision of the budget, had been completed and agreed upon in the previous year's APBD. However, in just a gap of less than two months, the regulation was revoked without being based on procedurally adequate legal considerations.

"Perbup No. 4 of 2023 is about the implementation of the Regional Elections, starting from the date and the technicalities are ripe for implementation. The revocation of the Perbup was carried out without a legally accountable reason. The budget has been discussed and determined since December 2022. If indeed the budget is insufficient, the local government should not issue Perbup Number 4 of 2023 in the first place".²⁰

From a philosophical perspective, the postponement reflects three concrete problems in the exercise of local government authority. First, the principle of justice was weakened because villagers in 43 villages lost the opportunity to elect their leaders after the election process had been formally prepared through Regent Regulation Number 4 of 2023. Second, the principle of transparency was not fulfilled because the revocation of the regulation was not accompanied by a clear, public, and verifiable legal explanation. Third, the principle of legal certainty was disturbed because a policy that had already been formally issued was revoked within a short period through a process that raised questions about consistency and accountability.²¹ These conditions show that the postponement was not merely an administrative policy change, but a governance problem that affected people's sovereignty, public trust, and democratic legitimacy at the village level.

Studies from a Sociological Perspective

The sociological pillar requires that every regulation be prepared to meet society's real needs and be based on the empirical facts of social life.²² Referring to Emile Durkheim's theory of social function of law, law is a mirror of the values that live in society, so that the regulations that are born must be in harmony with the local social, economic, and cultural context.²³

The sociological evaluation of the postponement of the Regional Elections in Majene Regency summarizes two main dimensions: its impact on the stability of village leadership, and the dynamics of the relationship between the DPRD and the regional executives.

First, regarding the impact on the stability of village leadership. The postponement of the Regional Elections led to village head seats in 43 villages being filled by civil servants appointed directly by the Regent, rather than by leaders chosen by residents. Chairman of Commission I of the Majene Regency DPRD, Adi Ahsan, said in an interview:

"We from the DPRD strongly support the implementation of the Pilkades. This postponement affects the community because leaders democratically elected by the people are very different from leaders

²⁰ Hendra Wahid, "Interview with Chairman of the HMI Majene Alliance" (Majene, n.d.).

²¹ Bambang Soesatyo, Kadir Johnson Rajagukguk, and Heri Wahyudi, "Building Legal Foundation for a Prosperous Indonesia: Insights from MPR-RI Four Pillars," *Yustisia Jurnal Hukum* 12, no. 3 (2023): 240.

²² Nazaruddin Lathif et al., "Overview of the Urgency of Changes in Regulations Concerning Corporate Social and Environmental Responsibility (TJSL) In the Bogor District Region," *International Journal of Multicultural and Multireligious Understanding* 10, no. 12 (December 11, 2023): 232, <https://doi.org/10.18415/ijmmu.v10i12.5411>.

²³ Diya Ul Akmal and Fauzziyyah Azhar Ramadhan, "Legal Ideals: Lawmaking and Law Enforcement Primarily Based on Community Social Life in Indonesia," *Precedente Revista Juridica* 23 (November 24, 2023): 129-62, <https://doi.org/10.18046/prec.v23.6008>.

directly appointed by the regent. From the DPRD, I see that this decision is not pure and I see that there may be other interests hidden in it".²⁴

This statement shows that village leadership based on bureaucratic appointment has weaker sociological legitimacy than leadership produced through direct election by villagers. The concrete social impact can be seen in three aspects. First, village governance becomes less responsive because acting village heads do not receive direct political mandate from the community.²⁵ Second, community participation may decline because villagers tend to feel less represented in development planning, public deliberation, and village decision-making. Third, the relationship between citizens and acting village heads becomes more bureaucratic than democratic since accountability is directed more toward the appointing regent than toward the villagers. In this context, the postponement does not only affect the election schedule, but also changes the social basis of leadership and weakens public confidence in village government.

Second, related to the dynamics of the DPRD's relationship with the executive and the discourse of impeachment. As a supervisory institution, the Majene Regency DPRD faced pressure from community elements to use its right of inquiry to investigate the postponement policy. However, this right was not exercised due to time considerations the investigation process is estimated to take up to one year, while the regent's term of office is nearing its end. This situation is seen as evidence of weak legislative oversight of executive policies that have a wide impact on villagers' democratic rights.

Sociologically, the community reads this postponement policy as a sign of the government's distrust of the maturity of village democracy. Within the framework of symbolic interactionism developed by George Herbert Mead and Herbert Blumer, the meaning of a policy is formed through social interaction. When the community interprets postponement as an attempt to manipulate the democratic process, trust in government institutions also declines meaningfully.²⁶

The decline in trust also affects the quality of local democracy. Villagers may perceive the postponement as a restriction on their right to choose leaders who understand local needs and social relations within the village. This perception can reduce public willingness to support village programs led by acting officials. It may also create distance between the community and village government because the acting village head is viewed as an extension of regional executive authority rather than as a leader whose legitimacy comes from the people.

Studies from a Juridical Perspective

The juridical pillar requires that every regulation be born within the framework of legitimate authority, not clash with higher rules, and provide legal certainty for the community.²⁷ The juridical evaluation of the postponement of the Regional Elections in Majene Regency includes three main aspects.

First, a series of events and regulatory conflicts. Based on the results of an interview with the Chairman of APDESI Majene, Burhanuddin, S.Pd., it was revealed that Perbup Number 4 of 2023 concerning the Simultaneous Regional Elections stipulated on April 11, 2023 is contrary to Article 4 Paragraph 3 of Regional Regulation Number 6 of 2019.²⁸ Another irregularity arose in the harmonization process: the submission date and the date the Ministry of Law and Human Rights issued the harmonized results were the same, indicating that the harmonization process was rushed or did

²⁴ Adi Ahsan, "Interview with Chairman of Commission I of the Majene Regency Regional House of Representatives" (Majene, n.d.).

²⁵ Jinrui Xi and Kerry Ratigan, "Treading Through COVID-19: Can Village Leader-Villager Relations Reinforce Public Trust Toward the Chinese Central Government?," *Journal of Chinese Political Science* 29, no. 1 (March 17, 2024): 31-53, <https://doi.org/10.1007/s11366-023-09846-2>.

²⁶ Neli Elislah, "Discourse Network Analysis on Delaying Elections in President Joko Widodo's Era," *Jurnal ASPIKOM* 8, no. 2 (July 31, 2023), <https://doi.org/10.24329/aspikom.v8i2.1255>.

²⁷ Iga Okfida, Abdul Madjid, and Setiawan Noedajasakti, "Juridical Overview of the Authority for the Confiscation of Evidence in the Code of Criminal Procedure and Book II of the Technical Guidelines for Administration and Technical Guidelines for General and Special Criminal Court Proceedings of the Indonesia," *Path of Science* 9, no. 10 (October 31, 2023): 5019-28, <https://doi.org/10.22178/pos.97-21>.

²⁸ Burhanuddin, "Interview with Chairman of the Association of Indonesian Village Administrations (APDESI) Majene" (Majene, n.d.).

not follow the correct procedures. The Regent's Statement Letter dated May 27, 2023, even preceded the issuance of Perbup Number 10 of 2023 on June 12, 2023, thus giving the impression that the revocation Perbup was issued solely to cover the statement letter that had already been circulated.

The Head of the Legal Section of the Majene Regency Government, Syarifuddin Jusuf, S.H., admitted that there was negligence in the process:

"This is negligence by the Legal Section because the revoked Regulation is not in accordance with Regional Regulation Number 6 of 2019. Regarding the date of the submission of the harmonization and the issuance of the results of the harmonization on the same day, we acknowledge that there is an accelerated process and it is possible that there is administrative negligence on the part of the Ministry of Law and Human Rights".²⁹

Second, the issue of the legal hierarchy order. In Indonesia's system of laws and regulations, the regent's statement letter is not included in the type of legal instrument recognized as regulated by Law Number 12 of 2011.³⁰ Thus, the statement letter has no juridically binding force. The legal consequence is that the Regent's Statement Letter cannot serve as a valid legal basis for postponing Village Head Elections. In the hierarchy of laws and regulations, an administrative statement letter may only function as an internal or explanatory document, not as a normative instrument that changes the legal rights of citizens or suspends an electoral agenda that has been regulated through a formal legal instrument. Therefore, when the postponement was based on this statement letter, the policy suffered from a defect of authority and a defect of legal form. This condition weakened the principle of legality because the restriction of villagers' voting rights was not based on a recognized legal instrument. When the statement letter is used as a basis for postponing the Pilkades, a fundamental legal defect arises. Efforts to improve through the issuance of Perbup Number 10 of 2023 are also considered not to fully meet the principle of legality, because the revocation of the Perbup is determined only after the statement letter is issued.

This sequence also creates a problem of legal certainty. Regent Regulation Number 4 of 2023 had formally regulated the implementation of the simultaneous Village Head Elections, while Regent Regulation Number 10 of 2023 was issued after the postponement had already been declared through the Regent's Statement Letter. As a result, the later regulation appears to legalize an earlier administrative decision rather than provide a prior normative basis for the postponement. In administrative law, such a sequence raises questions about procedural validity, because public authority must be exercised on the basis of law that exists before the decision is made, not through legal justification constructed afterward.

Third, there is an inconsistency with national regulations. Permendagri Number 72 of 2020 Article 44F only allows the postponement of the Pilkades in the event of a COVID-19 pandemic emergency. In 2023, the pandemic emergency was declared over, and no national regulation expressly allows the postponement of the Pilkades under the pretext of election coordination. The Minister of Home Affairs' Circular Letter Number 100.3.5.5/244/SJ, which is used as one of the bases in the Regent's Statement, actually only asks for coordination with Forkopimda in order to maintain the conduciveness of the region not ordering the postponement of the Pilkades. The local police have also stated their full readiness to secure the Pilkades, so that security reasons are legally defeated.³¹ Hendra Wahid, Chairman of the HMI Majene Alliance, emphasized this:

²⁹ Syarifuddin Jusuf, "Interview with Head of the Legal Section of the Majene Regency Regional Government" (Majene, n.d.).

³⁰ Sri Sudono Saliro, Muslimah Muslimah, and Mualimin Mualimin, "The Position of the Regent's Circular Letter Regarding Village Regulations in Legislation," *Jurnal Wawasan Yuridika* 7, no. 2 (February 29, 2024): 157-72, <https://doi.org/10.25072/jwy.v7i2.611>.

³¹ Jauhar Nashrullah et al., "Juridical Analysis of Simultaneous Election Postpones during the COVID-19 Pandemic: Legal Certainty Perspective," *Indonesia Law Reform Journal* 2, no. 2 (July 31, 2022): 118-41, <https://doi.org/10.22219/ilrej.v2i2.20995>.

“In the statement issued by the Regent, the reason for maintaining order and stability is refuted by the admission from the Majene Regency Police, who said that they were ready to secure the Pilkades”.³²

The collapse of this security argument further strengthens the suspicion that behind the postponement lie interests that are far from the public interest. From a juridical perspective, the absence of a proper legal basis and the weakness of the security justification produce several legal implications. First, the postponement may be considered inconsistent with the principle of legality because it was not supported by a clear statutory mandate. Second, the appointment of acting village heads in 43 villages shifted village leadership from electoral legitimacy to bureaucratic appointment, thereby affecting the legal protection of villagers’ voting rights. Third, the inconsistency between local regulations and national regulations weakened the accountability of regional governance. These implications show that the main juridical problem is not merely the delay of the election schedule, but the use of public authority without a sufficiently valid, prior, and accountable legal foundation.

Discussion: Threats to Village Democracy

The three evaluation perspectives simultaneously show that the policy of postponing the Regional Elections in Majene Regency contains systemic weaknesses. Philosophically, this policy contradicts Pancasila’s values of people’s sovereignty and justice. Sociologically, the postponement erodes the legitimacy of village leadership and weakens public trust. Juridically, there are conflicts of norms, procedural defects, and inconsistencies with national regulations.

Various indicators point to political interests behind this postponement decision. As revealed by the Chairman of Commission I of the DPRD, the 43 villages whose elections have been postponed will each have an acting president appointed directly by the Regent. This situation could be used in the next electoral contest, given the patron-client relationship between the acting village head and the Regent, who appoints him. This suspicion is further strengthened by the fact that the Regent’s son participated in the 2024 election and won the most votes in Majene Regency.

This case shows how vulnerable the Pilkades regulations are to penetration by local political interests. The unclear limits of the regent’s authority to postpone the Pilkades create a gap prone to abuse. Therefore, a firmer and more comprehensive regulation is needed regarding the mechanism for postponing the Pilkades, accompanied by more active supervision from the DPRD and other supervisory institutions.

Conclusion

The main legal finding of this study is that the postponement of the 2023 Village Head Elections in Majene Regency was legally problematic because it was not supported by a clear, prior, and accountable legal basis. The use of the Regent’s Statement Letter as the basis for postponement shows a defect in legal form, while the inconsistent relationship between Regent Regulation Number 4 of 2023 and Regent Regulation Number 10 of 2023 created uncertainty in the local regulatory framework. This condition indicates that the postponement was not merely an administrative delay, but a legal issue concerning the limits of regent authority, the hierarchy of regulations, and the protection of villagers’ voting rights.

The legal consequence of the postponement was the weakening of democratic legitimacy in 43 villages because elected leadership was replaced by bureaucratic appointment through acting village heads. Philosophically, this policy weakened accountability, transparency, and legal certainty. Sociologically, it reduced public trust and altered the relationship between villagers and village leaders. Juridically, it showed that local discretion in postponing Village Head Elections must be exercised only on the basis of a recognized legal instrument, consistent regulatory procedure, and objective justification that can be publicly tested.

³² Wahid, “Interview with Chairman of the HMI Majene Alliance.”

This study contributes to the development of local government law by showing that the postponement of Village Head Elections must be placed within the framework of legality, democratic legitimacy, and regulatory hierarchy. The broader implication is that a regent does not have unlimited discretion to postpone village elections when such postponement affects citizens' political rights. Any postponement must be based on a formal legal instrument, transparent reasons, accountable procedures, and safeguards for the villagers' right to elect their leaders.

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