

NORMATIVE ANALYSIS OF SUPERVISORY REGULATIONS IN VILLAGE HEAD ELECTIONS: ENSURING LEGAL CERTAINTY IN SUMEDANG REGENCY

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Abstract

Indonesia's constitutional system guarantees the implementation of local democracy through the mechanism of Village Head Elections. Within the framework of Indonesia as a state governed by the rule of law, all aspects of Village Head Elections should ideally be conducted based on the principle of legal certainty, including the aspect of supervision. However, there are normative deficiencies in the regulatory framework governing supervision in Village Head Elections, as reflected in various legal instruments, including laws, Minister of Home Affairs regulations, as well as regional and regent regulations as their implementing provisions. This study aims to analyze the regulatory framework governing the implementation of Village Head Elections in Sumedang Regency, particularly from the perspective of supervisory practices, and to examine it within the framework of constitutional law. The research employs a normative legal method with statutory and conceptual approaches. The legal materials used consist of statutory regulations containing norms related to the implementation of Village Head Elections, as well as relevant constitutional law doctrines. The findings indicate that, with regard to the supervisory aspect, the regulatory framework governing Village Head Elections in Sumedang Regency does not yet provide clear, systematic, and comprehensive norms concerning supervisory institutions, the scope of supervisory authority, or mechanisms for handling violations. This condition creates the potential for legal uncertainty, undermines the principles of local democracy, and contradicts the fundamental tenets of the rule of law. Therefore, strengthening the regulatory framework on supervision in the implementation of Village Head Elections is necessary to ensure legal certainty and to enhance the quality of democratic governance at the village level.

Keywords: *Village Head Elections; Electoral Supervision; Legal Certainty; Local Democracy; Constitutional Law*

1. INTRODUCTION

The provision enshrined in Article 1(3) of the 1945 Constitution of the Republic of Indonesia affirms Indonesia as a state based on the rule of law (*rechtsstaat*)¹. This constitutional affirmation establishes a fundamental requirement that all aspects of governance at both national and local levels must be carried out within a legal framework, rather than merely reflecting the exercise of political power. In this regard, law functions as the primary instrument to ensure legal certainty, justice, and the protection of citizens' rights, while simultaneously acting as a mechanism to limit and control state power². Consequently, all governance mechanisms, including Village Head Elections, must necessarily (*conditio sine qua non*) be grounded in clear, firm, and enforceable legal norms to align with the principles of constitutionalism and the rule of law³⁻⁴.

Within Indonesia's democratic architecture, Village Head Elections represent an extension of democratic practices to the local level, demonstrating that democracy is not confined to national institutions but is also embedded in village governance. This reflects a layered and systemic constitutional design, indicating that Indonesia's state structure is comprehensive and integrative⁵. Accordingly, Village Head Elections should not be narrowly perceived as mere administrative procedures, but rather as fundamental constitutional instruments that ensure both the continuity of governance and the legitimacy of political authority at the local level⁶. Furthermore, Village Head Elections play a strategic role in actualizing popular sovereignty at the village level, as mandated by Articles 1(2) and 18 of the 1945 Constitution⁷. Through this mechanism, village heads derive direct legitimacy from the electorate, which subsequently strengthens governance stability and contributes to the effectiveness of the broader

¹ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 ayat (3)

² Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2023), 123–125

³ Gustav Radbruch, *Rechtsphilosophie* (1946); terj. *Philosophy of Law* (Oxford: Oxford University Press, 2022)

⁴ Van Hoeve, *Pengantar Hukum Administrasi Negara* (Jakarta: Ichtisar Baru, 2019), 24–26

⁵ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara* (Jakarta: RajaGrafindo Persada, 2023), 214–217

⁶ Ni'matul Huda, *Hukum Pemerintahan Desa dalam Konstitusi Indonesia* (Jakarta: Prenadamedia Group, 2022), 85–90

⁷ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 ayat (2) dan Pasal 18

national governance system. Thus, Village Head Elections constitute an integral component of Indonesia's governance framework, inherently linked to the principles of democracy, decentralization, and the rule of law⁸.

Distinctively, Village Head Elections exhibit unique democratic characteristics compared to general elections and regional head elections. The absence of political party mediation allows for direct citizen participation, making electoral outcomes more reflective of local interests, social relations, and community needs. The personal nature of these elections, characterized by close social proximity between candidates and voters, emphasizes candidates' integrity and social track records. Moreover, the process encourages participatory and deliberative decision-making through mechanisms such as village deliberations, direct interactions, and social control⁹. These features position Village Head Elections not only as democratic mechanisms but also as instruments for fostering grassroots democratic culture (bottom-up democracy)¹⁰. In this context, Village Head Elections function as both a democratic laboratory and a medium for political education at the village level. When conducted with integrity, they contribute significantly to strengthening democratic values such as participation, accountability, and legitimacy of local governance. Village heads, as the outcome of this process, serve as strategic actors in promoting good governance, particularly in public service delivery, development, and conflict resolution¹¹. Consequently, strong village-level democracy becomes a *conditio sine qua non* for the consolidation of national democracy¹².

However, the realization of democratic and legitimate Village Head Elections is inseparable from the existence of effective supervisory mechanisms. In modern democratic systems, supervision plays a central and strategic role in ensuring that electoral processes adhere to the principles of being direct, general, free, secret, honest, and fair. Within the framework of a rule of law, electoral supervision functions

⁸ Undang-Undang Nomor 6 Tahun 2014 tentang Desa sebagaimana telah diubah dengan Undang-Undang Nomor 3 Tahun 2024

⁹ Sutoro Eko, *Desa Membangun Indonesia* (Yogyakarta: IRE Press, 2021)

¹⁰ Jimly Asshiddiqie, *Konstitusi dan Demokrasi* (Jakarta: Sinar Grafika, 2022)

¹¹ Ni'matul Huda, *Hukum Pemerintahan Desa* (Bandung: Nusa Media, 2023)

¹² Saldi Isra, "Demokrasi Lokal dan Konsolidasi Demokrasi Indonesia," *Jurnal Konstitusi* 20, no. 2 (2023)

not merely as an administrative tool but as a constitutional safeguard to ensure legal certainty, limit power, and protect political rights¹³. Theoretically, supervision encompasses two key dimensions: quality assurance and quality assessment. The quality assurance dimension aims to ensure that all stages of elections comply with legal norms, democratic principles, and procedural standards, including clarity of norms, certainty of authority, and preventive mechanisms¹⁴. Meanwhile, quality assessment serves as an evaluative mechanism to measure the quality of electoral processes and outcomes, including compliance, effectiveness of violation handling, and public trust. These dimensions underscore the importance of supervision as a determinant of electoral integrity and legitimacy.

In the specific context of Village Head Elections, supervision holds a similarly strategic position. Effective supervisory mechanisms ensure that electoral processes are conducted fairly, transparently, and in accordance with legal principles, thereby minimizing manipulation and discrimination while strengthening constitutional legitimacy¹⁵. Strong supervision also enhances legal certainty for all stakeholders and contributes to public trust in local democratic processes. Nevertheless, empirical and normative conditions reveal a significant gap in the regulatory framework governing supervision in Village Head Elections. Existing regulations ranging from national laws to ministerial, regional, and local regulations fail to provide clear, systematic, and comprehensive provisions regarding supervisory institutions, their authority, operational mechanisms, and institutional independence¹⁶. As a result, the supervisory framework remains weak and susceptible to multiple interpretations.

This regulatory deficiency is particularly evident in Sumedang Regency, where supervision of Village Head Elections tends to be administrative and ad hoc, often relying on local committees or village officials whose authority is not systematically

¹³ Nur Hidayat Sardini, "Pengawasan Pemilu sebagai Instrumen Penjaminan Integritas Demokrasi," *Jurnal Bawaslu* 9, no. 2 (2023)

¹⁴ Toby S. James dan Erik Asplund, "Electoral Management and Electoral Integrity," *Election Law Journal* 22, no. 1 (2023)

¹⁵ Supriyadi Arief dan Rahmat Teguh Santoso Gobel, "Isu Hak Konstitusional Masyarakat Desa terhadap Kewenangan Pengawasan Pemilihan Kepala Desa," *Jurnal Konstitusi* 19, no. 4 (2022)

¹⁶ Supriyadi Arief dan Rahmat Teguh Santoso Gobel, "Isu Hak Konstitusional Masyarakat Desa terhadap Kewenangan Pengawasan Pemilihan Kepala Desa," *Jurnal Konstitusi* 19, no. 4 (2022)

defined in positive law. Empirical findings further indicate the limited presence of structured supervisory institutions, prompting the involvement of civil society and independent observers to compensate for regulatory shortcomings. The absence of clear supervisory institutions and dispute resolution mechanisms creates the potential for legal uncertainty, undermines electoral legitimacy, and threatens the integrity of local democracy. Normatively, this condition reflects a legal vacuum (*rechtsvacuum*) in the regulation of electoral supervision. Such a vacuum contradicts the fundamental principle of legal certainty, which requires legal norms to be clear, consistent, and predictable, enabling legal subjects to understand their rights and obligations¹⁷. Moreover, legal certainty constitutes a constitutional right, as guaranteed under Article 28D (1) of the 1945 Constitution¹⁸.

In light of these issues, this study seeks to examine the regulatory gaps in the supervision of Village Head Elections by positioning legal certainty as the central analytical framework. Drawing upon Radbruch's theory, which emphasizes the balance between legal certainty, justice, and utility, the absence of adequate supervisory norms indicates a failure to realize these fundamental legal values¹⁹. Similarly, in line with Utrecht's view that legal certainty is a prerequisite for legal protection, weak supervisory regulations risk undermining electoral justice at the village level. Therefore, this research is situated within the domain of constitutional law, aiming to contribute to scholarly discourse on village democracy and electoral supervision, while also providing practical recommendations for strengthening regulatory and institutional frameworks in order to ensure that Village Head Elections are conducted in accordance with the principles of the rule of law and local democracy.

This study employs a normative legal (juridical-normative) research method, which conceptualizes law as a system of norms governing behavior within statutory frameworks. The research adopts a doctrinal approach by examining legal principles,

¹⁷ Itok Dwi Kurniawan dan Souad Ezzouali, "Revisiting the Principle of Legal Certainty: A Contemporary Analysis through the Lens of Legal Positivism," *NUSANTARA: Journal of Law Studies* (2025)

¹⁸ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28D ayat (1)

¹⁹ Gustav Radbruch, *Rechtsphilosophie* (1946); terj. *Philosophy of Law* (Oxford: Oxford University Press, 2022)

positive legal norms, and relevant legal doctrines to address the identified legal issues²⁰. It focuses on analyzing the regulatory gap in the supervision of Village Head Elections by reviewing the Village Law, its implementing regulations at the national level, and regional regulations, including Regional Regulations, Regent Regulations, and Village Regulations. This study relies on primary, secondary, and tertiary legal materials, without utilizing empirical field data²¹. The research applies two main approaches: the statute approach and the conceptual approach. The statute approach is used to analyze the hierarchy, consistency, and substance of legal norms governing the supervision of Village Head Elections, including potential gaps and regulatory disharmony²². Meanwhile, the conceptual approach examines key legal concepts such as legal certainty, electoral justice, supervisory independence, and the principles of a democratic rule of law²³. Data are analyzed using qualitative methods with deductive reasoning. This involves interpreting legal norms and doctrines to derive specific conclusions from general legal principles, particularly regarding legal certainty and the rule of law, in order to produce systematic and prescriptive legal arguments²⁴.

2. ANALYSIS AND DISCUSSION

2.1 Regulation of Village Head Election Supervision in the National Legal System

An examination of Law Number 6 of 2014 on Villages, which serves as the primary legal basis for the implementation of Village Head Elections, reveals that the regulatory framework predominantly focuses on the technical stages of election administration and the determination of results. In contrast, the supervisory aspect is only implicitly regulated within the broader framework of administrative guidance and oversight by regional governments. Consequently, the legal framework governing Village Head Election supervision particularly concerning institutional arrangements, scope of

²⁰ Peter Mahmud Marzuki, *Penelitian Hukum*, edisi revisi (Jakarta: Kencana, 2021), 55–57

²¹ Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, cet. ke-10 (Jakarta: RajaGrafindo Persada, 2022), 118–120

²² I Dewa Gede Atmadja dan I Nyoman Putu Budiarta, “Pendekatan Perundang-Undangan dan Pendekatan Konseptual dalam Penelitian Hukum Normatif,” *Jurnal Kertha Wicaksana* 15, no. 2 (2021): 89–97

²³ M. Fajrul Falaakh, “Negara Hukum, Demokrasi, dan Tantangan Kepastian Hukum di Indonesia,” *Jurnal Konstitusi* 18, no. 3 (2021): 447–466

²⁴ A’an Efendi dan Dyah Ochterina Susanti, *Penelitian Hukum Doktrinal* (Jakarta: Sinar Grafika, 2021), 150–152

authority, and procedural mechanisms is neither explicitly nor systematically regulated. This condition indicates a lack of comprehensive design in positioning Village Head Elections as part of an autonomous electoral regime; instead, they are treated merely as an extension of administrative governance at the village level. This regulatory construction can be observed in the following provisions:

Table 1.
Supervisory Aspects in Law Number 6 of 2014 on Villages

Article	Regulatory Substance	Relevance to Supervision	Critical Notes	Conclusion
Article 31(1)	Village Heads are directly elected by villagers	Establishes Pilkades as a form of direct democracy	No provisions on supervisory institutions or mechanisms to ensure fairness and integrity	1. Not designed as an electoral supervisory system; 2. No independent supervisory body; 3. No provisions on prevention and enforcement; 4. Supervision framed as administrative guidance
Article 32(1)	Elections conducted simultaneously within regencies/cities	Indicates standardization of election procedures	Lack of standardized and effective supervisory design	
Article 34(1)	Disputes resolved by Regent/Mayor	Assigns dispute resolution to local executive	Administrative and political in nature, not independent adjudication	
Article 112(1)	Central and regional governments conduct guidance and supervision	Places supervision within governance framework	Focused on administrative supervision, not electoral oversight	

The provisions under Articles 31 and 32 affirm Village Head Elections as manifestations of local democracy through direct and simultaneous elections, yet they lack corresponding regulations establishing independent supervisory institutions. Furthermore, Article 34 assigns dispute resolution authority to Regents/Mayors, thereby concentrating supervisory and adjudicative functions within the executive branch. This regulatory design reflects an administrative and political approach to supervision, which contrasts with the electoral governance model applied in general elections and regional head elections, where institutional separation is emphasized.

Table 2.
Comparison between Pilkades and General Elections/Pilkada

Aspect	Village Head Elections (Pilkades)	General Elections / Regional Elections
Legal Basis for Supervision	Not explicitly regulated in Village Law	Clearly regulated in Election Laws
Legal Regime	Administrative governance	Electoral democracy regime
Supervisory Institution	None (independent)	Bawaslu (independent body)
Institutional Position	Attached to local committees/government	Separate and independent
Separation of Functions	Absent	Clear separation (KPU vs Bawaslu)
Nature of Supervision	Internal and administrative	External and independent
Preventive Authority	Not systematically regulated	Clearly regulated
Enforcement Authority	Limited and discretionary	Comprehensive (administrative, criminal, ethical)
Violation Handling	Informal and non-hierarchical	Structured and procedural
Dispute Resolution	Regent/Mayor	Bawaslu & Constitutional Court
Legal Standards	Non-uniform	Standardized and objective
Protection of Voting Rights	Weak	Strong and guaranteed
Public Participation	Informal	Institutionalized
Checks and Balances	Absent	Constitutionally established
Legal Certainty	Low	High

Amendments introduced through Law Number 3 of 2024 do not significantly strengthen the regulatory framework for supervision. The revised law maintains the previous structure without introducing explicit provisions on supervisory mechanisms. As a result, the regulation of Village Head Elections continues to rely on subordinate regulations that are primarily technical and administrative in nature. This condition

perpetuates a normative gap in the legal framework governing supervision at the statutory level.

The absence of explicit supervisory provisions in both Law Number 6 of 2014 and Law Number 3 of 2024 indicates the existence of a legal vacuum (*rechtsvacuum*) at the legislative level. This condition undermines legal certainty, as the law fails to provide a clear and consistent normative framework to guide both citizens and state actors in ensuring the integrity of electoral processes at the village level. From the perspective of Gustav Radbruch's legal theory, such a condition reflects the failure to fulfill one of the fundamental values of law legal certainty (*Rechtssicherheit*) which must coexist with justice and utility²⁵. Similarly, Utrecht emphasizes that legal certainty is a prerequisite for the protection of citizens' rights against arbitrary or discretionary use of power²⁶. Therefore, the absence of supervisory regulation in Village Head Elections constitutes not merely a technical regulatory issue but a constitutional concern, as it potentially undermines political rights and the rule of law²⁷. From a juridical perspective, this regulatory gap results in the shifting of supervisory functions into the realm of administrative discretion exercised by local governments, where Regents/Mayors simultaneously act as regulators, supervisors, and dispute resolvers. This concentration of authority creates functional overlap that contradicts the principles of separation of powers and checks and balances within a rule of law system.

Moreover, the absence of a clear supervisory framework weakens the protection of voting rights and the constitutional rights of candidates, due to the lack of effective corrective mechanisms for addressing violations. Systemically, this condition reinforces the positioning of Village Head Elections within an administrative regime rather than as an integral component of an electoral democracy system, thereby potentially undermining the quality of local democracy and the principle of legal certainty.

2.2 Regulation of Village Head Election Supervision in Sumedang Regency

²⁵ Bayu Dwi Anggono, "Kepastian Hukum dalam Negara Hukum Pancasila," *Jurnal Konstitusi* 18, no. 3 (2021): 553–555

²⁶ Van Hoeve, *Pengantar Hukum Administrasi Negara* (Jakarta: Ichtiar Baru, 2019), 24–26

²⁷ Jimly Asshiddiqie, *Konstitusi dan Hak Asasi Manusia* (Jakarta: RajaGrafindo Persada, 2020), 167–169

Based on an examination of Regional Regulation of Sumedang Regency Number 2 of 2015 concerning the Procedures for Nomination, Election, Appointment, and Dismissal of Village Heads, as well as Regent Regulation Number 53 of 2021 concerning the Fourth Amendment to Regent Regulation Number 74 of 2015, it can be asserted that the supervision of Village Head Elections has not been designed as an autonomous, independent, and structured system. Instead, supervisory functions are embedded within actors who simultaneously perform administrative and organizational roles, namely the Village Head Election Committee and the regional government. This normative construction reflects a weak separation of functions within the electoral process at the village level.

Table 3.

Normative Analysis of Supervisory Provisions in Sumedang Regency Regulations

Regulation	Article	Regulatory Substance	Supervisory Position	Critical Notes
Regional Regulation No. 2/2015	Art. 5	BPD establishes the Election Committee	Internal (BPD)	Dual role of BPD without external oversight
	Arts. 6-7	Committee plans, implements, and controls election stages	Self-supervision	No separation between organizer and supervisor
	Arts. 38-40	Complaints resolved through deliberation	Administrative	No clear adjudication or corrective authority
	Art. 41	Disputes resolved by Regent	Executive control	Political-administrative resolution
Regent Regulation No. 53/2021	Arts. 4-6	Formation and duties of committee	Internal	Committee acts as both organizer and supervisor
	Art. 9	Subdistrict Head facilitates and supervises	Administrative	Not an independent supervisory body
	Arts. 44-48	Complaint mechanism	Hierarchical administrative	No specialized supervisory institution
	Art. 49	Finality of results if procedurally valid	Procedural legitimacy	Limits substantive review

The table indicates that the Election Committee is not only responsible for organizing the election but is also entrusted with supervisory and control functions over the stages it administers. This model creates a structural conflict of interest, as the same institution acts simultaneously as both executor and supervisor. Such a condition undermines objectivity and weakens effective corrective mechanisms. From the perspective of Gustav Radbruch's theory, this reflects a disruption of legal certainty (*Rechtssicherheit*), as the legal framework fails to ensure predictability and order in the electoral process, despite the existence of formal procedures²⁸.

Furthermore, the role of the regional government in supervising Village Head Elections is primarily framed within administrative guidance and dispute resolution, rather than as an independent electoral oversight mechanism. The authority of the Regent and its administrative apparatus to simultaneously conduct supervision, evaluation, and dispute resolution demonstrates a concentration of supervisory functions within executive discretion. According to Utrecht, legal certainty serves as a safeguard against arbitrary exercises of power; therefore, supervision that is embedded within administrative authority without independent control risks weakening the protection of citizens' political rights²⁹. Accordingly, the regulatory framework governing Village Head Elections in Sumedang Regency has not established a supervisory design aligned with the principles of the rule of law, particularly the separation of functions and checks and balances. Supervision remains internal, administrative, and non-independent, resulting in suboptimal realization of legal certainty and electoral justice at the village level. In Radbruch's framework, this condition illustrates that the legal system governing Village Head Elections remains confined to procedural legality, without ensuring substantive justice and adequate protection of political rights³⁰.

²⁸ Bernard L. Tanya dkk., *Teori Hukum: Strategi Tertib Manusia Lintas Ruang dan Generasi*, cet. V (Yogyakarta: Genta Publishing, 2020), 86–90

²⁹ Van Hoeve, *Pengantar Hukum Administrasi Negara* (Jakarta: Ichtiar Baru, 2019), 24–26

³⁰ Maria Farida Indrati Soeprapto, *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan* (Yogyakarta: Kanisius, 2021), 112–115

Table 4.
Normative Evaluation of Supervisory Design

Aspect	Condition in Regional Regulation	Condition in Regent Regulation	Normative Analysis	Legal Implications
Supervisory Institution	Committee formed by BPD (non-independent)	Committee facilitated by subdistrict authority	Lacks independence; supervision embedded in organizer	Structural conflict of interest; administrative oversight only
Supervisory Authority	Controls election stages	Administrative monitoring	No enforcement or corrective authority	Weak legal certainty; limited rights protection
Violation Handling	Deliberative resolution by BPD	Hierarchical administrative process	No independent adjudication; executive discretion dominant	Risk of arbitrariness; weak accountability
Dispute Resolution	Final decision by Regent	Same	No separation between supervision and adjudication	Weak legitimacy and legal certainty
Supervisory Design	Unstructured, non-independent	Same	Internal and symbolic supervision	Fails to ensure substantive electoral justice

In sum, the regulatory framework in Sumedang Regency demonstrates that the supervision of Village Head Elections remains administratively oriented rather than electorally institutionalized. This condition not only creates structural weaknesses in oversight but also poses significant implications for legal certainty, electoral fairness, and the protection of democratic rights at the village level.

2.3 Regulation of Village Head Election Supervision from the Perspective of Legal Certainty

Legal certainty constitutes a fundamental pillar in legal theory, ensuring that legal norms can be clearly understood, consistently applied, and predictably enforced by all legal subjects. Gustav Radbruch emphasizes that law should ideally balance three core

values: legal certainty, justice, and utility³¹. In the absence of legal certainty, law loses its predictability, leaving both citizens and state officials without clear guidance in their actions, even when justice and utility are intended. Similarly, Utrecht asserts that legal certainty is a prerequisite for the protection of citizens' rights³². From a constitutional perspective, legal certainty is not merely formal but also functions to prevent arbitrary actions by authorities, particularly in political and electoral processes. Clear legal norms enable individuals to understand their rights and obligations while minimizing the risk of arbitrariness in governance.

These perspectives are highly relevant in analyzing Village Head Elections, where the absence of clear supervisory norms undermines legal certainty, weakens the protection of voting rights, and places supervisory functions within administrative structures lacking independence. Therefore, the principle of legal certainty requires a regulatory framework that is clear, firm, and predictable to ensure the integrity of Village Head Elections and the proper functioning of local democracy³³. In principle, legal certainty requires that legal norms be formulated with clarity, consistency, and enforceability. First, clarity of norms demands precise and unambiguous provisions to prevent multiple interpretations³⁴. Second, regulatory consistency requires harmony across different levels of legislation to ensure coherence within the legal system³⁵. Third, enforceability requires that legal norms be realistic and operational, enabling effective implementation in practice³⁶.

In the case of Sumedang Regency, the regulatory framework governing Village Head Election supervision namely Regional Regulation Number 2 of 2015 and Regent Regulation Number 53 of 2021 does not adequately reflect these elements of legal

³¹ Gustav Radbruch, *Legal Philosophy* (Oxford: Oxford University Press, 2021), 107–109; lihat juga E. Utrecht, *Pengantar Hukum Administrasi Negara* (Jakarta: Ichtiar Baru, 2022), 45–47

³² E. Utrecht, *Pengantar Hukum Administrasi Negara* (Jakarta: Ichtiar Baru, 2022), 45–47

³³ M. A. Lubis, “Kepastian Hukum dan Pengawasan Pemilihan Kepala Desa,” *Jurnal Hukum dan Pembangunan* 50, no. 2 (2023): 145–160

³⁴ M. A. Lubis, “Kepastian Hukum dalam Pemilihan Kepala Desa: Kajian Normatif,” *Jurnal Hukum & Pembangunan* 50, no. 3 (2023): 210–225

³⁵ Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, edisi revisi (Jakarta: Rajawali Pers, 2022), 85–87

³⁶ A. Sidharta, “Kepastian Hukum dan Implementasi Peraturan Daerah,” *Jurnal Ilmu Hukum Universitas Indonesia* 8, no. 1 (2022): 34–47

certainty. Existing norms remain unclear regarding supervisory institutions, scope of authority, and mechanisms for handling violations, thereby creating excessive discretionary space for election committees and local government authorities. This condition increases the risk of conflicts of interest, inconsistent application of rules, and difficulties in resolving electoral disputes objectively. From a constitutional perspective, such weaknesses diminish the protection of citizens' voting rights and undermine the quality of local democratic practices.

Table 5.
Legal Certainty Assessment of Pilkades Supervision in Sumedang Regency

Element of Legal Certainty	Condition in Pilkades Supervision	Implications
Clarity of Norms	No explicit regulation on supervisory institutions, authority, or violation mechanisms	High risk of multiple interpretations; lack of clear guidance
Regulatory Consistency	Fragmented across regional and local regulations	Potential conflicts in interpretation and application
Enforceability	Supervision embedded in administrative actors; no independent mechanism	Difficult to implement effectively; risk of bias
Discretionary Space	Overlapping roles of committee and local government	High potential for conflicts of interest and arbitrary decisions
Conflict and Dispute Risk	No independent oversight body; unclear standards	Increased disputes; weak protection of political rights

Overall, these conditions demonstrate a normative deficiency in the regulatory framework governing Village Head Election supervision, which directly affects legal certainty. The lack of clear norms, overlapping authority, and weak supervisory mechanisms undermine the protection of citizens' rights and the integrity of the electoral process. As a result, law fails to function as a reliable and authoritative guideline for all stakeholders involved in Village Head Elections.

3. CONCLUSION

The supervision of Village Head Elections in Sumedang Regency has not yet been comprehensively regulated within the statutory framework, both at the national and regional levels. The absence and weakness of normative provisions have resulted in a supervisory mechanism that is neither clearly defined, independent, nor systematically

structured. Consequently, supervisory functions tend to be embedded within the Village Head Election Committee or the local government, both of which simultaneously act as organizers and administrative authorities. This condition creates excessive discretionary power, increases the risk of conflicts of interest, and reduces the effectiveness of oversight in safeguarding the integrity of the electoral process.

The lack of normative clarity and the overlap of authority further undermine legal certainty in the conduct of Village Head Elections. Both election administrators and village communities lack consistent and predictable guidelines to ensure the protection of political rights. As a result, the electoral process becomes vulnerable to irregularities, including bias, vote-buying, and abuse of authority. Thus, the regulatory gaps and ambiguities in supervisory arrangements not only weaken the quality of local democracy but also erode legal certainty as a fundamental pillar of the rule of law.

Accordingly, normative and institutional reforms are necessary to enhance the effectiveness of Village Head Election supervision. Such reforms should include the establishment of an independent supervisory body at the village or regency level, the formulation of clear and structured oversight mechanisms, and the development of tiered and enforceable procedures for handling violations. Regional and regent regulations must explicitly incorporate standards of legal certainty, impartiality, and accountability at every stage of the electoral process. Through these reforms, Village Head Elections can be conducted in a more democratic, fair, and predictable manner, thereby ensuring the protection of citizens' political rights and strengthening the overall integrity of the electoral system.

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