



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 40/PUU-XXIII/2025**

Concerning

Term of Office of Village Heads in Aceh

- Petitioners** : Venny Kurnia, et al.
- Type of Case** : Judicial Review of Law Number 11 of 2006 concerning Aceh Government (Law 11/2006) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Judicial Review of Article 115 paragraph (3) of Law 11/2006 against Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution
- Verdict** : To dismiss the Petitioners' petition in its entirety
- Date of Decision** : Thursday, August 14, 2025

Overview of Decision

The Petitioners are individual Indonesian citizens who are either still serving or have served as village heads and they believe that the enactment of Article 115 paragraph (3) of Law 11/2006 has violated their constitutional rights because it has created uncertainty regarding fair legal treatment, equality before the law and in the government.

With respect to the Court's authority, the Petitioners petition for a judicial review of constitutionality of statutory norms, *in casu* Article 115 paragraph (3) of Law 11/2006 against Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution, the Court has the authority to hear the Petitioners' petition.

With respect to the legal standing of the Petitioners, in essence the Petitioners believe that the enforcement of Article 115 paragraph (3) of Law 11/2006 has violated their constitutional rights, because the norm *a quo* regulates the term of office of the Petitioners as *keuchik* (village head) for 6 years and eliminates their opportunity to have a term of office as *keuchik* (village head) for 8 years as regulated in Article 39 paragraph (1) of Law 3/2024, thus their constitutional rights to obtain fair legal certainty and equality before the law and in the government are violated due to the enactment of Article 115 paragraph (3) of Law 11/2006. Therefore, if the petition *a quo* is granted, the alleged loss of constitutional rights, as suffered by the Petitioners, will no longer occur. In this matter, the Court is of the opinion that the Petitioners have specifically and actually described their alleged constitutional loss which they believe occurs due to the enforcement of the legal norm being petitioned for review. Therefore, the Petitioners have the legal standing to act as Petitioners in the petition *a quo*.

Whereas in the subject matter of the petition, the Petitioners argue that the norm of Article 115 paragraph (3) of Law 11/2006 has provided fair legal certainty and equality before the law and in government, so it is contrary to Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution of the Republic of Indonesia. With respect to the Petitioners' arguments, the Court in principle considers the following:

- (1) Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia recognizes and respects regional government units with special or exceptional characteristics, as regulated by law. In this context, the Aceh government, as an integral part of the Republic of Indonesia, represents a concrete manifestation of the state's acknowledgment of the historical, cultural, and sociological diversity within Indonesian society. This recognition of special status has been formally affirmed through Law Number 11 of 2006 concerning the Aceh Government, which serves as the legal foundation, and an exemplary model (epitome), of the harmony between local aspirations and the core principles of a unitary state. From a constitutional standpoint, the existence of Aceh government as a special region reflects the practice of asymmetric democracy, a democratic framework intended to strengthen national unity by respecting the distinctiveness of regional identities, including their inherent and historical rights. The continuity of Aceh's governance within the framework of the Unitary State of the Republic of Indonesia must aim at strengthening its special governmental institutions, harmonizing legal norms with constitutional values, and ensuring active community participation in political and development processes.
- (2) With respect to the regulation of the term of office for village heads, and referring to the Court's legal considerations in Constitutional Court Decision Number 15/PUU-XXI/2023, the Court finds no juridical-constitutional basis to declare that the regulation of the term of office for village heads/*keuchik* in Aceh Province, as stipulated in Article 115 paragraph (3) of Law 11/2006, is contrary to the 1945 Constitution of the Republic of Indonesia. This conclusion is based on the following: *First*, the regulation of terms of office through statutory provisions falls within the authority of the lawmakers. *Second*, the term of office provided in Article 115 paragraph (3) of Law 11/2006 has been implemented for nearly 19 years in Aceh. This indicates that, before assuming their positions, the village heads/*keuchik* were reasonably aware that their term of office would be 6 (six) years and that they could only be re-elected for one additional term. *Third*, the plan to revise or amend Law 11/2006 has been included in the 2025–2029 National Legislative Program under serial number 135. This means that, with respect to the term of office of village heads/*keuchik* in Aceh, there is an opportunity for adjustments to be made through the legislative process, in line with the wishes of the Governor and the Aceh Legislative Council (DPRA), considering that amendments to laws concerning the special region of Aceh require careful consideration. *Fourth*, the norm *a quo* does not contain any irrationality or intolerable injustice that would justify deviating from a policy that falls within the authority of the lawmakers. Thus, the Court is of the opinion that the regulations governing the term of office of village heads/*keuchik* in Aceh have been implemented in line with the purpose and spirit of the special/privileged status reflected in the norms *a quo* and are not discriminatory. However, the term of office of village heads/*keuchik* may at any time be amended by the lawmakers in accordance with societal development needs, provided that such changes are not contrary to the 1945 Constitution of the Republic of Indonesia. Accordingly, the Court maintains its position that regulating the term of office of village heads, *in casu keuchik*, falls within the authority of the lawmakers.
- (3) In relation to the planned amendment to Law 11/2006, which has been included in the 2025–2029 National Legislative Program, the Court considers it important to emphasize that the lawmakers should promptly revise or amend Law 11/2006. Such revisions/amendments should not only address the term of office of village heads but

also other necessary and essential matters/substances aimed at strengthening the special status of Aceh Province in implementing the mandate of Article 18B of the 1945 Constitution of the Republic of Indonesia, thereby reinforcing Aceh's position within the framework of the Unitary State of the Republic of Indonesia. In amending Law 11/2006, the lawmakers must ensure fair legal protection and certainty for all parties in formulating the revised norms, while taking into account societal developments, provided that they are not contrary to the 1945 Constitution of the Republic of Indonesia, again, with the overarching aim of strengthening Aceh's place within the Republic of Indonesia.

Pursuant to all the legal considerations above, the Petitioners' arguments are entirely legally unjustifiable.

Accordingly, the Court subsequently passes down a decision which verdict states to dismiss the Petitioners' petition in its entirety.

Dissenting Opinion

With respect to the decision *a quo* of the Constitutional Court, a dissenting opinion is expressed by 1 (one) constitutional justice, namely Constitutional Justice Arsul Sani, as follows:

Whereas pursuant to all the foregoing considerations, I am of the opinion that, in order to safeguard the constitutional rights of the Petitioners and other *keuchik* or village heads in Aceh Province who are in a similar position, the Court should grant the Petitioners' petition by declaring that Article 115 paragraph (3) of Law 11/2006 is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force if it is not interpreted as "**The village (*gampong*) is led by a village head (*keuchik*) who is directly elected from and by community members for a term of eight (8) years and may be re-elected for only one subsequent term of office.**"