

REEVALUATING LEADERSHIP CRITERIA IN VILLAGE GOVERNANCE: A COMPARATIVE ANALYSIS OF LAW NO. 3 OF 2024 AND IMAM AL-MAWARDI'S POLITICAL THOUGHT

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Abstract

This study examines the implementation of Article 33 of Law No. 3 of 2024 concerning village governance, analyzing its leadership eligibility criteria through the lens of Imam al-Mawardi's political thought. The research aims to evaluate whether the existing legal framework adequately reflects the moral and intellectual standards emphasized in Islamic governance. Employing a qualitative approach with a normative juridical method, the study conducts a comparative analysis between the administrative and legal requirements for village head candidates and the leadership principles outlined by al-Mawardi. The findings reveal that while the law ensures compliance with legal and technical criteria, it lacks sufficient emphasis on moral integrity ('adalah) and intellectual competence – two key qualities stressed by al-Mawardi. This research highlights the gap between modern legal frameworks and classical Islamic governance models, suggesting the need for a more comprehensive leadership selection process that integrates ethical and intellectual dimensions. The originality of this study lies in its critical assessment of contemporary village leadership regulations using classical Islamic political thought, offering a unique perspective on governance. The implications of these findings are significant for policymakers and scholars, as they emphasize the necessity of refining leadership criteria to align with both traditional Islamic values and modern governance needs.

Keywords: Leadership Criteria, Village Governance, Law No. 3/2024, Imam al-Mawardi, Fiqh Siyashah

INTRODUCTION

The Village Head Election (*Pilkades*) is a form of local democracy that significantly impacts the welfare of rural communities. This process determines the leader responsible

for governing the village as the smallest administrative unit within the state system.¹ Therefore, *Pilkades* must be conducted transparently, fairly, and in accordance with moral principles to produce competent and ethical leaders. Based on Law No. 3 of 2024 on Villages, *Pilkades* is legally regulated to ensure good and independent village governance.² However, in practice, *Pilkades* often faces various challenges, such as money politics, political dynasties, and electoral manipulation. Therefore, further studies are needed to assess the effectiveness of these regulations in creating a truly democratic and integrity-based *Pilkades*.

The regulations governing *Pilkades* in Indonesia are outlined in various policies, one of which is Law No. 3 of 2024 on Villages, which aims to strengthen village independence in social, economic, and political aspects. This law sets the criteria for village head candidates and the electoral procedures, which should reflect the principles of justice and transparency. Several studies have examined the legal aspects and implementation of *Pilkades*, such as Ghina Raidah Aushafi's research on the role of the Village Consultative Body (BPD) in *Pilkades* and the study by Jamri and Muhsin on dispute resolution in village head elections. However, research linking *Pilkades* to the principles of *fiqh siyasah* by Imam al-Mawardi remains limited and requires further exploration.³ Therefore, analyzing Imam al-Mawardi's perspective in the context of *Pilkades* is relevant to understanding the moral and ethical dimensions of village leadership elections.⁴

How Imam al-Mawardi's principles of *fiqh siyasah* are reflected in Law No. 3 of 2024 on Villages is the central question of this study. This research aims to evaluate the extent to which the regulation aligns with leadership principles in Islam, particularly in terms of justice, wisdom, and societal welfare. Additionally, this study will highlight potential revisions or improvements to the regulation to address academic challenges in *Pilkades*

¹ Feby Sri Yelvita, "Pandangan Fiqh Siyasah Dusturiyah Terhadap Penerapan Peraturan Daerah Kabupaten Pesawaran No. 3 Tahun 2019 Tentang Pemilihan Kepala Desa (Studi Di Desa Pagar Jaya Kecamatan Punduh Pidada Kabupaten Pesawaran)," *ገጽገጽ*, no. 8.5.2017 (2022): 2003-5.

² Ahmad Yani, "Penataan Pemilihan Kepala Desa Dalam Sistem Ketatanegaraan Di Indonesia," *Jurnal Konstitusi* 19, no. 2 (2022): 456, <https://doi.org/10.31078/jk1929>.

³ Hizbut Tahrir, "Struktur Negara Khalifah (Pemerintahan Dan Administrasi)" (Jakarta: HTI-Press, 2006), 239.

⁴ Al Mawardi, "Al-Ahkam Sulthaniyah: Sistem Pemerintahan Khilafah Islam," in (Terj: Khalifurrahman Fath Dan Fathurrahman), (jakarta: Al-Azhar Press, 2015), h 56-60.

implementation. Therefore, the findings of this research are expected to contribute theoretically to the field of Islamic law and village governance. Furthermore, this study can serve as a reference for policymakers in designing fairer and more effective regulations for village head elections.

The Village Head Election is not merely an administrative process but also carries significant moral and social dimensions.⁵ From Imam al-Mawardi's perspective, leadership must be based on principles of justice, integrity, and public interest rather than merely technical competence. The existing regulations provide a clear legal framework but do not fully accommodate the ethical and moral aspects of leadership as taught in *fiqh siyasah*. Therefore, it is essential to conduct a deeper analysis of how *Pilkades* regulations can be more aligned with Islamic values while ensuring their implementation is not only legally valid but also ethical and moral.⁶ Thus, this study plays a role in providing recommendations to strengthen the village head election mechanism, making it more transparent, fair, and in accordance with Islamic leadership principles.

METHOD

This study employs a qualitative method with a library research approach and a statute approach, which involves analyzing and examining legislation related to current legal issues. The data sources used in this research consist of primary and secondary sources. The primary sources include Law No. 3 of 2024 on Villages and the book *Ahkam Sulthaniyah* by Imam al-Mawardi. Meanwhile, the secondary sources comprise journals and scholarly works that discuss village head elections from the perspectives of statutory regulations and Imam al-Mawardi.

⁵ Jurnal Hukum, Tatanegara Siyasah, and Masalahah A L Mursalah, "El-Siyasa : Journal of Constitutional Law" 1, no. 1 (2023): 12–21.

⁶ Riswan Lagalante, Hedwig Adiinto Mau, and Ismail Ismail, "Penyelesaian Sengketa Pemilihan Kepala Desa Oleh Kepala Daerah Menurut Uu No 6 Tahun 2014 Tentang Desa," *SINERGI : Jurnal Riset Ilmiah* 1, no. 3 (2024): 116–23, <https://doi.org/10.62335/z95vyt44>.

RESULT AND DISCUSSION

1. Village Head Elections in Law No. 3 of 2024

From a formal legal perspective, the existence of villages in Indonesia is recognized in Law No. 9 of 2015, which replaced Law No. 23 of 2014 on Regional Government. This law grants villages broader authority to manage and govern their affairs based on the principles of autonomy and delegation of duties. However, since this regulation remains general in nature, village administration has often been slow due to the need to wait for higher-level government regulations. To address this issue, Law No. 3 of 2024 was introduced, providing a more specific legal framework for villages and strengthening their autonomy in various aspects of governance and development.⁷

In the context of village governance, the community plays a crucial role in managing and making decisions for the village. Law No. 3 of 2024 acknowledges the traditional rights of villages and grants local-scale authority that reflects values such as diversity, solidarity, mutual cooperation, deliberation, democracy, independence, and empowerment. This legal substance differentiates it from previous regulations by giving the community greater influence in shaping village development and enhancing public participation in various aspects of village life.⁸

The Village Head Election (*Pilkades*) is a key element in implementing democracy at the village level. Although it is conducted directly by the people and reflects democratic principles, *Pilkades* is not part of the general election (Pemilu) regime as defined by the Indonesian Constitution (UUD 1945).⁹ Law No. 3 of 2024 specifically regulates the *Pilkades* mechanism, but various challenges, such as social and political fraud, can still hinder the democratic process at the village level. Therefore, the village head election system must

⁷ Andriansyah, "Aspek Yuridis Pemilihan Kepala Desa Secara Langsung Dikaitkan Dengan Kedudukan Desa Sebagai Daerah Otonomi Asli," *Jurnal Rechten : Riset Hukum Dan Hak Asasi Manusia* 4, no. 3 (2022): 25–37, <https://doi.org/10.52005/rechten.v4i3.104>.

⁸ Proborini Hastuti, "Reduksi Kewenangan Atribusi Pemerintah Daerah Dalam Pengaturan Pemilihan Kepala Desa," *Jurnal Yudisial* 11, no. 1 (2018): 113, <https://doi.org/10.29123/jy.v11i1.265>.

⁹ Jamri Jamri and Muhsin Muhsin, "Penyelesaian Perselisihan Pemilihan Kepala Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014," *Selodang Mayang: Jurnal Ilmiah Badan Perencanaan Pembangunan Daerah Kabupaten Indragiri Hilir* 8, no. 3 (2022): 218–24, <https://doi.org/10.47521/selodangmayang.v8i3.269>.

be designed to be more transparent and fair to ensure that the elected leader can truly fulfill the community's mandate to advance the village.¹⁰

From a historical perspective, village autonomy has fluctuated under different Indonesian administrations. During the New Order era, Law No. 5 of 1979 led to the loss of village autonomy, uniformity in village governance structures, and a decline in local social and cultural values. The Reform era brought significant changes with the enactment of Law No. 22 of 1999, which restored recognition of villages as self-governing communities. Subsequently, Law No. 32 of 2004 and Law No. 3 of 2024 further strengthened village autonomy and provided a clearer legal foundation for village governance to develop local potential.

However, in practice, village head elections often lead to unhealthy competition between candidates and their supporters. The intense rivalry can escalate into social conflicts that disrupt village stability.¹¹ In fact, under Law No. 3 of 2024, villages are recognized as legal community units with the authority to manage and govern their own affairs.¹² Therefore, *Pilkades* should not be solely focused on political competition but should also serve as an instrument for sustainable village development, prioritizing the collective interests of the village community.¹³

To ensure transparency and smooth implementation of *Pilkades*, Law No. 3 of 2024 outlines the stages and mechanisms of village head elections.¹⁴ This process includes notification of the village head's term of office, formation of the election committee, candidacy procedures, voting, and the appointment of the elected village head. Additionally, voters must meet specific requirements, such as being at least 17 years old

¹⁰ Sugiman, "Pemerintah Desa," *Pemerintahan Desa, Fakultas Hukum Universitas Suryadarma* 7, no. 1 (2018): 84-85.

¹¹ Studi Kasus et al., "Legal Standing Analisis Yuridis Terhadap Sistem Pemilihan Kepala Desa Terkait Money Politic" 2, no. 1 (2018): 55-72.

¹² M Huda and Djoko Purwanto, "Kejian Yuridis Pengawasan Pemilihan Kepala Desa Dalam Sistem Pemerintahan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Universitas ...*, 2021, 1-18.

¹³ Daniel Bender, "DESA - Optimization of Variable Structure Modelica Models Using Custom Annotations," *ACM International Conference Proceeding Series* 18-April-2, no. 1 (2016): 45-54, <https://doi.org/10.1145/2904081.2904088>.

¹⁴ Shazlin Fazhira and Irwansyah Irwansyah, "Implementasi Permendagri No. 112/2014 Terhadap Pelaksanaan Pemilihan Kepala Desa Dalam Perspektif Siyasa Tanfidziyah," *Jurnal EDUCATIO: Jurnal Pendidikan Indonesia* 9, no. 1 (2023): 558, <https://doi.org/10.29210/1202323080>.

or married and officially registered as residents of the village. With this regulation in place, it is expected that village head elections will be conducted in a more structured manner, ensuring fair and democratic principles at the village level.

2. The Political Thought of Imam Al-Mawardi in a Historical Context

Imam Al-Mawardi, whose full name was Abu al-Hasan Ali bin Muhammad bin Habib al-Mawardi al-Bashri (364-450 AH / 974-1058 CE), was born in Basra, Iraq, in an environment that highly valued knowledge.¹⁵ The title "al-Mawardi" originates from his family's background as sellers of rose water, while "al-Bashri" refers to his birthplace. Al-Mawardi grew up in Baghdad and lived under the rule of two caliphs, Al-Qadir Billah and Al-Qa'im Billah. The title *Qadi Al-Qudhat* (Chief Judge), which he received in 429 AH, sparked debate among jurists, as it was considered a title that should only be attributed to Allah SWT.¹⁶ The social and political context of the time indicates that the Abbasid government was experiencing disintegration due to the weakening of central authority and the increasing autonomy of its subordinate regions.

During Al-Mawardi's lifetime, the Abbasid Dynasty experienced significant political decline.¹⁷ The Abbasid caliphs had lost control over the state and had become mere puppets in the political intrigues of high-ranking officials and the military, most of whom were of Turkish and Persian descent. This situation led to the emergence of smaller dynasties that refused to submit to Abbasid rule and instead consolidated their own power. As an Islamic scholar with expertise in various fields, Al-Mawardi played a crucial role in restoring political stability through diplomacy between the Buyid rulers and the Abbasid caliphate.¹⁸ His involvement in state affairs and his influential works demonstrate that his political thought was deeply shaped by the unstable socio-political conditions of his time.¹⁹

¹⁵ Muhammad Azhar, "Filsafat Politik (Perbandingan Antara Islam Dan Barat)," Ed.1, cet- (jakarta: PT. Raja Grafindo Persada, 1997), 81.

¹⁶ Amir Sahidin, "Telaah Atas Konsep Khilafah Al-Mawardi (Studi Deskriptif Analisis)," *Jurnal Penelitian Medan Agama* 12, no. 2 (2021): 72, <https://doi.org/10.58836/jpma.v12i2.11112>.

¹⁷ Amin Husein Muhammad Iqbal dan Nasution, "Pemikiran Politik Islam (Dari Masa Klasik Hingga Indonesia Kontemporer)" (jakarta: Kencana Prenada Media Group, 2010), 18.

¹⁸ Ahmad Fauzan, "Leadership Character According To Imam Al-Mawardi And Its Relevance In Indonesia: The Study Of The Book Of Al- Ahkam As-Sulthaniyyah," *Jurnal Penelitian* 15, no. 1 (2018): 39-50.

¹⁹ Zulfikar Yoga Widyatma, "Konsep Kepemimpinan Menurut Al-Mawardi," *IJTIHAD : Jurnal Hukum Dan Ekonomi Islam* 8, no. 1 (2014): 87-103.

As a scholar and high-ranking official in the Abbasid Dynasty, Al-Mawardi is recognized as one of the most influential political thinkers in Islamic history. His most renowned work, *Al-Ahkam al-Sultaniyah*,²⁰ serves as a primary reference in Islamic governance theory. In this book, he discusses the concept of *imamah* (leadership) as a political institution that succeeds the role of the Prophet in preserving religion and governing worldly affairs.²¹ He emphasizes the importance of responsible leadership in maintaining state stability and ensuring societal well-being.²² His extensive political thought reflects a deep understanding of the political dynamics of his era and his efforts to develop an Islamic political theory relevant to the challenges of his time.²³

According to Al-Mawardi, leadership (*imamah*) in Islam is not merely an administrative function but also a responsibility for preserving religious integrity.²⁴ He argues that *imamah* is a collective obligation (*fard kifayah*) necessary to maintain social and political order.²⁵ In his view, an Islamic leader is not only a head of state but also holds religious authority to ensure that governmental policies align with the principles of *shariah*.²⁶ Al-Mawardi's concept of *imamah* aims to achieve societal welfare through the principles of justice and equality.²⁷ His political thought emerged as a response to the

²⁰ Panggih Fadhilla Paramadina and M. Yasin Al Arif, "Pangkatan Menteri Dalam Sistem Presidensial Di Indonesia Perspektif Imam Al-Mawardi," *As-Siyasi : Journal of Constitutional Law* 1, no. 2 (2022): 74–93, <https://doi.org/10.24042/as-siyasi.v1i2.11401>.

²¹ Muhajir, "Pemikiran Politik Islam Imam Al-Mawardi Dan Relevansinya Di Indonesia Imam Al-Mawardi 's Islamic Political Thought and Its Relevance in Indonesia," *POLITICA: Jurnal Hukum Tata Negara Dan Politik Islam* X, no. I (2023): 83–98.

²² Imam Al-Mawardi, "Al-Ahkam Al-Sulthaniyah" (jakarta: PT. Darul Falah, 2007), 6–9.

²³ Asih Setiyowati et al., "Kepemimpinan Islam Periode Khulafaur Rasyidin (Abu Bakar, Umar Bin Khattab, Utsman Bin Affan, Ali Bin Abi Thalib)," *Yasin* 1, no. 2 (2021): 262–74, <https://doi.org/10.58578/yasin.v1i2.132>.

²⁴ Fenolia Intan Saputri and Moch Choirul Rizal, "Studi Pemikiran Ketatanegaraan Imam Al-Mawardi," *Verfassung: Jurnal Hukum Tata Negara* 1, no. 1 (2022): 15–32, <https://doi.org/10.30762/vjhtn.v1i1.157>.

²⁵ Pulungan j suyuthi, "Fiqh SiyasaH : Ajaran ,Sejarah Dan Pemikiran / Dr.J Suyuthi Pulungan, M.A," Ed.1 ; Cet (jakarta: Jakarta : Raja Grafindo Persada, 1997, n.d.), 332 hlm.

²⁶ Syafruddin Syam, "Pemikiran Politik Islam Al-Mawardi Dan Relevansinya Di Indonesia," *Al-Hadi* 2, no. 2 (2017): 485–98, <http://jurnal.pancabudi.ac.id/index.php/alhadi/article/view/156/138>.

²⁷ Moch Yunus, "Pemikiran Politik Imam Al-Mawardi Tentang Pengangkatan Imam (Khalifah)," *HUMANISTIKA : Jurnal Keislaman* 6, no. 2 (2020): 191–209, <https://doi.org/10.55210/humanistika.v6i2.368>.

weakness of the Abbasid government, which had increasingly fallen under the control of non-Arab political elites.²⁸

Al-Mawardi's political thought has made a significant contribution to the development of Islamic political theory.²⁹ His leadership concepts continue to serve as references in discussions about the role of the state in Islam.³⁰ Despite living in a period of political instability, his ideas remain relevant in modern contexts, particularly in debates regarding the relationship between religion and the state.³¹ Considering the complex political situation of his time, Al-Mawardi successfully formulated a political theory that was not only normative but also practical for implementation in Islamic governance.³² As a result, his legacy in Islamic political thought remains an essential part of Islamic intellectual history.³³

3. The Village Head Election in Law Number 3 of 2024 from the Perspective of Imam Al-Mawardi

Imam Al-Mawardi, a prominent thinker in the Islamic tradition specializing in politics and law, provides a theoretical framework for leadership and the selection of leaders that aligns with both Sharia principles and rational considerations. An analysis of Village Law No. 3 of 2024, particularly Article 33, which regulates the requirements for village head candidates, reveals both alignments and fundamental differences when viewed from Al-Mawardi's perspective. Some requirements stipulated in the law, such as physical health and moral track record, bear similarities to the criteria proposed by Al-Mawardi. However, differences emerge in the approach to morality, education, and other aspects

²⁸ Mohamad Nur Wahyudi, "Teori Kontrak Sosial (Studi Komparasi Teori Politik Menurut Imam Al-Mawardi, Thomas Hobbes Dan John Lock)," *An-Nawa: Jurnal Studi Islam* 4, no. 2 (2022): 113–25, <https://doi.org/10.37758/annawa.v4i2.504>.

²⁹ David Hanif, "Analisis Fiqh Siyasah Tentang Khilafah Menurut Al-Mawardi Dalam Kitab Al-Ahkam As-Shulthaniyyah," *Jurnal Lex Renaissance* 7, no. 1 (2022): 153–66, <https://doi.org/10.20885/jlr.vol7.iss1.art12>.

³⁰ M Azmi, Khirman Fadhlani, and Sudirman Suparmin, "Analisis Kriteria Calon Kepala Negara Perspektif Imam Al-Mawardi," *UNESLawReview* 6, no. 1 (2023): 2381–87, <https://review-unes.com/https://creativecommons.org/licenses/by/4.0/>.

³¹ Miftahur Ridlo, "Konsep Pemimpin Dan Kekuasaan Politik Menurut Al-Mawardi," n.d., 1–8.

³² Halvina Harmayanti, Beni Ahmad Saebani, and Yana Sutiana, "Kriteria Pemimpin Negara Menurut Undang-Undang Dasar 1945 Ditinjau Dari Kriteria Imam Menurut Al-Mawardi," *Jurnal Law Review* 6, no. 3 (2024): 8884–8901, <https://creativecommons.org/licenses/by/4.0/>.

³³ Aidatun Nisrina and Nurul Firdaus, "Studi Pemikiran Pendidikan Islam : Imam Nawawi AL-Bantani" 2, no. 4 (2024): 2, <https://journal.staiyapiqbaubau.ac.id/index.php/Mutiara/article/view/1415/1613>.

of leadership, highlighting an imbalance between technical and substantive qualifications in the regulation.³⁴

In his work *Al-Ahkam al-Sulthaniyyah*, Al-Mawardi emphasizes the importance of leadership that encompasses moral integrity, intellectual capability, and physical fitness. Article 33 of the Village Law includes the requirement of "being physically healthy" (point j), which aligns with Al-Mawardi's view that a leader must have sound senses to effectively perform their duties. However, a divergence arises in the aspect of morality. Al-Mawardi considers justice (*'adālah*) a fundamental pillar that must be deeply upheld, encompassing personal integrity and abstinence from major sins. Meanwhile, the Village Law only emphasizes the absence of serious criminal offenses as an indicator of morality. This suggests that modern legal standards on morality are more administrative in nature compared to Al-Mawardi's normative approach.³⁵

Beyond morality, Al-Mawardi highlights the necessity of knowledge in various legal fields and *ijtihad* as a prerequisite for leadership. The requirement in Article 33, which sets a minimum education level of junior high school or its equivalent (point d), does not seem to reflect the depth of knowledge envisioned by Al-Mawardi. While this requirement ensures basic literacy and administrative understanding, limited education could hinder strategic decision-making. Al-Mawardi asserts that a leader must possess sufficient religious knowledge to engage in *ijtihad* and demonstrate proficiency in Sharia principles. Therefore, a fundamental difference exists in the intellectual standards for leadership between modern regulations and Al-Mawardi's ideal concept.³⁶

Regarding leadership age, Al-Mawardi does not specify a particular age limit but emphasizes intellectual and emotional maturity as essential qualifications. Law No. 3 of 2024 sets a minimum age of 25 years (point e), assuming that individuals at this age have sufficient maturity to lead. However, the regulation does not provide a mechanism to assess potential leadership qualities. Al-Mawardi stresses that a leader must possess

³⁴ Muhammad Amin, "Pemikiran Politik Al-Mawardi," *Jurnal Politik Profetik* 4, no. 2 (2016): 117-36, <https://doi.org/10.24252/jpp.v4i2.2744>.

³⁵ Abdul Muis, "Pemilihan Kepala Desa Sebagai Acuan Empiris Pemilihan Kepala Daerah Dan Wakil Kepala Daerah Secara Langsung (Ditinjau Dari Perspektif Historis)," *Jurnal Desentralisasi* 7, no. 4 (2006): 15-34, <https://doi.org/10.37378/jd.2006.4.15-34>.

³⁶ M. Yusuf Musa, "Politik Dan Negara Dalam Islam" (yogyakarta: Pustaka LSI, 1991), 60.

intellectual capacity, strategic vision, and wisdom in governance. The Village Law does not specify how to ensure that candidates have leadership experience or strategic competencies before running for office. This raises an academic concern about the effectiveness of age-based leadership qualifications compared to more substantive quality-based assessments.³⁷

The aspect of deliberation is also a key concern for Al-Mawardi in the leadership selection process. Article 34A, paragraph 4 of the Village Law states that if there is only one candidate for village head, the selection can be conducted through a consensus decision-making process. This principle aligns with Al-Mawardi's view, which underscores the importance of collective deliberation in ensuring a leader's eligibility.³⁸ However, in modern regulations, deliberation is positioned more as an emergency mechanism rather than a primary principle. This difference illustrates that the concept of deliberation in the Village Law is more procedural, whereas Al-Mawardi advocates for a deeper deliberative process.

From the perspective of leadership legitimacy, Al-Mawardi asserts that popular approval is the foundation of a leader's authority. The Village Law mandates direct elections for village heads based on principles of honesty, fairness, and freedom, reflecting public participation in leader selection, as encouraged in Islamic leadership principles. However, Al-Mawardi also emphasizes the importance of voter quality, while the Village Law only requires voters to be at least 17 years old or married. This criterion does not consider intellectual or moral aspects of the voters, which, according to Al-Mawardi, should be crucial in determining a leader's legitimacy. Consequently, the regulation prioritizes quantitative participation over voter quality in electing an ideal leader.

Regarding the duration of leadership, the Village Law sets an eight-year term for village heads, with the possibility of two extensions (Article 39). Although Al-Mawardi does not specify a particular term limit, he stresses the importance of accountability and

³⁷ Abdul Hayyie Al-Khattami dan Kamaluddin Nurdin, "Hukum Tata Negara Dan Kepemimpinan Dalam Takaran Islam" (Jakarta: Gema Insani Press, 2000), 17.

³⁸ Frenki M.Si, "Analisis Politisasi Identitas Dalam Kontestasi Politik Pada Pemilihan Umum Di Indonesia," *As-Siyasi: Journal of Constitutional Law* 1, no. 1 (2021): 29–48, <https://doi.org/10.24042/as-siyasi.v1i1.8540>.

performance during a leader's tenure. The Village Law does not explicitly outline performance evaluation mechanisms, which could create gaps in ensuring responsive and responsible leadership. Al-Mawardi emphasizes that a leader must possess courage and decisiveness in protecting the people, aspects that are not explicitly measured in the Village Law. Therefore, it is necessary to ensure that modern regulations reflect more substantive leadership values.³⁹

Ultimately, this analysis highlights the imbalance between technical and substantive criteria in Law No. 3 of 2024 concerning village governance. The existing requirements emphasize administrative aspects more than the morality, intellectual capacity, and courage emphasized by Al-Mawardi. A harmonization between Islamic leadership values and modern regulations is necessary to ensure that elected village heads truly possess the required qualities. One recommendation is to elevate the educational requirements for village head candidates to ensure adequate intellectual competence. Additionally, moral assessment mechanisms should be strengthened to align with the principle of justice (*'adālah*). Public participation in elections should also be enhanced through political and civic education programs to ensure voters have a better understanding of selecting their leaders.

CONCLUSION

The findings of this study indicate that the implementation of Article 33 of Law No. 3 of 2024 on Villages aligns with legal and administrative aspects of leadership but lacks a comprehensive reflection of Imam al-Mawardi's ideal leadership criteria. While requirements such as minimum education, physical health, and age are relevant in the modern context, they do not fully embody the moral integrity and intellectual depth emphasized by al-Mawardi. His concept of leadership prioritizes justice (*'adālah*), intellectual capability, and the leader's ability to uphold public welfare. However, these substantive qualities are not adequately emphasized in the law, which tends to focus

³⁹ Eti Suhaeti, "Kepastian Hukum Dalam Pemilihan Kepala Desa Dengan Penggunaan Asas-Asas Pemilihan Umum Berdasarkan UUD 1945 Dan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 9, no. 1 (2022): 163–76, <https://doi.org/10.15408/sjsbs.v9i1.24483>.

more on technical qualifications rather than leadership competence based on moral and intellectual excellence.

One of the strengths of this research lies in its ability to provide a comparative analysis between contemporary legal frameworks and classical Islamic political thought. By integrating al-Mawardi's fiqh siyasah perspective, this study offers a critical evaluation of leadership selection criteria in village governance. It highlights the necessity of balancing administrative requirements with more substantive qualifications, such as ethical integrity and strategic decision-making skills. Furthermore, this research contributes to the discourse on Islamic governance by demonstrating the relevance of classical leadership principles in shaping modern policy reforms.

Despite its contributions, this study has certain limitations. The analysis primarily relies on textual and theoretical comparisons, without empirical validation through field studies or direct observations of village leadership effectiveness. Additionally, the study focuses on the perspective of a single Islamic scholar, al-Mawardi, which, while significant, does not encompass the full spectrum of Islamic political thought. Future research could benefit from a broader examination of leadership models within Islamic jurisprudence and an empirical assessment of how these leadership criteria impact governance outcomes in practice.

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