

Constitutional Review of Keuchik Tenure by the Constitutional Court

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Abstract

The regulation of the Keuchik (village head) tenure in Aceh has become a constitutional issue following the inconsistency between the Law on the Governing of Aceh and the amended Village Law, which prescribe different terms of office for village leaders. This normative conflict culminated in the Constitutional Court's review of Article 115 paragraph (3) of Law No. 11 of 2006 on the Governing of Aceh, raising fundamental questions regarding the constitutional status of Aceh's special autonomy, the application of the *lex specialis derogat legi generali* principle, and the balance between legal certainty and equal treatment within Indonesia's decentralized governance system. This study examines the constitutional reasoning adopted by the Constitutional Court in reviewing the tenure of the Keuchik and evaluates its implications for the governance of Aceh. Employing a normative legal research method through statutory, constitutional, and conceptual approaches, the study analyzes relevant legislation, Constitutional Court Decision No. 40/PUU-XXIII/2025, and legal doctrines concerning regional autonomy and constitutional interpretation. The findings demonstrate that the Constitutional Court reaffirmed the constitutional validity of Aceh's special governance framework by recognizing the Law on the Governing of Aceh as a *lex specialis* that justifies a distinct tenure arrangement for the Keuchik. The decision strengthens legal certainty within Aceh's autonomous governance system while affirming that constitutional equality may accommodate differentiated legal treatment where it is expressly grounded in constitutionally recognized special autonomy.

Introduction

The regulation of the tenure of local government officials is an important aspect of democratic governance because it affects political accountability, administrative stability, and the effectiveness of public administration. In Indonesia, the constitutional framework recognizes regional autonomy while allowing certain regions to exercise special governance based on their

historical, cultural, and political characteristics. Aceh is one such region, whose special autonomy is regulated under Law No. 11 of 2006 on the Governing of Aceh (LoGA).¹

A constitutional issue emerged following the amendment of Law No. 6 of 2014 on Villages through Law No. 3 of 2024, which extended the tenure of village heads across Indonesia. While the amended Village Law introduced a uniform tenure for village heads, the LoGA continued to regulate the tenure of the Keuchik under Aceh's special autonomous framework.² This dual regulation created uncertainty regarding whether the general Village Law or the Aceh-specific legislation should prevail, raising questions concerning the application of the *lex specialis derogat legi generali* principle, constitutional equality, and legal certainty.³

The issue was brought before the Constitutional Court through a judicial review of Article 115 paragraph (3) of the Law on the Governing of Aceh. The case extends beyond a conflict between two statutes, as it concerns the constitutional recognition of Aceh's special autonomy and the extent to which differentiated legal treatment may be justified within Indonesia's decentralized constitutional system. The Court's decision therefore has broader implications for the relationship between national legal uniformity and constitutionally recognized regional autonomy.⁴

Previous studies have discussed Aceh's special autonomy and village governance separately, while others have examined the amendment of the Village Law and the role of the Constitutional Court in constitutional review. However, limited research has specifically analyzed the Court's constitutional reasoning in resolving the conflict between the Village Law and the Law on the Governing of Aceh concerning the tenure of the Keuchik. This study

¹ David J. Bulman, "The Outsiders: Evolving Logics of Cadre Rotation in China's Counties," *Journal of Chinese Governance* 11, no. 2 (2026), <https://doi.org/10.1080/23812346.2025.2560196>; Yifan Wang and Bing Wang, "How Local Officials Moderate the Spatial Impact of Politically and Economically Driven Environmental Regulations on Green Economic Efficiency?," *Sustainable Futures* 11 (2026), <https://doi.org/10.1016/j.sftr.2025.101597>.

² Airi Safrijal et al., "SETTLEMENT OF MEUGOE BLANG DISPUTES THROUGH CUSTOMARY LAW OF ACEH," *Journal of Law and Sustainable Development* 11, no. 5 (2023), <https://doi.org/10.55908/SDGS.V11I5.525>.

³ A Hadi Arifin et al., "The Influence of Education and Work Experience on Keuchik Leadership and Performance in Regional Designed New Autonomy for Aceh Malacca District North Aceh," *Malikussaleh Social and Political Reviews* 2, no. 2 (2021), <https://doi.org/10.29103/mspr.v2i2.6355>.

⁴ Ahmad Syarif, "Fiscal Decentralization and Corruption: The Facts of Regional Autonomy Policies in Indonesia," *Jurnal Ilmu Sosial Dan Ilmu Politik* 27, no. 1 (2023), <https://doi.org/10.22146/jsp.69007>; Hanfree Bunga Allo, Aminuddin Ilmar, and Abdul Razak, "Asymmetric Decentralisation Arrangements in the Implementation of Regional Autonomy in Indonesia," *Edelweiss Applied Science and Technology* 9, no. 4 (2025), <https://doi.org/10.55214/25768484.v9i4.6442>.

addresses that gap by examining the Constitutional Court's interpretation of the *lex specialis* principle and its implications for legal certainty and asymmetric decentralization in Indonesia.

Accordingly, this study analyzes the Constitutional Court's review of the Keuchik's tenure and evaluates its constitutional implications for Aceh's autonomous governance.⁵ It argues that the Court's decision reinforces the constitutional recognition of Aceh's special status while providing greater legal certainty in the administration of village governance within Indonesia's decentralized constitutional framework.

Methods

This study employs a normative legal research method⁶ to examine the Constitutional Court's review of the tenure of the Keuchik under Indonesia's constitutional framework. The research adopts statutory, constitutional, and conceptual approaches. The statutory approach analyzes relevant legal instruments, including the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2006 on the Governing of Aceh, Law No. 6 of 2014 on Villages as amended by Law No. 3 of 2024, and Constitutional Court Decision No. 40/PUU-XXIII/2025. The constitutional approach evaluates the principles of constitutional supremacy, equality before the law, regional autonomy, and asymmetric decentralization, while the conceptual approach examines legal doctrines concerning constitutional review, the *lex specialis derogat legi generali* principle, and legal certainty. The study relies on primary legal materials consisting of legislation and Constitutional Court decisions, supported by secondary legal materials, including scholarly books, journal articles, and legal commentaries. All legal materials were collected through library research and analyzed qualitatively using grammatical, systematic, historical, and teleological interpretation to assess the constitutional reasoning adopted by the Constitutional Court and its implications for the governance of Aceh within Indonesia's decentralized constitutional system.

Results and Discussion

Constitutional Status of the Keuchik within Aceh's Special Autonomy

⁵ Joseph E. Borson and Huan Xu, "A Path Dependent Approach for Characterizing the Legal Governance of Autonomous Systems," *IEEE Access* 10 (2022), <https://doi.org/10.1109/ACCESS.2022.3221409>; Haval Ahmad, Emma MacTavish, and Kenneth Christie, "The de Facto Autonomous Governance and Stability in the Middle East: The Case of Kurds in Rojava," *Journal of the Middle East and Africa* 15, no. 1 (2024), <https://doi.org/10.1080/21520844.2024.2314447>.

⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2024).

The Keuchik occupies a distinctive constitutional position within Aceh's system of local governance because the institution is not merely an administrative village authority but also an integral component of Acehnese customary governance recognized under the Law on the Governing of Aceh (Law No. 11 of 2006).⁷ This special status reflects Indonesia's constitutional commitment to recognizing regions with distinctive historical, cultural, and political characteristics as provided under Article 18B of the 1945 Constitution. Consequently, the regulation of the Keuchik's tenure cannot be interpreted solely through the general framework governing village administration but must also consider the constitutional protection afforded to Aceh's special autonomy.⁸

The constitutional controversy emerged after the amendment of Law No. 6 of 2014 on Villages by Law No. 3 of 2024, which extended the tenure of village heads throughout Indonesia. While the amended Village Law introduced a uniform national policy, the Law on the Governing of Aceh retained its own provisions concerning the tenure of the Keuchik.⁹ This normative inconsistency raised constitutional questions regarding legal certainty, equality before the law, and the application of the *lex specialis derogat legi generali* principle.¹⁰ The study finds that Aceh's autonomous governance framework constitutes a constitutionally recognized exception to

⁷ Dahlan A. Rahman, "Prospects and Dynamics of Special Autonomy Post Aceh Government Law No. 11 of 2006 in Aceh," *International Journal of Social Science Humanity & Management Research* 3, no. 01 (2024), <https://doi.org/10.58806/ijsshmr.2024.v3i1n17>; Marlia Sastro et al., "The Authority of the District/City Government Related to The Utilization of Geothermal Energy According to Article 156 of Law Number 11 of 2006 Concerning the Government of Aceh," *Journal of Law and Sustainable Development* 12, no. 1 (2024), <https://doi.org/10.55908/sdgs.v12i1.2898>.

⁸ Nazaruddin, Muhammad Nasir, and Ahmad Fauzan, "Zakat Calculation Model as a Reduction Factor for Income Tax Based on Law Number 11 of 2006 Concerning the Government of Aceh," *International Journal of Scientific Research and Management (IJSRM)* 12, no. 10 (2024), <https://doi.org/10.18535/ijssrm/v12i10.em05>; Sastro et al., "The Authority of the District/City Government Related to The Utilization of Geothermal Energy According to Article 156 of Law Number 11 of 2006 Concerning the Government of Aceh."

⁹ Deddy Winarwan, Thea Farina, and Ivans Januardy, "Normative Juridical Study on the Second Amendment to Law Number 6 of 2014 on Villages in Law Number 3 of 2024: The Implications for Enhancing Village Independence in Indonesia," *Journal of Law, Politic and Humanities* 5, no. 3 (2025), <https://doi.org/10.38035/jlph.v5i3.1563>; Hariyanto et al., "Democratization of Village Autonomy in the Construction of Indonesian Administrative Law: Is It Possible?," *Jurnal Media Hukum* 32, no. 2 (2025), <https://doi.org/10.18196/jmh.v32i2.25216>.

¹⁰ Diding Rahmat et al., "The Urgency of Administrative Law in Light of Ius Constituendum Regarding the Role of Village Heads," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (2024), <https://doi.org/10.24090/volksgeist.v7i1.10204>; Debora Sanur Lindawaty, "Pembangunan Desa Pasca Undang-Undang No. 6 Tahun 2014 Tentang Desa [Village Development Post Law No. 6 of 2014 on Villages]," *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 14, no. 1 (2023), <https://doi.org/10.22212/jp.v14i1.4120>.

general village administration, thereby permitting differentiated legal arrangements where expressly authorized by law.

Constitutional Court's Interpretation of the Keuchik's Tenure

Restorative In reviewing the constitutionality of the Keuchik's tenure, the Constitutional Court emphasized that the Law on the Governing of Aceh represents a special legal regime (*lex specialis*) enacted to implement Aceh's constitutionally protected autonomous status.¹¹ The Court reasoned that the existence of a general law governing village administration does not automatically invalidate specific provisions applicable to Aceh, provided that such differentiation remains consistent with constitutional principles. Accordingly, the Court reaffirmed that constitutional equality does not require identical legal treatment in all circumstances but permits distinctions that are objectively justified by the Constitution itself.

The Court's interpretation also reinforces the principle of legal certainty by clarifying the relationship between the Village Law and the Law on the Governing of Aceh. Rather than creating conflicting legal regimes, the decision establishes that Aceh's special autonomy should prevail in matters specifically regulated by its autonomous governance framework. This interpretation strengthens constitutional consistency, protects the legal identity of Aceh's local institutions, and confirms that judicial review serves not only to resolve statutory conflicts but also to preserve the constitutional balance between national legal uniformity and regional diversity.¹²

Implications for Indonesia's Constitutional System of Asymmetric Decentralization

The The Constitutional Court's decision has broader implications for Indonesia's constitutional model of asymmetric decentralization. By recognizing the continued applicability of the Law on the Governing of Aceh, the Court reaffirmed that special autonomy constitutes an integral part of Indonesia's constitutional order rather than an exception to it.¹³ The decision

¹¹ Rosa Fernanda Gómez González, "Legal Regime of Demolition," *Revista de Derecho* 37, no. 1 (2024), <https://doi.org/10.4067/S0718-09502024000100145>; Adrian Nugraha and Robert Lihtorng Chen, "The Current Legal Regime of the Indonesian Outer Small Islands," *Griffith Law Review* 32, no. 4 (2023), <https://doi.org/10.1080/10383441.2024.2362499>.

¹² Jessica Omukuti, "Challenging the Obsession with Local Level Institutions in Country Ownership of Climate Change Adaptation," *Land Use Policy* 94 (2020), <https://doi.org/10.1016/j.landusepol.2020.104525>; Tahrizi Fathul Aliim and Rudi Saprudin Darwis, "Peran Kelembagaan Lokal Dalam Pendayagunaan Sumber Daya Desa Wisata," *Social Work Journal* 13, no. 2 (2024).

¹³ Khairul Riza, Irpan Husein Lubis, and Nicha Suwalla, "Kepastian Hukum Terhadap Putusan Peradilan Adat Aceh Dalam Penyelesaian Tindak Pidana Pencurian," *Jurnal Ilmiah*

therefore strengthens legal certainty for local governance in Aceh while providing guidance for resolving future conflicts between general legislation and laws governing regions with special constitutional status.

From a constitutional perspective, the decision demonstrates that the principles of legal certainty, equality before the law, and regional autonomy are not mutually exclusive but should be interpreted harmoniously. The study argues that constitutional review should continue to function as a mechanism for maintaining this balance by ensuring that national legal harmonization does not undermine constitutionally recognized regional diversity.¹⁴ Accordingly, the Court's reasoning contributes to the development of a more coherent constitutional framework in which special autonomy is protected without compromising the unity of the Indonesian legal system.

Conclusions

This study concludes that the Constitutional Court's review of the Keuchik tenure reaffirms the constitutional recognition of Aceh's special autonomy as an integral component of Indonesia's decentralized constitutional system. By interpreting the Law on the Governing of Aceh as a *lex specialis*, the Court confirmed that the regulation of the Keuchik's tenure constitutes a legitimate constitutional exception to the general provisions of the Village Law. The decision demonstrates that the principle of equality before the law does not require uniform legal treatment where differentiated arrangements are expressly justified by the Constitution and are intended to preserve the historical, cultural, and institutional characteristics of a special autonomous region. Furthermore, the Court's constitutional reasoning strengthens legal certainty by clarifying the relationship between national legislation and Aceh's autonomous governance framework while reinforcing the doctrine of asymmetric decentralization. Accordingly, the decision contributes to the development of Indonesian constitutional law by establishing that constitutional review serves not only to resolve normative conflicts but also to maintain a balanced relationship between national legal harmonization, regional autonomy, and the constitutional protection of Indonesia's legal pluralism.

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Hukum Dan Hak Asasi Manusia 2, no. 1 (2022), <https://doi.org/10.35912/jihham.v2i1.1580>.

¹⁴ Yulia Sarah, Mohd. Din, and Adwani Adwani, "Public Legal Awareness in Land Registration in Muara Dua Sub-District," *International Journal of Law and Society* 2, no. 3 (2025), <https://doi.org/10.62951/ijls.v2i3.651>.

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