



The Establishment of Village Regulations in the Context of Village Democratization

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Abstract

The enactment of Law Number 6 of 2014 concerning Villages introduces a distinct dimension to the democratization process within villages, emphasizing recognition and subsidiarity that portrays villages not merely as geographic entities but as integral parts of their socio-cultural communities. Currently, the formulation of village regulations as a manifestation of village autonomy remains a stagnant process. This article aims to critically examine the development of village regulations within the framework of village democratization, employing doctrinal research methods alongside statutory and conceptual approaches. Findings reveal that village regulations constitute a subset of statutory regulations, incorporating provisions from higher-level frameworks while embodying community participation grounded in village-specific authority and rights. The transformation prompted by Law Number 6 of 2014 enhances the scope for village democratization, influencing the formulation of regulations that must meet both substantive and procedural requirements, thus presenting villages with opportunities and challenges in realizing local democratization effectively.

A. Introduction

Indonesia recognizes villages as the smallest regional government units. Article 18B paragraph (2) of the 1945 Republic of Indonesia *UUDNRI* states that "The state recognizes and respects customary law community units and

their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law". Article 28I paragraph (3) also mentions that "Cultural identity and the rights of traditional communities are respected in line with the development of the times and civilization".¹

To realize the ideals of Indonesian independence as stipulated in the 1945 Constitution, the Government of the Unitary State of the Republic of Indonesia aims to protect the entire Indonesian nation and its territory, promote general welfare, educate the nation's citizens, and contribute to world order based on independence, eternal peace, and social justice for all Indonesian people. The central, regional, and village governments have their respective authorities to achieve these goals.

Law Number 6 of 2014 concerning Villages has been amended several times, which latest amendment is Law Number 3 of 2024, allows for villages to determine their position, role and authority. Village is "a legal community unit that has territorial boundaries that has the authority to regulate and manage government affairs, the interests of local communities based on community initiatives, original rights, and/or traditional rights that are recognized and respected in the State government system. Unity of the Republic of Indonesia". Mulyadi defines the term "regulating" as the authority to make regulatory policies (policy making), while managing means the authority to implement the rules (policy implementation). A legal community unit that has the authority to regulate and manage its own interests means that the legal community unit has autonomy and authority to make regulatory policies and implement the regulations.²

Village's autonomy is expected to improve the welfare of the village community through acceleration/acceleration of village development. The village's authority is elaborated by the village head and village consultative body in various policies outlined in village regulations as a form of statutory regulation in Indonesia.

Village Regulations are further elaboration of higher laws and regulations by showing the socio-cultural conditions of local village communities. Village

¹ Putera Astomo, "Kedudukan dan Pengujian Konstitusionalitas Peraturan Desa dalam Peraturan Perundang-undangan", *Jurnal Konstitusi*, Volume 15, Number 2, Juni (2018): p. 283.

² Mulyadi, "Analisis Proses Perumusan Peraturan Desa (Studi Kasus di Desa Penago II Kecamatan Ilir Talo Kabupaten Seluma)", *Mimbar Jurnal Penelitian Sosial Dan Politik*, Volume 6 No. 3 Juni (2017): p. 51.

government should be able to form and manage various regulations that apply in their territory. Village regulations consist of Village Regulations, Joint Village Head Regulations, and Village Head Regulations. Village regulations function as instruments and foundations for administering and organizing village government, carrying out village development, fostering village society, and empowering village communities using its authority.

Village authority relates to the establishment of village regulations as the basis for carrying out government actions to create advanced and competitive village competence. Village Government should understand the process of establishing regulations to cater the Village's needs.³

The Minister of Home Affairs Regulation Number 111 of 2014 concerning Technical Guidelines for Village Regulations serves as a reference for village governments and village consultative bodies in forming village regulations which consist of several stages, namely: planning, drafting, discussing, stipulating, promulgating and disseminating stages. In order to conduct such roles, qualified human resources are needed.

The confirmation of the status of Village Regulations as statutory regulations is also addressed in Article 8 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, as most recently amended by Law Number 13 of 2022. This article states: (1) Types of Legislative Regulations, aside from those mentioned in Article 7 paragraph (1), include regulations issued by the People's Consultative Assembly, the People's Representative Council, the Supreme Court, the Constitutional Court, the Financial Audit Agency, the Judicial Commission, Bank Indonesia, Ministers, bodies, institutions or commissions of the same level established by law or by government order, Provincial *DPRD*, Governors, Regency/City *DPRD*, Regents/Mayors, Village Heads or equivalents. (2) These Legislative Regulations are acknowledged and hold binding legal force as long as they are mandated by higher Legislative Regulations or established based on authority.

Some challenges occur during the process of village regulation establishment, including: 1). The low capacity of village government officials

³ Marten Bunga, "Model Pembentukan Peraturan Daerah yang Ideal dalam Penyelenggaraan Otonomi Daerah", *Jurnal Hukum & Pembangunan* Number 4 Oktober-Desember 2019.

and village consultative bodies in drafting village regulations.⁴ The majority of village officials and members of village consultative bodies are mostly high school graduates. 2). Inadequate dissemination by the Regency/City Regional Government regarding procedures for preparing and making village regulations. 3). The weak bureaucratic structure in drafting Village Regulations can be seen from the lack of coordination from the village to involve related parties in drafting village regulations.⁵ Apart from that, limited understanding of villages in interpreting the space for village autonomy and efforts to democratize villages in the formation of village regulations adds to the list.

These challenges need to be addressed to implement the democracy beyond ceremonial process to allow village transformation. Law Number 6 of 2014 aims to improve the community welfare. This article discusses an issue that is central to the author's novel: the conceptualization of the relationship between the creation of village regulations as an expression of village autonomy and the impact of village democratization on the development of these regulations.

This research employed doctrinal research method, as well as legal and conceptual approaches. Various statutory regulations that are the basis for legal provisions were analyzed. Meanwhile, the conceptual approach was employed to discuss the concept of village democratization through the establishment of village regulations.

B. Discussion

1. The Establishment of Village Regulations as a Form of Village Autonomy

Indonesia is a democratic legal state, which combines the notions of popular sovereignty with legal sovereignty as a single unit that is held

⁴ Encik Muhammad Fauzan & Uswatun Hasanah, "Pembentukan Peraturan Desa di Desa Telang dan Gili Timur-Bangkalan", *Jurnal Pangabdhi*, Volume 5 Number 2, Oktober (2019): p. 97.

⁵ Marwanto & Yusri Munaf, "Pembentukan Dan Mekanisme Penyusunan Peraturan Desa Berdasarkan Peraturan Menteri Dalam Negeri Nomor 29 Tahun 2006 (Studi Di Desa Hangtuh Kecamatan Perhentian Raja)", *WEDANA Jurnal Pemerintahan, Politik dan Birokrasi*, Vol. II Nomor 1 Oktober (2016): p. 211.

simultaneously.⁶ Hadjon mentioned important elements of the Indonesian legal state based on Pancasila as follows.⁷

- 1) Cooperation between the government and the people;
- 2) Proportional functional relationship between state powers;
- 3) Deliberative and judicial dispute resolution as the last resort if deliberation fails;
- 4) Balance between rights and obligations.

The administration of government must be based on popular principles guided by wisdom in representative deliberations. Populism is the understanding of democracy as government by the people, from the people, and for the people. In the context of regional governance, populism requires regional governments to be organized by local communities, based on their aspirations and interests. This principle also applies to the formation of statutory regulations.

Legislative Regulations are established through planning, drafting, discussing, ratifying or determining, and promulgating stages. Legislative Regulations is defined as written regulations that contain generally binding legal norms and are formed or stipulated by state institutions or authorized officials through procedures stipulated in Legislative Regulations.⁸

Legislation that is enacted will be implemented within society, so it is crucial for it to have strong social roots, whether it serves as social engineering or as a means of accommodating public aspirations.⁹ In this context, villages also have the authority to form laws and regulations based on their autonomy.

Statistics Indonesia reported that there are 83,971 villages/sub-districts in Indonesia.¹⁰ Since villages in Indonesia are autonomous legal entity, villages are no longer subordinate to the region. Village community have the right to speak for their own interests and not interfered. In Law Number 6 of 2014

⁶ Muhammad Syaifuddin, *et al.*, “Demokratisasi Peraturan Daerah: Pengembangan Model Ideal Pembentukan Peraturan Daerah Demokratis di Bidang Ekonomi di Kabupaten/Kota di Propinsi Sumatera Selatan”, *Jurnal MMH*, Number 2 Juni 2020.

⁷ Philipus M. Hadjon, in Muhammad Syaifuddin, *et al.*, “Demokratisasi Peraturan Daerah: Pengembangan Model Ideal Pembentukan Peraturan Daerah Demokratis di Bidang Ekonomi di Kabupaten/Kota di Propinsi Sumatera Selatan”, *Jurnal MMH*, No. 2 Juni 2020.

⁸ Article 1 Law Number 12 of 2011

⁹ Salahudin Tunjung Serta, “Hak Masyarakat dalam Pembentukan Peraturan Perundang-undangan”, *Jurnal Legislasi Indonesia* Vol.17 No.2 – Juni 2020.

¹⁰<https://dataindonesia.id/varia/detail/data-jumlah-desakelurahan-di-indonesia-menurut-provinsi-pada-2023>

concerning Villages, villages are expected to focus on carrying out their government using village autonomy.¹¹

The word "autonomy" originates from the Greek words "auto," meaning self, and "nomos," meaning law or regulation. In the context of politics and government, regional autonomy refers to self-government or the condition of living under one's own laws. This implies that a region has legal self-sufficiency, governing itself through its own laws. Consequently, autonomy emphasizes aspirations over conditions.¹²

Autonomy is a political concept associated or equated with the notions of freedom and independence. Being autonomous refers to the condition of being able to make the law to fit the condition of the village. The political content of this term implies that with freedom and independence, a region is considered autonomous if it has the authority or power to administer its own government. This includes the ability to determine the interests of the region and its community independently.¹³

The terminological, economic, sociological, juridical, political and historical perspectives show that villages are true democratic, autonomous form of government with distinct traditions, customs and laws without intervention from other parties.¹⁴ This condition can be understood within the framework of constitutionalism, which advocates for government based on a constitution. This framework includes the concept that the authority of state organizations in governing extends only to the sub-district level. From an academic perspective, this increasingly emphasizes that organs within the sub-district organizational structure can be viewed as community bodies, and village communities can be referred to as "self-governing communities" (community-based self-government) that are inherently autonomous.¹⁵

¹¹ Aktiva Merityara Atqonnisaa, *Pelaksanaan Kewenangan Evaluasi Dan Klarifikasi Rancangan Peraturan Desa Tentang Anggaran Pendapatan Dan Belanja Desa (Rapbdesa) Oleh Pemerintah Daerah* (Studi Di Kecamatan Jombang Kabupaten Jombang), *Artikel*, p. 47.

¹² Sarundanjang, *Arus Balik Kekuasaan Pusat ke Daerah*, (Jakarta: *Pustaka Sinar Harapan*, 1999), p. 57.

¹³ Culla, Adi Suryadi, *Otonomi Daerah dalam Tinjauan Politik*, (Makalah: Otonomi dan Pembangunan Daerah, 2001), p.3.

¹⁴ Ari Dwipayana, *Pembaharuan Desa Secara Partisipasif*, (Jakarta: *Pustaka Pelajar*, 2003), p. 2.

¹⁵ Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, (Jakarta: Mahkamah Konstitusi Republik Indonesia dan Pusat Studi Hukum Tata Negara, Fakultas Hukum Universitas Indonesia, 2004), p. 285.

Village regulation are not only part of the legal development process, but also the right to autonomy that the village has. Government Regulation Number 43 of 2014, which implements Law Number 6 of 2024 concerning Villages, has been amended multiple times, most recently by Government Regulation Number 11 of 2019. This regulation outlines the procedures and mechanisms for creating village regulations.

Village Regulations according to Law Number 6 of 2014 are statutory regulations stipulated by the Village Head after being discussed and agreed upon with the Village Consultative Body (*BPD*). As a political product, Village Regulations are processed democratically and participatively, which drafting process includes the participation of the Village community. The Village Community has the right to propose or provide input to the Village Head and the Village Consultative Body in the process of drafting Village Regulations.¹⁶

The village government initiates the drafting of village regulations, while *BPD* proposes the draft regulations to the village government. The draft is then discussed with village community to gain insights. The draft regulations are then determined by the village head after reaching the agreement with the *BPD*.

The agreed draft village regulations should be submitted to village head no later than 7 (seven) days from the time of agreement to be signed by the village head no later than 15 days from receipt of the draft village regulations from the *BPD*. The implementation of village regulations begins when they are promulgated in the village gazette and village news by the village secretary, then the village regulations are submitted to the Mayor/Regent as material for guidance and supervision. Village regulations that have been legally promulgated must be disseminated by the village government.

This procedure does not apply to all draft village regulations. There are several types of village regulations that must be evaluated by the regional head before being enacted as village regulations such as draft village regulations regarding the village opinion and expenditure budget, levies, spatial planning, and village government organization.

Village regulations contain formal form and substance related to village administration (financial management, village development planning, etc.). Village funds are allocation based on village regulations and administrative

¹⁶ General explanation of Law Number 6 of 2014.

requirements determined through democratic process by authorized institutions.

According to Herbert G. Hick, power or authority is the right to do something or legitimate power. Bagir Manan stated that authority in legal language is not the same as power (*macht*) as power only describes the right to do or not do something. In law, authority simultaneously means rights and obligations (*rechten en plichten*).¹⁷

The formation of village regulations is basically not only a village's "right" but also a village's "obligation". Several provisions require legal validity in carrying out certain affairs in the village. Village regulations are established through delegated authority, which involves higher regulations mandating their formation. Examples of such delegated norms under Law Number 6 of 2014 include village regulations pertaining to village income and expenditure budgets (Article 73, Paragraph 3), village medium-term development plans (Article 79, Paragraph 3), village government work plans (Article 79, Paragraph 3), establishment of village-owned business entities (Article 88, Paragraph 2), and others.

This normative aspect is also stipulated in Article 8, Paragraph (2) of Law Number 12 of 2011, which states that "types of Legislative Regulations other than those referred to in Article 7, Paragraph (1), are recognized and possess binding legal force as long as they are ordered by higher legislation or formed based on authority." In the explanatory section, it clarifies that "based on authority" refers to the execution of specific government affairs in accordance with Legislative Regulations. Therefore, types of legislation outside the hierarchy obtain their binding legal force from:

- a. the order of higher Legislation; or
- b. the authority to carry out certain government affairs in accordance with the provisions of the Legislative Regulations.

Villages are endowed with broader governance authority akin to districts or cities through statutory regulations.¹⁸ This authority to formulate village

¹⁷ Bagir Manan, *Wewenang Provinsi, Kabupaten dan Kota Dalam Rangka Otonomi Daerah*, Makalah pada Seminar Nasional FH UNPAD, 13 mei 2000, pp. 1-2. In Ridwan HR, *Hukum Administrasi Negara*, (Jakarta: PT Raja Grafindo, 2006), p. 102.

¹⁸ Lia Sartika Putri, "Kewenangan Desa dan Penetapan Peraturan Desa (Village Authority and the Issuance of Village Regulation)", *Jurnal Legislasi Indonesia* Vol.13 No.02 Juni 2016: 161-176.

regulations stems from attribution, as described by Indroharto,¹⁹ where new governmental powers are conferred by statutory provisions. Specifically, Law Number 6 of 2014 serves as the foundational statute attributing authority to village governments and *BPD* (Village Consultative Body) to create village regulations.²⁰

This refers to the provisions in Article 18 and Article 19 of Law Number 6 of 2014 which contain the scope of village authority. Where the implementation of village authority, which includes authority based on rights of origin and village-scale local authority, is regulated and managed by the village. Meanwhile, the authority assigned by the government, provincial regional government or district/city regional government and other authorities in accordance with the provisions of statutory regulations are managed by the village.

In regards to the explanation, villages have the authority and responsibility to form village regulations. The formation of village regulations is not solely delegated by higher statutory regulations but also grounded in the scope of village autonomy established through attributed authority as stipulated. Therefore, the Village Government and the Village Consultative Body as the authorities in forming village regulations have to responsively carry out these authorities and responsibilities.

2. Village Democratization in the Establishment of Village Regulations

The enactment of Law Number 6 of 2014 is a starting point for the village's hope of determining its position, role and authority²¹ based on the principles of recognition and subsidiarity. The previous arrangement primarily received residuals or remnants from districts/cities.

Democratization in village communities needs to be upheld throughout the process. Muhammad Hatta asserted that the democracy being cultivated is not merely a mimicry of Western democracy, but rather a form rooted in the

¹⁹ Indroharto, *Usaha Memahami Undang-Undang tentang Peradilan Tata Usaha Negara*, (Jakarta: Sinar Harapan, 1993).

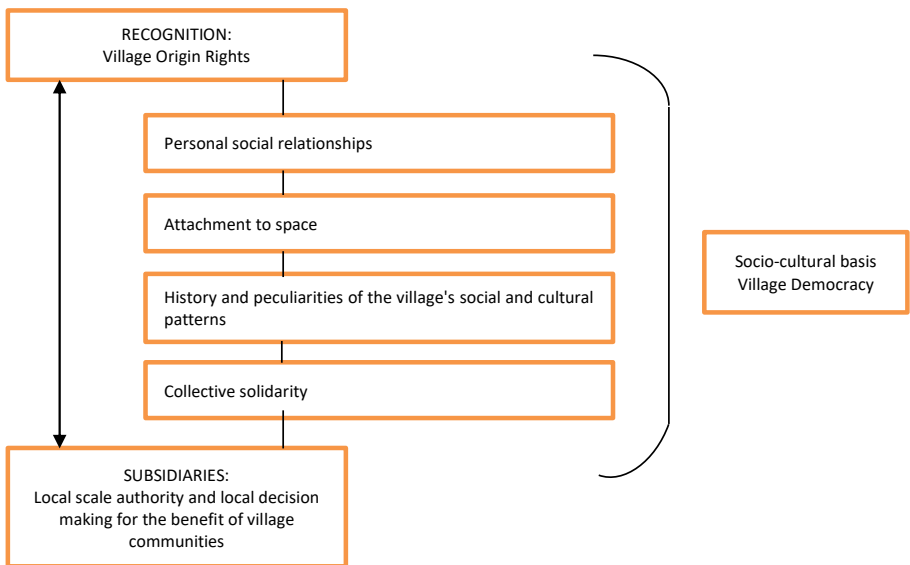
²⁰ Ali Marwan HSB & Evelyn Martha Julianthy, "Pelaksanaan Kewenangan Atribusi Pemerintahan Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah", *Jurnal Legislasi Indonesia* Vol.15 No.2 Juli 2018.

²¹ M. Silahuddin, *Kewenangan Desa dan Regulasi Desa*, (Jakarta: Kementerian Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Republik Indonesia, 2015), p.8

indigenous Indonesian societal character, specifically family democracy founded on deliberation.²²

Village democratization focuses on at least four key aspects. First, it acknowledges the social relations entrenched in personal interactions among villagers over time, shaping attitudes and social norms. Second, it emphasizes the deep connection between villages and their physical space. For villagers, their land and surroundings hold significant importance beyond mere economic value—they represent a living environment that cannot be easily abandoned or commodified. Third, the prolonged and intensive interaction within the village life cultivates a distinct socio-cultural fabric. Fourth, solidarity in villages often takes a mechanical form, characterized by collective and communal bonds. Village communities unite around a shared sense of togetherness and mutual support, acting collectively as cohesive subjects in their own right.²³

Figure 1. Socio-Cultural Basis of Village Democracy



²² Inna Junaenah & Lailani Sungkar, “Model Panduan Kriteria Desa Peduli Hak Asasi Manusia”, *Padjadjaran Journal Ilmu Hukum* Volume 4 Nomor 3 Tahun 2017, p.495.

²³ Naeni Amanulloh, *Demokratisasi Desa*, (Jakarta: Kementerian Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Republik Indonesia, 2015), p. 12-14.

The importance of democratization in village governance is driven by two primary reasons. Firstly, within village government, democracy serves as a means to redefine the relationship between village communities and their elites—the village head, their staff, and the Village Consultative Body. By ensuring democratization, village governance aligns with the broader definition of governmental power as originating from and residing with the people. Secondly, it pertains to progress, particularly evidenced by regulations within village laws concerning the status and role of villages. These regulations reflect the evolving framework within which villages operate, emphasizing their autonomy and self-governance within the larger administrative structure. Thus, democratization in village governance is not only about ensuring participatory decision-making but also about validating and strengthening the role of villages within the national framework.²⁴

Village regulations as an instrument for village democratization based on democratic principles and village democratic institutions. The primary principle of democracy in the village entails that governance is conducted either directly by the village community or with their consent. The aspect of governance "by the village community" aligns with the fundamental democratic principle where power emanates from, is exercised by, and exists for the people. The element "with the consent of the village community" signifies that villagers are not passive participants in governance but actively engage in decision-making processes.

In particular, village democracy is developed on a village socio-cultural basis which is based on the principles of recognition and subsidiarity which have been described previously. The principles of village democracy include:²⁵

- a. The interests of the village community should guide the entirety of village governance, reflecting and fulfilling the aspirations of its members within the democratic mechanisms implemented by the village.
- b. Deliberation that is paramount in every village decision-making process, prioritizing consensus-building and acknowledging the local wisdom inherent in village communities.
- c. Participation of village communities in all village activities and strategic decision-making processes is essential, embodying the democratic rights of every village resident as stakeholders.

²⁴ Utang Rosidin, "Partisipasi Masyarakat Desa dalam Proses Pembentukan Peraturan Desa yang Aspiratif", *Jurnal Bina Mulia Hukum*, Volume 4, Number 1, September 2019.

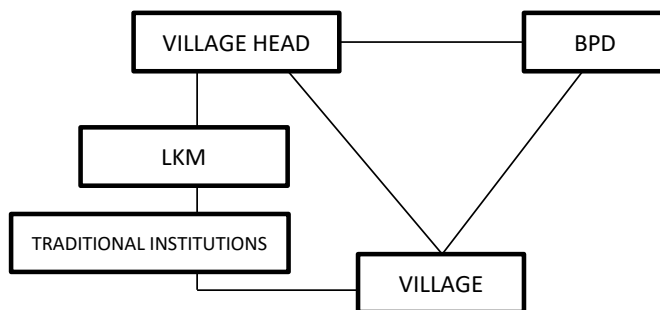
²⁵ *Op. Cit.*, Naeni Amanulloh.

- d. Voluntary participation that is fundamental in democracy, requiring personal willingness to engage in village activities without coercion or undue influence from external parties.
- e. Tolerance which involves respecting diverse attitudes and opinions without criticism or discrimination, fostering an inclusive environment that embraces societal pluralism within the village.
- f. Humanity which recognizes each individual villager's inherent dignity as a creation of God, affirming the noble position of human beings within the community.
- g. Gender justice which ensures equality in economic and political activities, promoting equal participation and opportunities for all gender identities within the village.
- h. Transparency and accountability which ensure that the village community has access to information about the village's political processes, including accurate information on deliberations, budgets, and decisions, thereby fostering trust and openness within the community.

These principles are closely intertwined with village democratic institutions, which encompass every component of village government tasked with upholding democracy. According to the Village Law, these institutions include the village head supported by village officials, and the Village Consultative Body (*BPD*). Additionally, the village itself bears the responsibility to foster democratic life, actively promoting, managing, and overseeing the practice of democracy within its community.

In the implementation of democracy, the village head, *BPD*, and the village collectively uphold their democratic obligations as outlined in the Village Law. They are further supported by Village Community Institutions (*LKM*) and Traditional Institutions. Together, these village democratic institutions work to actualize the principles of village democracy, ensuring inclusive governance and participatory decision-making processes within the community.

Figure 2. The Relationship between the Implementation and Development of Village Democracy



The relationship between the implementation and development of village democracy, as illustrated in the chart, underscores that the realization of village democratic principles hinges on village democratic institutions. This includes the pivotal role of village regulations in reflecting village democratization.

In the process of forming village regulations, as stipulated in Government Regulation Number 43 of 2014, the village institutions—specifically the village head (representing the village government) and the Village Consultative Body (*BPD*)—are responsible for proposing draft village regulations. These drafts undergo consultation with the village community, Village Community Institutions (*LKM*), and traditional institutions. This collaborative process ensures that the village regulations formulated truly embody village democratization principles.

On the other hand, the dynamics of laws governing villages have implications for the nature of village government. A bureaucratic transformation in the administration of village government is identified and subsequently analyzed according to Philippe Nonet and Philip Selznick's theory on types of bureaucracy. Nonet and Selznick categorize bureaucracy into three stages: pre-bureaucratic, bureaucratic, and post-bureaucratic. Below is a table outlining these three types of bureaucracy in terms of authority and regulations.²⁶

Table 1. The Types of Bureaucracy

Aspect	Pre-bureaucratic	Bureaucratic	Post-Bureaucratic
Authority	Traditional, charismatic, unstructured	Competency areas are divided hierarchically; communication “through channels”; formal rationality	Team and cluster organization; open communication tasks; diffusion of authority; substantive rationality
Regulation	Not systematic	Codified; blueprint for action; focus on administrative order	Subordinate to the goal of rejection of attachment to rules

This model of bureaucratic development is based on the theory of institutional constraints and responses, where intellectual functions allow for

²⁶ Philippe Nonet & Philip Selznick, *Hukum Responsif*, (Bandung: Penerbit Nusameddia, 2008), translated by Raisul Muttaqien from *Law and Society in Transition: Toward Responsive Law*, Harper & Row, 1978.

the identification of potential changes in specific situations. These developmental models are complex dispositional statements. Certain conditions of a system will give rise to forces that encourage the production of certain changes.²⁷ The dynamics of village regulation starting from Law Number 5 of 1979 concerning Village Government up to the one currently in effect, namely Law Number 6 of 2014 concerning Villages, there has been a transformation of village bureaucracy which demands villages from pre-bureaucratic become bureaucratic.

The process of forming village regulations which previously did not comply to standard mechanisms established by the central government through statutory regulations is currently enforced by village governments to become bureaucratic by complying with Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages and Minister of Home Affairs Regulation Number 111 of 2014 concerning Technical Guidelines for Village Regulations. Statutory regulations, including village regulations, must be formulated based on the normative dimension at the formal level, which aligns with the hierarchical demands of statutory regulations, and the responsive dimension at the substantive level of democracy.²⁸

This bureaucratic transformation can ultimately influence village democratization which leads to two possibilities; positive impacts and negative impacts. Village democratization is substantively based on the value of mutual cooperation which should be reflected in the formation of village regulations through deliberation and consensus. Villages must be able to fulfill the formal aspects in the formation of village regulations subject to the limitations that regulate procedures and stages of formation. village regulations. Villages need qualified human resources to be able to fulfill the material and formal aspects of forming village regulations that comply with higher laws and regulations.

The transformation of village democratization positively provides freedom for villages to develop their villages through the establishment of village regulations. According to Lia Sartika Putri, village regulations that are established encourage the villages to become independent, innovative and

²⁷ *Ibid.*

²⁸ Sugeng Santoso, "Pembentukan Peraturan Daerah dalam Era Demokrasi", *Jurnal Refleksi Hukum*, Vol.8 No.1 2014.

prosperous and engage all levels of society.²⁹ This approach can certainly enhance village democratization, provided that the village government, *BPD* (Village Consultative Body), and village community collaborate synergistically and cohesively in village development. The formulation of village regulations in this context is strategically positioned as a legal instrument capable of legitimizing community interests.³⁰

In fact, village democratization and the formulation of village regulations have not progressed simultaneously. The village government is still in transition and has not fully exercised its authority through the creation of village regulations to promote village democratization. The formal aspects and substance formulation of these regulations are hindered by limited human resources.

C. Conclusion

The formulation of village regulations is closely tied to village autonomy. It involves not only the delegation of norms from higher laws and regulations but also the exercise of authority based on inherent rights and local village-scale autonomy. The advancement of village democratization expands democratic spaces within villages under Law Number 6 of 2014. Consequently, the creation of village regulations has become a legal imperative and instrument that villages must utilize to enhance village democratization.

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²⁹ *Op. Cit*, Lia Sartika Putri.

³⁰ Fitriani Ahlan Sjarif, "Gaya Perumusan Kalimat Perintah Pembentukan Peraturan yang Menjalankan Delegasi dari Undang-Undang di Indonesia", *Pakuan Law Review* Volume 3, Nomor 2, Juli-Desember 2017.

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