

THEORY AND PRACTICE

Law
Towards Era 5.0

Sebagai negara hukum, prinsip hukum dan asas yang dianut adalah bahwa setiap orang dianggap mengetahui hukum dan peraturan pada saat diundangkan; ketidaktahuan akan hukum tidak dapat dimaafkan. Ketidaktahuan akan hukum umumnya dialami oleh kelompok masyarakat yang tidak mengenyam pendidikan tinggi atau mereka yang berada dalam kategori ekonomi rendah. Mereka memerlukan keadilan.

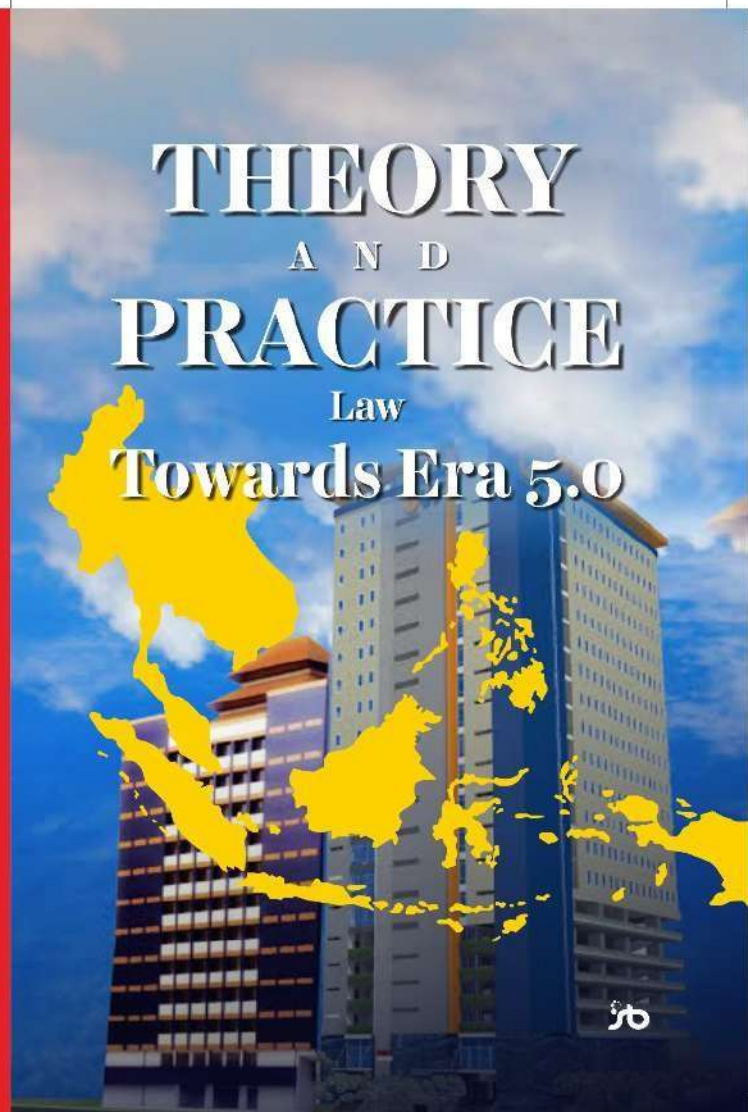
Tujuan dari keadilan adalah untuk memastikan bahwa hukum tidak hanya terbatas pada kelompok tertentu, karena menempuh jalur hukum, atau mencari keadilan melalui jalur hukum dapat memakan biaya yang mahal. Oleh karena itu, pemberian bantuan hukum secara cuma-cuma kepada masyarakat miskin merupakan salah satu bentuk pemerataan keadilan. Namun, dalam implementasinya, pemberian bantuan hukum untuk mencapai keadilan masih rendah.

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THEORY AND PRACTICE Law Towards Era 5.0

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Pustaka, Ilmu, Teknologi, dan Inovasi



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KATA PENGANTAR

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Indonesia, sebagaimana dinyatakan dalam Pasal 1 Ayat 3 Undang-Undang Dasar 19fi5, menjelaskan posisinya sebagai negara hukum. Dalam sebuah negara hukum, prinsip hukum, asas yang dianut adalah bahwa setiap orang dianggap mengetahui hukum dan peraturan pada saat diundangkan; ketidaktahuan akan hukum tidak dapat dimaafkan. Ketidaktahuan akan hukum umumnya dialami oleh kelompok masyarakat yang tidak mengenyam pendidikan tinggi atau mereka yang berada dalam kategori ekonomi rendah.

Mereka memerlukan keadilan. Lujuan dari keadilan adalah untuk memastikan bahwa hukum tidak hanya terbatas pada kelompok tertentu, karena menempuh jalur hukum, atau mencari mencari keadilan melalui jalur hukum dapat memakan biaya yang mahal. Oleh karena itu pemberian bantuan hukum secara cuma-cuma kepada masyarakat miskin merupakan salah satu bentuk pemerataan keadilan.

Pasal 3fi Ayat 1 Undang-Undang Dasar 19fi5 menekankan kewajiban negara untuk hadir dalam kehidupan masyarakat.

Kehadiran ini menegaskan bahwa negara harus memastikan bahwa setiap warga negara atau anggota masyarakat mendapatkan hak-haknya yang tanpa diskriminasi. Proses bantuan hukum dapat diakses secara langsung oleh masyarakat melalui interaksi dengan para bantuan hukum. Menurut Pasal 22 Ayat 1 Undang-Undang Nomor 18 Tahun 2003, advokat wajib memberikan bantuan hukum secara cuma-cuma kepada pencari keadilan yang tidak mampu. Hal ini mendorong lahirnya Peraturan Pemerintah Nomor 83 Tahun 2008 tentang Persyaratan dan Tata Cara Pemberian Bantuan Hukum Secara Cuma-Cuma.

Berkaitan dengan hal tersebut, buku berjudul *Theory And Practice: Law Towards Era 5.0* ini hadir sebagai bacaan positif mengenai penerapan hukum di Indonesia. Pembahasan buku ini terbagi ke dalam 19 bab. Adapun bab pertama membahas tentang "Obstacles In Implementing Passport Issuance Services In The State Of The Covid-19 Pandemic And Its Solutions (Case Study In Class 1 Immigration Office Non-Lpi Langerang)" ditulis oleh Novita Romauli Batubara, Iri Cahya Indra Permana, Gamal Abdur Nasir.

Bab kedua berjudul "Keabsahan Dokumen Elektronik Sebagai Alat Bukti Yang Sah Ditinjau Dalam Hukum Acara Perdata" yang ditulis oleh Perdi Kustiana, Syafrizal, Agus Darmawan. Bab ketiga "The Role Of The Langerang District Government In Implementing A Social Protection Program For Vulnerable Workers Based On Law Number 24 Of 2011 Concerning Social Security Implementing Agency" ditulis oleh Raddani, Ahmad, dan Upik Mutiara. Masih ada enam belas bab lainnya yang perlu Anda baca mengenai penerapan hukum di Indonesia. Selamat membaca!

Langerang, November 2023

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RELATIONS OF AUTHORITY BETWEEN THE GOVERNMENT AND THE VILLAGE GOVERNMENT FOR VILLAGE DEVELOPMENT

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Introduction

The implementation of regional autonomy encourages changes in the performance of development and government systems from the central to the regional level[1]. The implementation of regional autonomy encourages changes in the performance of development and government systems from the central to the regional level [2]. This is because district and village governments have a unique role in regulating their government affairs following the mandate of Law Number 32 of 2004 [3].

The concept of development, especially in Indonesia, is inseparable from the pattern of the political system and state administration system adopted. This happens because development administration is a state administration that acts as an agent of change with the aim of succeeding development in its

various aspects [fi]. This relationship can be seen starting from how the old public administration paradigm developed in Indonesia, where the government dominated the course of development as in the era of president Soeharto. In that era, the government was the main actor that could monopolize development while the community was only an object of development itself [5].

Village development aims to improve the quality of human resources, including the creation of a climate that encourages the growth of village community initiatives and self-help. Rural population is a potential human resource that has a dual role, namely as an object of development and at the same time as a subject of development [6]. It is said to be an object of development, because some residents in rural areas in terms of quality still need empowerment. Conversely, as a subject of development, rural populations play a very important role as a determining force (actor) in the process of rural development and national development [7]

According to Law Number 6 of 2017 concerning Villages, it is determined that villages are villages and customary villages or referred to by other names, hereinafter referred to as villages, are legal community units that have territorial boundaries that are authorized to regulate and manage government affairs, the interests of local communities based on community initiatives, rights of origin and / or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia.[8] The purpose of the enactment of Law Number 6 of 2017 concerning Villages is to hopefully combine construction, namely the function of self-government community with local self government, it is hoped that the unity of customary law communities that have been part of the village area, is arranged in such a way as Villages and Customary Villages

[9] Villages and Indigenous Villages basically perform almost the same tasks. While the difference is only in the implementation of the right of origin, especially regarding the social preservation of Customary Villages, the regulation and management of customary territories, customary peace assemblies, the maintenance of peace and order for customary law communities, and the regulation of government implementation based on the original structure.[10]

Based on the Regulation of the Minister of Home Affairs Number 11fi of 201fi concerning Village Development Guidelines, it is stated that village development planning is a process of stages of activities organized by the village government by involving the Village Consultative Body and community elements in a participatory manner for the utilization and allocation of village resources in order to achieve village development goals.[11]

Village development planning is prepared in a term manner including: Village Medium-Term Development Plan for a period of 6 (six) years; and the Village Annual Development Plan or so-called Village Government Work Plan, is a description of the for a period of 1 (one) year, which is discussed by the village government with BPD and determined through Village Regulations. [12]

Development planning deliberations, abbreviated as *musrenbang*, are forums between actors in order to prepare national development plans and regional development plans. Development planning deliberations are used as a forum for preparing national development plans, both at the central and regional levels as stated in Law Number 25 of 200fi, in Article 1 Paragraph (6) related to the implementation of national development, both at the central and regional levels based on democracy with the principles of togetherness of justice, sustainability, environmental insight, and independence by maintaining a balance of progress of national unity [13].

The local government collaborates with various parties, including the community and the private sector, to implement various development programs in Langerang Regency. The main goal is to improve people's welfare, strengthen the local economy, and create a better environment for its citizens.

Regarding the development that the author mentioned above, it is not directly proportional to what the community wants, based on data from musrenbang carried out at the village level, many are not in accordance with the submissions from each village because there is still interference or central government intervention in terms of village development that is not in accordance with the wishes of the community and this must still be carried out.

The concept of state administrative law in the context of village development that does not necessarily involve central government interference can refer to the principle of decentralization or regional autonomy. Decentralization is a concept that gives power and responsibility to local governments, including villages, to regulate their own internal affairs [15]. In this context, the central government gives autonomy to local governments to make decisions related to village development and manage their own resources. It aims to increase the participation of local communities in decision-making that affects them, as well as enable them to plan and implement development programs according to local needs and priorities [15].

Based on the framework of state administrative law, this concept is realized through laws or regulations that regulate the authority of local and village governments. For example, in some countries, there is a Village Law that authorizes village governments to regulate and manage village affairs, including in terms of village development [16].

For this context too, the central government acts as a supervisor or regulator that regulates and ensures that decisions and actions taken by local and village governments are in accordance with legal principles, national policies and broader national development goals.[17] Nevertheless, it is important to note that despite decentralization or regional autonomy, the government still has an important role in assisting and supporting village development. The government can provide financial assistance, technical resources, and development programs that can help villages achieve their development goals.[18]

In addition, the government can also have a role in coordinating development efforts between villages and other regions to ensure synergy and sustainability in overall national development.[19] In conclusion, the concept of state administrative law in terms of village development that does not have to be intervened by the central government refers to the principle of decentralization or regional autonomy. This concept gives power and responsibility to local and village governments to regulate and manage their own affairs in village development, while the central government retains a supervisory and supporting role within the established legal framework.[20]

Discussion

Synchronization of Village Authority and Central, Provincial and District Governments in Village Development

The importance of this synchronization of authority is to achieve the goals of sustainable and holistic village development. With good coordination between all levels of government, it is hoped that development in the village can be carried out effectively and efficiently. Villages as a basis for development must be able

to adapt national and regional policies to their local needs and potentials [21].

In order to achieve national goals, local governments realize the importance of policy synchronization with the central government, provincial and village governments. This is aimed at creating common perceptions of various regional development problems and programs, which are in line with the vision of sustainable development [22], [23].

Synchronization of Local Government policies, carried out by guiding village government affairs, in accordance with Government Regulation Number 3 of 2015 concerning Implementing Regulations of Law Number 6 of 2015 concerning Villages as amended by Government Regulation Number 7 of 2015 concerning Amendments to Government Regulation Number 3 of 2015 concerning Regulations for the Implementation of Law Number 6 of 2015 concerning Villages, Minister of Home Affairs Regulation Number 20 of 2018 concerning Village Financial Management [24].

Dissynchronization of authority in village development can be caused by a number of complex factors. First, the government system in Indonesia has a complex hierarchical structure, from the central government to the village level. Complex policies and regulations at every level can make it difficult to coordinate and implement integrated development programs. It is not uncommon for there to be overlap or overlap in authority between the central government, local government and village government, which causes uncertainty as to who is responsible for certain aspects of village development. Furthermore, limited resources and capacity are also common problems faced by village governments. Lack of skills and knowledge in financial management and project implementation can hinder the effective use of funds and

resources available for development in the village. This problem affects the village's ability to plan and implement development programs well [25].

Non-optimal coordination and communication between central, regional and village governments are also obstacles in harmonizing development programs and efficient use of resources. The absence of effective communication can lead to ignorance about local needs and potentials, which in turn interferes with the efficiency and effectiveness of development implementation. In addition, political factors and sectoral interests from various parties can also affect the implementation of development in the village. Priorities that are not always oriented towards the welfare of rural communities can cause dissynchronization in the planning and implementation of development programs [26].

Implementation of Village Authority Based on Right of Origin and Village-scale Local Authority

A major paradigm shift in the regulatory authority of village governments has occurred. The central government and local governments, as it is understood, no longer interfere directly in village affairs, but instead provide guidance, direction, as well as training and learning, including on village regulations and the Village Budget [27]. On January 15, 2015, the government enacted Law Number 6 of 2015 concerning Villages. In consideration of the Law, it is revealed that villages have the right of origin and traditional rights to regulate and take care of the interests of local communities, and play a role in realizing the ideals of independence based on the Constitution of the Republic of Indonesia Year 1945 [28], [29].

Based on Article 19 Letter A of Law Number 6 of 2015 concerning the Village, the village is given authority based on

the right of origin, while in Article 20 it is explained that the implementation of village authority is based on the right of origin and is regulated by the village [20]. The existence of a village law that regulates the right of origin provides a great opportunity for the village to maintain its traditions and community values [30].

Authority is an important element as the right possessed by a village to be able to manage its own household. From this understanding it is clear that in discussing authority not only pay attention to the power possessed by the ruler but must also pay attention to the subjects who exercise and who receive power. The authority must pay attention to whether the authority is acceptable to the executing subject or not [31].

The implementation of village authority based on the right of origin and village-scale local authority aims to create a responsive, participatory and local-minded government. Through collaborative efforts between the village government and the community, it is hoped that village development can be more focused, inclusive and provide tangible benefits for the welfare of rural communities [32].

Adequate infrastructure will improve the accessibility and quality of life of rural communities. In addition, the development of the local economic sector is also important in an effort to improve the welfare of rural communities [33]. The empowerment of micro, small and medium enterprises (MSMEs), as well as the development of local potential such as agriculture, tourism, or handicrafts, can be a focus in village economic development. Similarly, villages should pay attention to providing education and health services for the community. Increasing access and quality of education and health services will support the improvement of the quality of human resources in the village [34].

Finally, villages must maintain environmental sustainability and sustainable management of natural resources. Good management will ensure the sustainability of development and preserve the environment for future generations. Through the exercise of this authority, villages can contribute significantly to sustainable development and have a positive impact on their communities. It is important for villages to actively involve communities in every stage of development and establish good cooperation with local and central governments to achieve synergies in development at the local level.

The Role of Government and Community in Village Development

The village head has authority given based on the principle of subsidiarity in the management of village government [35]. The authority includes the task of organizing village government, implementing village development, village community development and empowering rural communities [36]. In Article 1 Ayat (1) of Law Number 6 of 201fi, the village head is defined as the party responsible for a number of things, including regulating the running of village government, appointing and dismissing village officials, managing village finances and assets, establishing village regulations, preparing village income and expenditure budgets, supervising the social life of village communities, and encouraging village economic development towards high levels of productivity for welfare The village community is increasing [37].

The village head also plays a role in developing village sources of income, proposing and receiving part of state wealth to improve the welfare of rural communities, and promoting social and cultural life in village communities [38]. In addition, the use of appropriate technology is also a concern for village heads

to support participatory and coordinating village development. Thus, the village head has a great responsibility in managing village development by involving the Village Consultative Body and the village community [39].

In realizing progress in village government, it is essential to optimize the role and function of the Village Consultative Body. We can liken the Village Consultative Council to the pillars of the village building, which means that the strengths and weaknesses of the village government will partly depend on the performance of the Village Consultative Body. In supervising village development, especially in village finances, the Village Consultative Body has several central roles, such as controlling finances, conducting financial supervision, monitoring, evaluating, and supervising. All of these tasks will run well if they are supported by active participation from the village community.[fi0]

Apart from that, one of the essential functions of the Village Consultative Body is as a forum for accommodating people's aspirations. The Village Consultative Body can also act as an intermediary between village communities and the village government so that community aspirations and needs can be more easily conveyed and considered. As before, high participation from village communities is also the key to effectively carrying out the Village Consultative Body's functions.

Distortions in village administration are seen, especially in the management of village funds, both from the technical aspects of distribution and accountability. The relatively dominant involvement of districts causes village autonomy to be limited, as regulated in Article 96 Paragraph (5) of Government Regulation Number fi3 of 201fi concerning Implementing Regulations of Law Number 6 of 201fi concerning Villages, namely the procedures for allocating Village Fund Allocations determined by the regent/mayor regulation..

In the elucidation of Article 72 Letter B of Government Regulation Number fi3 of 201fi concerning Regulations for Implementing Law Number 6 of 201fi concerning Villages, the term “Budget originates from the state revenue and expenditure budget” refers to the budget allocated for villages and customary villages received through transfers from the district/city regional revenue and expenditure budget. The budget is used to support government administration, development, and community and community empowerment activities.

The norms of village authority in government affairs still depend on the influence of a higher government, especially the power of districts/cities, which have significant interference in villages. This is contrary to the spirit promoted by Law No.6 of 201fi concerning Villages, which intends to realize village independence, where towns should have autonomy to manage their households without interference from agencies above them.

Central government intervention in village authority can lead to inconsistencies in village development. When the central government intervenes too much and controls village development policies, the village can lose its autonomy and independence in regulating and directing local development according to the needs and characteristics of the local community.

As a result, development policies and programs implemented by the central government may need to be more following the needs and potentials of the village. This can result in a mismatch between national development goals and the actual situation and needs at the village level. Furthermore, unsynchronized village development can lead to a waste of resources and a lack of efficiency in implementing development programs.

In addition, this misalignment can also hinder the active participation of village communities in the development process. When policies and programs are determined from above without involving the active participation of the local community, the village community may feel less involved and have less ownership of the development in their area.

Therefore, it is essential to ensure that village authorities are respected and supported so villages can have control and independence in managing development according to their local needs and potential. Synchronization between national and town development policies must also be considered to achieve more optimal and sustainable results.

From the perspective of development law theory, the village has a significant role and authority in the village development process. Development law theory emphasizes the critical role of law in creating a framework that supports sustainable and inclusive development processes in rural areas.

One of the main principles of the legal theory of development is the active participation of the community in the development process. In this case, the village has the authority to involve the community in preparing and implementing the Village Medium Term Development Plan and Village Government Work Plan. Community participation is expected to reflect local needs and aspirations, so the development programs prepared will be more targeted and relevant to the village context.

The legal theory of development also emphasizes the importance of protecting the social and economic rights of the community in village development. In its implementation, villages have the authority to manage and utilize natural resources in their area by prioritizing sustainability principles and equal

distribution of benefits. This includes the management of land, forests, waters, and other village assets.

In the context of the legal theory of economic development, villages also have the authority to regulate micro, small, and medium enterprises (MSMEs) and investment in their area. By providing legal support for MSMEs and sustainable investment, villages can encourage local economic growth and create jobs for village communities.

Regarding public services, development law theory encourages villages to provide quality essential services for their communities. Towns have the authority to establish and manage public service facilities, such as village clinics, schools, and other facilities, to meet community needs.

Development law theory also emphasizes the importance of cooperation and coordination between villages, district/ city governments, and provincial governments in achieving broader development goals. By understanding the legal theory of development, towns are expected to manage local potential effectively, involve the community actively, and implement development programs with full responsibility to achieve sustainable village development and prosperity for their communities.

Supporting and Inhibiting Factors of Central Government and Community Cooperation in Village Development

The Village Law, which affirms the authority of the village government in formulating plans and managing development at the local village scale, naturally positions the spatial planning process as a significant part of development planning. However,

in the context of the Village Law, village authority is not only obtained through delegation or gifting because the village has original authority (indigenous authority or genuine authority) based on village origin rights according to the local community's customary value system. The power given by the government above is an additional authority in the context of carrying out the tasks of government and national development.

From the aspect of authority, there is additional village authority other than authority based on origin rights as recognized and respected by the state. The principle of subsidiarity that underlies the Village Law provides flexibility in determining local-scale sources and making local decisions for the benefit of village communities. The consequence of this increase in authority allows the village to develop its autonomy for the benefit of the local community. The implication is that the town can use financial resources from the state and local government to set all existing and emerging powers and several other powers, which may be assigned from supra-village.

Logically, such promising management of village autonomy without guidance through education and training in managing village finances can push villages into the prosecutor's custody. Opportunities for corruption are wide open internally in village governments and external factors in the form of rent-seeking by local governments. Apart from that, the potential for systemic corruption is possible because of the opportunity for a Village Head to survive for three terms to perpetuate power through financial resources and broad authority easily. The lower a person's education, the lower their critical capacity. This situation will make it easier for the village government to implement various methods that benefit themselves and their immediate families. This tendency is increasingly occurring in most villages

that do not have sufficient moral integrity and adequate levels of education. In many cases, village governments often have affairs with regional governments to cover up various weaknesses in their accountability and maintain patron-client relationships with several officials responsible for distributing village fund allocations.

Developing this economic configuration is difficult due to the writer's optimal rural spatial planning. Good rural spatial planning will make it easier for the people in it to develop the economic welfare of their community. This typography is the first step for rural spatial planning, which continues to experience social inequality.

Thus, the mission to create good village spatial planning is an excellent step to adequately empower the life of this village as mandated by Article 18 of Law No. 6 of 2011. The authority of the village government must be maximally affirmed both at the theoretical, conceptual, and factual levels.

In development law theory, Mochtar Kusumaatmadja stated that law's main objective, if reduced to just one thing, is order, which is the essential requirement for an orderly society. Another goal of law is to achieve justice, which varies in content and size according to culture and the era. Furthermore, to complete order, efforts are made to ensure legal certainty in human interactions in society because it is impossible for humans to optimally develop the talents and abilities given to them by God without the assurance of law and order.

In this case, the supporting and inhibiting factors for cooperation between the central government and the community can be identified into two elements. The supporting factor for collaboration between the central government and village

communities is that both have the same vision and mission to build the economic welfare of village communities. In contrast, the inhibiting factor is the need for more synergy between the central government and village government because, on the one hand, geographically, the village government has excellent knowledge of village needs. Still, on the one hand, When the application is sent to the central government, it is often not accepted or rejected by the central government, which creates a lack of synergy between the two governments.

Collaboration between the central government and village communities in village development is influenced by supporting and inhibiting factors relevant to development law theory. Supporting factors include legal justice, active community participation, transparency, and legal protection for village communities. Legal justice creates a fair framework, while active community participation ensures that local aspirations are accommodated in development policies—transparency and accountability open space for trust between the central government and village communities. Legal protection for village communities protects their rights and guarantees their involvement in development. On the other hand, inhibiting factors include incompatibility with development policies, limited access to information, corruption, nepotism practices, and legal instability. Policy inconsistencies and little information can hinder active community participation, while corruption and nepotistic practices undermine trust and the distribution of resources. Legal instability can make it challenging to implement development programs efficiently.

Conclusion

The village has authority given based on the principle of subsidiarity in the management of village government. The authority includes the task of organizing village government, implementing village development, village community development, and empowering village communities. In carrying out his duties, the village head is responsible for various aspects, such as regulating the running of village government, managing village finances and assets, setting village regulations, and encouraging village economic development towards a high level of productivity so that the welfare of the village community will increase. However, central government intervention in village authority can cause misalignment in village development. When the central government intervenes too much and controls village development policies, villages can lose their autonomy and independence in regulating and directing local development according to the needs and characteristics of local communities. As a result, development policies and programs implemented by the central government may not fully match the needs and potentials that exist in the village. This can result in a mismatch between national development goals and real situations and needs at the village level. Furthermore, asynchronous village development can lead to wastage of resources and lack of efficiency in the implementation of development programs. In addition, this misalignment can also hinder the active participation of rural communities in the development process.

The conclusion of the Village Law is to affirm the authority of the village government in planning and managing development at the local level. This law recognizes the original authority of the village based on the rights of origin and customs of the local community, which distinguishes the village from the

kelurahan. Although the administrative position of the village is under the district/city government, the Village Law gives the village autonomy in managing community affairs according to local values and needs. Village development planning is important in this context, because it describes the programs and activities to be carried out. The process of defining rural areas involves top-down and bottom-up planning elements, which illustrate cooperation between the central government and rural communities. However, it is also important to ensure guidance through education and training in village financial management so that village autonomy is not abused. The role of the Village Representative Body as a supervisor also needs to be strengthened to prevent potential corruption in the village. Village spatial development is an important factor in improving the economic welfare of rural communities, and the Village Law is the legal basis for realizing this goal. Synergy between the central government and village government is key in achieving the welfare of rural communities, although there are factors that can be obstacles in such cooperation.

References

- [1] A. M. Christia and B. Ispriyarso, "Desentralisasi fiskal dan otonomi daerah di Indonesia," *Law Reform*, vol. 15, no. 1, pp. 119–163, 2019.
- [2] D. Deswimar, "Peran Program Pemberdayaan Masyarakat desa dalam pembangunan pedesaan," *J. El-Riyasah*, vol. 5, no. 1, pp. 11–52, 2011.
- [3] D. Supusepa, "Penerapan Asas-Asas Penyelenggaraan Pemerintahan Yang Baik Ditinjau Dari Undang-Undang Nomor 32 Tahun 2004," *J. Ilmu Huk. Kyadiren*, vol. 2, no. 1, pp. 12–29, 2020.

- [fi] S. Septiani, "Administrasi Pembangunan," 2020.
- [5] R. A. Prasojo, "Peran Pemerintah-Masyarakat Dalam Pembangunan Desa (Studi Di Desa Sedatigede Kecamatan Sedati Kabupaten Sidoarjo)," PhD Lhesis, UNIVERSILAS MUHAMMADIYAH SIDOARJO, 2015.
- [6] A. Ariadi, "Perencanaan pembangunan desa," *Meraja J.*, vol. 2, no. 2, pp. 135–1fi7, 2019.
- [7] Y. Mangerongkonda, W. ROMPAS, and R. Mambo, "Efektivitas Pelaksanaan Program Pembangunan Infrastruktur Desa Didesa Bawo Kecamatan Lagulandang Utara Kabupaten Kepulauan Sitaro," *J. Adm. Publik*, vol. 5, no. 7fi, 2019.
- [8] A. F. Fanani, W. Astutik, D. Wahyono, and S. Suprpto, "Analisis undang-undang Desa," *Dialekt. J. Ekon. Dan Ilmu Sos.*, vol. fi, no. 1, pp. 1–1fi, 2019.
- [9] A. Soleh, "Strategi pengembangan potensi desa," *J. Sungkai*, vol. 5, no. 1, pp. 32–52, 2017.
- [10] F. Muin and R. S. Mucharom, "Desa dan hukum adat: persepektif normativitas dan sosiologis keindonesiaan," 2016.
- [11] H. Lesmana, "Peningkatan Kapasitas Kepala Desa Dan Aparatur Desa (Studi Terhadap Penyusunan Perencanaan Pembangunan Desa Dalam Pengelolaan Dana Desa Panggak Laut Kecamatan Lingga Kabupaten Lingga)," *J. Ilmu Adm. Negara JUAN*, vol. 5, no. 2, pp. 9–18, 2017.
- [12] M. Z. Arifin, "Pengelolaan Anggaran Pembangunan Desa Di Desa Bungin Linggi, Kecamatan Sirah Pulau Padang, Kabupaten Ogan Komering Ilir, Sumatera Selatan," *J. Lhengkyang Httpjurnaltengkiang Ac Idjurnalindex PhpJurnalLengkhiangis sueview1Halaman*, vol. 20, no. 20, pp. 1–21, 2018.

- [13] F. Azhar, "Partisipasi masyarakat dalam musyawarah perencanaan pembangunan (musrenbang) di Kelurahan Pegirian Kecamatan Semampir Kota Surabaya," *J. Kebijak. Dan Manaj. Publik*, vol. 3, no. 2, 2015.
- [14] I. Sulila, *Implementasi dimensi layanan publik dalam konteks otonomi daerah*. Deepublish, 2015.
- [15] A. D. Amalia and M. Syawie, "Pembangunan Kemandirian Desa melalui konsep pemberdayaan: Suatu Kajian dalam perspektif sosiologi," *Sosio Inf. Kaji. Permasalahan Sos. Dan Usaha Kesejaht. Sos.*, vol. 1, no. 2, 2015.
- [16] Z. Barniat, "Otonomi desa: Konsepsi teoritis dan legal," *JASP*, 2019.
- [17] A. S. Rahayu, *Pengantar Pemerintahan Daerah: Kajian Teori, Hukum dan Aplikasinya*. Sinar Grafika, 2022.
- [18] S. E. Agus Arifin, "Pembangunan Perdesaan dari Perspektif Ekonomi Publik," *Ragam Pemikir. Pembang. Ekon. Perdesaan-Jejak Pustaka*, p. 66, 2023.
- [19] A. M. Gai, A. Witjaksono, and R. R. Maulida, "Perencanaan dan Pengembangan Desa." *Dream Litera Buana*, 2020.
- [20] R. Limotius, "Revitalisasi Desa Dalam Konstelasi Desentralisasi Menurut Undang-Undang Nomor 6 Tahun 2011 tentang Desa," *J. Huk. Pembang.*, vol. 18, no. 2, pp. 323-331, 2018.
- [21] G. Prayitno, A. Subagiyo, D. Dinanti, and N. Sari, *Smart Village: Mewujudkan SDG's Desa Berbasis Keterpaduan Pengelolaan dan Inovasi Digital*. Universitas Brawijaya Press, 2021.
- [22] A. Bhinadi, *Penanggulangan kemiskinan dan pemberdayaan masyarakat*. Deepublish, 2017.
- [23] H. Bihanding, *Perencanaan pembangunan partisipatif desa*. Deepublish, 2019.

- [2fi] S. N. Ajizah, E. Wijaya, and F. Meutia, "Peran Badan Perencanaan Pembangunan Daerah (BAPPEDA) Kota Depok Dalam Penyusunan Rencana Pembangunan Jangka Menengah Daerah," *J. Leg. Reason.*, vol. fi, no. 1, pp. fifi–6fi, 2021.
- [25] I. Maulana, "Implementasi Dana Desa dan Dampaknya Terhadap Pembangunan Desa: Studi Pada Desa Winong Kabupaten Lulungagung," PhD L' thesis, Politeknik Keuangan Negara SLAN, 2022.
- [26] A. Ferlina, "Peran Kepemimpinan Dan Partisipasi Masyarakat Dalam Pembangunan Desa Di Desa Ponggok Kab. Klaten," 2020.
- [27] M. B. A. Mardiasmo, *Otonomi & Manajemen Keuangan Daerah: Edisi Terbaru*. Penerbit Andi, 2021.
- [28] S. Akbar, "Analisis Perencanaan Pembangunan di Desa Sungai Beringin Kecamatan Rengat Kabupaten Indragiri Hulu," *JIAGANIS*, vol. 3, no. 2, 2018.
- [29] K. Meta, A. Laloma, and V. Londa, "Formulasi Kebijakan Peraturan Desa di Desa Bataka Kecamatan Ibu Selatan Kabupaten Halmahera Barat," *J. Adm. Publik*, vol. fi, no. 5fi, 2018.
- [30] I. Ayu, A. Gulla, and A. Haarianto, "Implementasi Kewenangan Desa Berdasarkan Hak Asal Usul Dan Kewenangan Lokal Berskala Desa di Desa Pulo Dua Kecamatan Balantak Utara Kabupaten Banggai," *J. Yustisiabel*, vol. 2, no. 2, pp. 12fi–138, 2018.
- [31] W. Kokotiasa, "Korelasi Otonomi Desa dalam Proses Globalisasi," *J. Adm. Pemerintah. Desa*, vol. 2, no. 1, pp. 11–23, 2021.
- [32] N. S. Daulay, "Implementasi Kewenangan Desa Berdasarkan Hak Asal Usul Dalam Pelestarian Adat Di Desa Gunung

- Sahilan Kecamatan Gunung Sahilan Kabupaten Kampar,” PhD Lthesis, Universitas Islam Riau, 2021.
- [33] W. Windari, “Model Pemberdayaan Masyarakat Dalam Upaya Pembangunan Ekonomi Lokal Berbasis Produksi Di Pedesaan,” *AGRIEKSENSIA J. Penelit. L'erap. Bid. Pertan.*, vol. 20, no. 1, pp. 90–106, 2021.
- [3fi] G. Siregar, M. B. Sibuea, and D. Novita, “Model Pengembangan Komoditas Dan Jenis Usaha Unggulan Usaha Mikro, Kecil Dan Menengah (Umkm),” *Kumpul. Penelit. Dan Pengabdi. Dosen*, vol. 1, no. 1, 2018.
- [35] A. Hariri, “Eksistensi pemerintahan desa ditinjau dari perspektif asas subsidiaritas dalam undang-undang nomor 6 tahun 201fi tentang desa,” *Leg. J. Ilm. Huk.*, vol. 26, no. 2, pp. 253–266, 2020.
- [36] S. Sugiman, “Pemerintahan Desa,” *Binamulia Huk.*, vol. 7, no. 1, pp. 82–95, 2018.
- [37] S. Eko, L. I. Khasanah, D. Widuri, S. Handayani, N. Handayani, and P. Qomariyah, “Desa membangun indonesia,” *FPPD Yogyakarta.*, 201fi.
- [38] K. Endah, “Penyelenggaraan pemerintahan Desa menurut Undang-Undang Nomor 6 Lahun 201fi tentang Desa,” *Din. J. Ilm. Ilmu Adm. Negara*, vol. 5, no. 1, pp. 76–82, 2018.
- [39] K. Anwar, “Hubungan Kerja Antara Kepala Desa Dengan Badan Permusyawaratan Desa (BPD) Menurut Undang-Undang Nomor 6 Lahun 201fi Lentang Desa,” *J. IUS Kaji. Huk. Dan Keadilan*, vol. 3, no. 2, 2015.
- [fi0] I. G. A. Putra and D. B. Saravistha, “Pengaturan Wewenang, Lugas dan Fungsi Badan Permusyawaratan Desa di Desa Marga Dauh Puri,” *Parta J. Pengabdi. Kpd. Masy.*, vol. 3, no. 2, pp. 77–88, 2022.