

INCOMPLIANCE OF LAW NO. 23 OF 2014 ON LOCAL GOVERNMENTS AND LAW NO. 6 OF 2014 ON VILLAGES RELATED TO THE ROLE OF LOCAL GOVERNMENTS IN SUPPORTING VILLAGE DEVELOPMENT.

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VILLAGE DEVELOPMENT.**

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Abstract

Law Number 6 of 2014 on Villages state that the Village has the authority to regulate its own household, one of which is to provide welfare for the village community through community empowerment and village development in order to provide a prosperous life, so it is necessary to explore the local potential of the village. Several articles in Law Number 6 of 2014 on Villages, including Articles 112 to 115, highlight the importance of the role of Regional Governments in encouraging village development. Several articles in Law Number 6 of 2014 on Villages, including Articles 112 to 115, highlight the importance of the role of Local Governments in encouraging village development. Law Number 23 of 2014 concerning Local Government, which is one of the legal underpinnings for regional government regulations, is unclear and contradicts Law Number 6 of 2014. Furthermore, except from offering technical guidelines, Law Number 23 of 2014 Ruling Local Government does not specify how the sectoral sector (regional apparatus) at the district level might collaborate with villages in the provision of basic services. Community and Village Empowerment Services are solely entrusted to village affairs (PMD). This poses challenges on the ground, which reduces local government support for village development.

Key Words: Development, Village, Local Government

Introduction

The imbalanced expansion of villages and cities will have an impact on the social and economic aspects of the two residents. First, cities will have a higher population density as a result of the creation of jobs in the fields of production and services ranging from the lowest quality and category (scavengers) to the highest (predictive computer experts), as opposed to villages that still rely on traditional agriculture, which is dependent on good seasons and land conditions ranging from the worst to the driest, forcing residents to wait for sustenance without

wasting time. Village communities have begun to embrace rational (modern) thinking in order to maximize time, energy, and (extra) skills; encourage them to investigate regions where they may optimize this time and energy potential, such as cities, villages, and areas with relatively higher economic opportunity. Second, the rate of loss of agricultural energy in the community is increasing. This will be most severe after harvest when labor shortages in intensive agricultural processes lower efficiency and increase waste (Husna and Mardhiah, 2019). The economic life of the village is increasingly unable to accommodate skilled workers due to traditional agricultural conditions that do not attract labor and the limitations of market economic mechanisms in the village which are unproductive and do not provide immediate and direct income (quick yielding). This is due to a lack of immediate results. The situation mentioned earlier is characteristic of developing countries; unfortunately, there is no way to prevent it due to the fact that the quick rate of economic processes in cities will always outpace the rapid rate of economic growth in rural areas (Fadhhal *et al.*, 2021).

The enactment of Law Number 6 of 2014 Regarding Villages is a significant step forward in the administration of ¹² the government affairs of the State of Indonesia. The development process in Indonesia has been facilitated by this law, which is also a symbol of encouragement for rural areas (Dewi *et al.*, 2018). The village, as an entity with certain characteristics and qualities, is able to construct its community with the capital strengths and opportunities it possesses. A worthy goal is to construct Indonesia from the periphery by strengthening regions and villages within a unitary state, which is why the mandate of the village legislation is becoming stronger (Hastuti, 2021).

³⁴ From a legal-political perspective, Law Number 6 of 2014 on Villages is the result of protracted political effort and thought to make the village a foundation for enhancing the quality of life. The enactment of Villages Law No. 6 of 2014 is the result of a long political effort, as well as a mental battle, to make the village the foundation of the nation's progress. The key point of contention among those debating the subject is whether the village authority structure is centralized or decentralized. Aside from the political tensions that occurred after the 2014 election, Law No. 6 of 2014 also advocates for the legal protection of rural areas. This village regulation replaces the village regulations established in Law Numbers 22 and 32 of 2004. Following the enactment of ¹⁸ Law Number 6 of 2014 and Law Number 23 of 2014 addressing Local Government, these Village regulations are only included in the Community and Village Empowerment Section of Law Number 23 of 2014. If left unchecked, it will lead to gaps in the sector, especially in terms of local government assistance for village development. The discrepancy between the two rules has a significant effect on cities with great potential but little development. If allowed to continue, the sub-sector with laws dealing with villages that are not in accordance with Law No. 6 of 2014 will create a gap in the field (Fadhhal *et al.*, 2021).

Discussion

a) Constitutional Basis and Village Arrangements in the Reformation Era

As a unitary state, Indonesia has a multiethnic and multicultural society that comes from within and around the village. The community was the first to establish a fully autonomous and self-sufficient democratic government. The village had its own political structure and technique, as well as its own social norms, for a very long time. This is the forerunner of the contemporary Indonesian nation. However, village development has not yet reached the government's top priority. In each autonomous region of Indonesia, the notion of the village has evolved to reflect the historical priorities, customs, and culture of the local population. Villages in the Indonesian constitutional system, as outlined in the 1945 Constitution of the Republic of Indonesia, are very important in the discussion of village law. Because the 1945 Constitution of the Republic of Indonesia stipulates the relationship between the state, village and citizens, that is how it is. The publication of an academic article in 2007 by the FPPD and the Directorate of Village and District Government of the Directorate General of PM marked the completion of a protracted process that led to the recognition of the subsidiarity notion. The initial idea was that villages were included in the territory because decentralization only extended to districts and cities, while districts and cities handed over some of their authority to villages (Widnyana, Karunia and Sujana, 2020).

Law No. 5 of 1979 is in compliance with the spirit of the 1945 Constitution and the obligation to recognize and defend specific origin rights; hence, the government prescribes a substitute for this law, namely Law No. 22 of 1999 concerning Regional Government, which comprises village restrictions. These replacement laws are the result of the necessity to recognize and defend specific origin rights, which must be replaced or repealed. During the Reformation period, Law Number 22 of 1999 on Regional Government was enacted, and it was later modified with Law Number 32 of 2004 on Regional Government. The revocation of Law No. 5 of 1979 on Villages culminated in the enactment of Law No. 22 of 1999 on Regional Government. The criteria for village governance in this law are contained in Chapter XI Articles 93-111. (There are a total of eighteen articles.) In terms of decentralization, Law No. 22/1999 places a high value on local diversity, paving the way for local communities to reclaim their long-lost identity following the implementation of Law No. 5/1979, which reduced the state's control over the village and gave the village authority to strengthen its existence and autonomy. Furthermore, the law permits local communities to reclaim their lost identities during the implementation of Law No. 5/1979. If the village is the lowest government unit under the head of the subdistrict according to Law Number 5 of 1979, then the village is a legal community unit that has the right to manage and manage the local community according to Law Number 22 of 1999. The status of the village as the lowest level of government according to Law 5 of 1979 and sub-district. Unlike the previous law, this law regulates Village Administration separately from Law Number 5 of 1979 concerning Village Government (Dewata *et al.*, 2018).

b) Village Regulations under Law No. 6 of 2014.

In terms of local government legislation, it still needs improvement after 17 years of reform (1999-2016). Separation Tactics Finally, the Regional Government Law No. 32 of 2004 came into effect, resulting in three new laws: the Regional Government Law, the Village Law, and the District Head Election Law. This is the culmination of years of work. After a long discussion, the legislators finally passed Law Number 6 of 2014 which discusses the Village, on January 15, 2014. The implementation of this law was outlined in Presidential Proclamation 43 of 2014, which has now been revised to Presidential Proclamation Number 47 of 2015, dated June 30, 2015. Law Number 22 of 1999, updated with Law Number 32 of 2004, and finally amended by Law Number 23 of 2014, has had a considerable influence on village government, especially with the issuance of Law No. Law No. 6 of 2014. Village governance in the Philippines has improved as a result of government legislation and the PP on village funds. Based on Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika, the State Budget has become the basic framework for administering village governance, village development, rural community development, and empowering rural communities and this initiative is funded by the State Budget (APBN) (Fitriyani *et al.*, 2018).

Although the introduction of new laws and regulations in the administration of local government has had a significant impact on village governance since reform began with the ratification of Law No. 22 of 1999, which was later revised by Law No. 32 of 2004 and lastly amended by Law No. 23 of 2014, the ratification of Law No. 23 of 2014 also caused problems due to inconsistencies between the two laws (Semaun, 2019). Several provisions in Law No. 23 of 2014 on villages failing to meet the requirements stipulated in Law No. 6 of 2014, which states that all village laws and regulations must comply with the provisions of Law No. 6 of 2014; a comparison of Law No. 23 of 2014 and Law No. 6 of 2014 is presented below.

Law No. 6 of 2014	Law No. 23 of 2014
The Government, Provincial Government, District/City Government encourage and supervise the implementation of Village Government. (Article 112)	There is no central government guidance or supervision (Appendix for the division of Congruent Affairs in the PMD sector).
The Government, Provincial Government, District/City Government encourage and supervise the implementation of Village Government. (Article 112)	There is no provincial government guidance or supervision (Appendix for the division of Congruent Affairs in the PMD sector).
The Government, Provincial Government and Regency/Municipal Governments may delegate	Village affairs are only considered as part of the DPMD's mission (Community and Village

guidance and supervision to regional apparatus. (Article 112 paragraph 2)	Empowerment Sector). The local government does not see the importance of technical support from related sector agencies (fields) to villages
Make efforts to expedite rural development (Article 115 letter k, Guidance, and Supervision of Regency/City Regional Governments).	Guidance and supervision are only available in the Village Government Administration field (Attachment to the Division of Congruent Affairs in the PMD Sector)
Make efforts to promote village development through financial assistance, support, and technical assistance (Article 115 letter l, Guidance and Supervision of Regency/Municipal Governments)	Guidance and supervision are only available in the Village Government Administration field (Attachment to the Division of Congruent Affairs in the PMD Sector)

c) **The Effect of Village Law and Local Government Law Inconsistency**

The impact of the inconsistency of the two laws is very much felt in villages that have the potential for natural resources and human resources that can be optimized; as a result, various innovations from villages with this potential are not reached and are not touched by the district government, which is less than optimal. Mentoring is another impact to consider; many villages that have begun to move toward village independence but are not supported optimally are ultimately inconsistent, and some even decline to become less developed villages due to a lack of optimal support from the local government; indeed, the presence of UU No. 6 of 2014 makes the village an independent village, and develops the potential of the existing village independently (Kristina Eti, 2019). However, this cannot be used as a standard, as the village must be self-sufficient, the need for support from the government makes the village controlled and coordinated from top to bottom. One form of example that occurs in the field is in village development in the tourism sector in Ketanen village, Panceng district, Gresik regency. Ketanen village has very abundant natural potential, namely Limestone Mountains, which can be used as a village tourist attraction in addition to being used by residents as house foundation material. It is an innovation from the Ketanen village government to transform former limestone quarries into a tourism object that can empower village communities, the initial plan began in 2018 and was then realized in 2019 to build an initial design, at that stage, guidance and assistance from the local government does not exist even though it is an early stage of development, namely the design of village tourism designs, then development begins in 2021. There is no guidance or support from the local government, particularly relevant agencies, at that level, yet guidance should be provided at that moment. Assistance directly in the field is desperately needed for tourist management and management, not only for tourism managers but also for the larger community participating in it, especially the MSMEs who will complete the tour should receive optimal guidance and assistance. As a result of these issues, the village government has always felt a lack of assistance from the local government in terms of community empowerment

to participate in the village's development. It is undeniable that the Supervision Guidance program and also village assistance are very rarely carried out by local governments, the existing coaching activities are only a form of socialization that is held centrally, not directly in the field, even if it is only scheduled every semester which means twice a year, this is a form of real problems in the field, namely at the rural level, the lack and absence of direct guidance and assistance to the village is a form of the consequence of the inconsistency in the two laws.

d) Central Government Efforts to Address Inconsistency

In order to address this issue, the central government must promptly adopt and ratify a Government Regulation Concerning the Implementation of Concurrent Government Affairs in accordance with the mandate of CHAPTER IV, Part Three, Article 21 of Law No. 23 of 2014: "Further provisions governing the implementation of concurrent government matters are governed in government regulations," according to Law No. 23 of 2014 concerning Regional Government Article 9 paragraph 1. "Concurrent Government Affairs [UPK] are government affairs that are divided between the central government and the province and district/city areas." Concurrent government activities include provincial and district/city responsibilities. If the Implementing Regulations of Law Number 23 of 2014 which have been promulgated by the Central Government, have not been ratified eight years after being issued, then there are ways and solutions to harmonize Law Number 23 with Law Number 6 On Monday, August 10, 2020, data and information collected from the Ministry of Home Affairs shows that there is already an RPP for the Implementation of Dual Government Affairs. This is how the State Secretariat calculates the RPP (95%) (Badrudin and Siregar, 2015).

Conclusion

The Unitary State of the Republic of Indonesia refers to the regions, cities, and other areas of the Unitary State of the Republic of Indonesia as a whole. States have legal authority over the territory, villages, and particular communities that they manage. Everyone is subject to state law, and no one is exempt. When residents of a community agree to establish a village government, they agree to form a legal community unit known as a village, and the village must then be subject to the state's rule of law. The village government is a symbol of local power (Rahayu, 2017). State legal requirements that must be respected and implemented by the villagers is a binding link between the village and the district/city. However, when Law No. 23 of 2014 about Regional Government was ratified, there are regulations affecting villages connected to Regional Government in Supporting Village Development that are in conflict with Law No. 6 of 2014 concerning Villages, which generates complications in the field. One of the implications of the contradiction of Law No. 23 of 2014 with Law No. 6 of 2014 is the lack of support from the local government for the village.

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