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Article

Village Governance and the Urgency of Maintaining Good Governance as a Form of Regional Development through Legal Reform

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Abstract: The village is part of the regional government that can help support the overall economy of the territorial region. The existence of village regulations is intended as a mutual benefit that promotes village efficiency. Previous research has examined the urgency of revising the Law, so the focus gap of this study lies in reviewing the enactment of Law No. 3 of 2024, which is the second amendment to Law No. 6 of 2014 concerning Villages, as an effort to optimize village development. Through a review using empirical legal methods, this study finds that the enactment of Law No. 3 of 2024 concerning Villages is one of the steps taken by the central government to optimize village governance. Law No. 6 of 2014 concerning Villages is considered inadequate in accommodating the need for legal certainty at the village level. Therefore, the presence of Law No. 3 of 2024 is expected to provide answers to unresolved issues that were not sufficiently addressed by Law No. 6 of 2014.

Keywords: village, Law No. 3 of 2024, village optimization, principle of legal certainty

About the Author(s)

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I. Introduction

The constitutional mandate of the 1945 Constitution of the Republic of Indonesia recognizes that in the implementation of the Indonesian government, a regional autonomy system is applied. Article 18 paragraph (2) states that "The provincial, regency, and municipal governments regulate and manage their own governmental affairs according to the principles of autonomy and co-administration." The autonomy granted to regional governments is carried out as broadly as possible, but it is limited by laws that designate certain matters as the affairs of the central government (Benz et al., 2011).

In addition to regional governments being granted the broadest autonomy, the Indonesian state also recognizes the existence of entities referred to as villages. Article 18B paragraph (2) states that "The state recognizes and respects the units of customary law communities 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, as regulated by law".

From the provisions in Article 18B paragraph (2), it can be understood that villages are not limited to units of customary law communities, but rather as the lowest level in the hierarchy of government (Breathnach, 2023). There are several terms used to refer to 'village,' such as *dusun*, *nagari*, *gampong*, and others, which mean homeland, ancestral land, or birthplace. These terms are essentially interpreted as places that represent a unity of life with a unity of norms and clear boundaries (Calignano et al., 2024). The existence of villages is formally recognized through Law Number 6 of 2014 concerning Villages. Village governance itself.

The enactment of Law Number 6 of 2014 concerning Villages provides the momentum to accelerate the welfare of rural communities. The law contains several provisions regarding efforts to realize village welfare, such as village structuring, village governance, the rights and obligations of villages and village communities, village regulations, village finances and assets, village and rural area development, village-owned enterprises, inter-village cooperation, village community institutions, and so forth.

The autonomy granted to the village is a form of recognition of the right to manage its own household affairs based on the initiative of the community. The existence of such autonomy will close the space for intervention from higher institutions so that any act of intervention cannot be justified. The granting of autonomy to the village is intended to create democratic life at the village level. In addition, the demand for fast and efficient public services often becomes the main reason behind the non-implementation of a technocratic system in village governance.

In practice, the needs of the village community for a quick response from government officials often clash with the technocratic process, which tends to require stages of analysis, planning, and evaluation that are more systematic and time-consuming. On the other hand, the spirit to realize village independence also encourages the emergence of policies that are more pragmatic and based on the direct needs of the community, even though they sometimes neglect aspects of long-term planning and scientific approaches. This creates a dilemma between the speed of service and the quality of the policies produced. With the technocratic system not being applied consistently, the risks of abuse of authority, program inaccuracy, and weak accountability become greater.

Therefore, it is important to find a meeting point between the spirit of village independence and the application of technocratic principles so that village governance remains adaptive, yet within a rational and measurable framework (Chhotray et al., 2019). Village governance is defined as the administration of governmental affairs and the interests of the local community within the government system of the Unitary State of the Republic of Indonesia. The village government has a strategic role in driving development in its region, including in the legal aspect. Legal development at the regional level is not merely understood as the process of drafting regulations, but more than that, it is a systematic effort to create a legal order capable of directing, regulating, and supervising the course of government and the implementation of development fairly and sustainably.

In this context, legal development serves as a foundation that guarantees legal certainty, the protection of community rights, and openness in public decision-making. Law that is built with a participatory approach and based on the real needs of the region will encourage the creation of policies that are more responsive, transparent, and accountable. Therefore, strengthening the legal system in the regions becomes an integral part of the development strategy, so that every program and policy implemented is not only administratively legitimate, but also substantively just and sustainable in the long term.

Legal reform plays an important role in encouraging the creation of a more transparent and accountable village government. Through regulations that are drafted clearly, directed, and in accordance with the dynamics of community needs, the village government will have a strong foundation in every decision-making process, particularly regarding budget management and the implementation of development programs. With firm rules and transparent accountability mechanisms, the community can also monitor the course of governance, so that every action of the village government can be openly accounted for. This not only strengthens public trust but also becomes a strategic step in building village governance that is honest, participatory, and oriented toward the common good.

To strengthen village autonomy, the district/municipal government must design several policies (Aziz, 2016). Policies regarding access for villages to utilize their natural resources are important to provide so that villages can have sources of income. Furthermore, support from the district or municipal government becomes very important in strengthening the capacity of villages, especially in carrying out governmental and developmental functions effectively. Such assistance must be provided in accordance with the provisions of applicable laws and regulations, so as not to cause overlapping authority or procedural violations. One crucial form of support is the facilitation of capacity-building programs for village officials, in order to improve their technical, managerial, and administrative abilities.

The district/municipal government has a strategic role in ensuring that this capacity-strengthening process runs sustainably, is well-directed, and in accordance with local needs. With proper assistance, villages will be better prepared to manage autonomy independently, accountably, and responsively to the dynamics of their communities.

In addition to the autonomous authority granted to the village, the implementation of governance must still be based on the principles of good governance as the main foundation in realizing quality management. Autonomy without being accompanied by good governance has the potential to cause abuse of authority and low accountability. Therefore, transparency, community participation, accountability, effectiveness, and law enforcement must become inherent principles in every village governance process. These principles function not only as control tools but also as ethical foundations in carrying out public responsibilities. By applying good governance, the village government can build public trust, encourage active citizen participation, and create governance that is more responsive and has integrity.

Good governance itself is defined as the administration of government that is responsible in line with democratic principles. By applying the principles of good governance, the implementation of village governance must be carried out with attention to community participation, the upholding of the rule of law, transparency, and consensus orientation (Chhotray et al., 2019). The application of good governance is intended to prevent arbitrariness in the implementation of village governance that neglects the rights of the village community, thereby hindering the achievement of village goals.

The principle of good governance is ethical values or legal norms that serve as benchmarks for the performance of governance in order to realize the goals of the state and provide legal protection for society against the actions and policies of the government. The concept of good governance has been known and applied since the beginning of the reform era. Although various regulations have been formulated to support the implementation of good governance, its practice in the field has not yet run effectively. Many policies do not fully reflect the needs of the community, and oversight of their implementation is often weak. Therefore, real efforts are needed to encourage transparency in every decision-making process, especially at the local level such as village governance. Active community involvement is key, both in formulating policies and in monitoring their implementation, in order to create governance that is more open, accountable, and responsive to public aspirations. Without strong community participation, governance reform will only become a formality that is difficult to bring about substantial change (Davoudi et al., 2015).

Legal instruments play a crucial role in encouraging the implementation of governance based on the principles of good governance. Law functions not only as a regulatory tool but also as a means of social reform that reflects the values that live and are believed by society. In the context of a democratic state, law should ideally be formulated for public benefit, so its formation process must involve broad community participation through aspiration-gathering mechanisms. From the perspective of legal reform, this process should consider two main aspects, namely the legal system and legal culture. The legal system includes various important elements such as the substance of the law itself, the institutions involved, supporting facilities and infrastructure, the quality of human resources in the legal field, as well as effective legal management. Meanwhile, legal culture refers to the awareness, attitudes, and behavior of both the community and state administrators in understanding, complying with, and enforcing the law. The balance between a strong legal system and a healthy legal culture is the key to the realization of law-making that is not only formally legitimate but also effective in its application within society.

Table 1. Conflicts During the 2008-2014 Period

Types of Conflict	Number of Cases		
	2008	2011	2014
Inter-group residents	1.235	1.348	1.404
Residents vs. villages/sub-districts	939	1.054	1.128
Residents vs. security forces	89	120	108
Residents vs. government officials	60	102	99
Inter-Students/university students	108	210	327
Inter-ethnic	118	102	70
Others	138	149	160

Source: Criminal Statistics, 2017

Conflict data in Indonesia throughout the 2008–2014 period shows quite significant variations in each type of conflict. Inter-group resident conflicts ranked the highest, with 1,235 cases in 2008, increasing to 1,348 cases in 2011, and rising again to 1,404 cases in 2014. Conflicts between residents of villages or sub-districts showed a similar trend, from 939 cases in 2008 to 1,054 cases in 2011, and continued to rise to 1,128 cases in 2014. Meanwhile, conflicts between residents and security forces gradually increased from 89 cases in 2008, to 120 cases in 2011, and reached 108 cases in 2014. Conflicts with government officials also rose, from 60 cases in 2008 to 102 cases in 2011, though slightly decreased to 99 cases in 2014. Conflicts among students or university students showed a sharp increase, from 108 cases in 2008, jumping to 210 cases in 2011, and further rising to 327 cases in 2014. Inter-ethnic conflicts, on the other hand, showed a declining trend, from 118 cases in 2008 to 102 cases in 2011, and dropped further to 70 cases in 2014.

The category of other conflicts also increased, from 138 cases in 2008 to 149 cases in 2011, and continued to rise to 160 cases in 2014. In general, this data illustrates that the intensity of conflicts in Indonesia tended to increase during the six-year period, with the majority of cases originating from inter-group resident conflicts as well as conflicts between villages or sub-districts. The absence of legal instruments will give rise to conflicts among these three parties. In relation to village governance, law can serve as a means to encourage the implementation of good governance principles. Data from Statistics Indonesia (BPS) through *Criminal Statistics 2023* recorded 791 corruption cases throughout 2023. Of this number, 187 cases occurred at the village level, meaning that nearly 24% of the total national corruption cases occurred in villages. This indicates the potential for conflict arising from the misuse of village funds.

The coercive nature of law provides binding force for village government administrators to submit and comply with legal rules, including the implementation of good governance principles. The village government, as the smallest unit in the governmental hierarchy, should indeed also apply the principles of good governance. However, the absence of legal instruments and the ineffectiveness of oversight mechanisms remain obstacles to implementing good governance principles.

Based on the background above, the reason underlying the researcher in conducting this study is the recent reform, namely on April 25 the President of the Republic of Indonesia signed Law No. 3 of 2024, which is the second amendment to Law No. 6 of 2014 on Villages. A number of changes have been made, ranging from the term of office of the village head to rehabilitation funds. Nevertheless, the Village Law still faces serious challenges, particularly in matters of development, corruption, and poverty.

The phenomenon related to the Village Law (UU Desa) shows that although there have been significant changes, serious challenges remain, particularly in terms of development, corruption, and poverty. Data from Indonesia Corruption Watch (ICW) shows that since Law No. 6 of 2014 on Villages was enacted, the number of corruption cases in the village sector has increased significantly. In 2022, there were 155 recorded corruption cases in villages, with 133 of them related to village funds, causing state losses of Rp381 billion. This number rose sharply compared to 2016, which recorded only 17 corruption cases with 22 suspects.

Based on the data in the chart titled "8 Sectors with the Most Corruption Cases in Indonesia (2022)", it can be seen that the village sector occupies the highest position with a total of 155 corruption cases. This figure shows a significant gap compared to other sectors, such as utilities with 88 cases and government with 54 cases. Below that, the education sector recorded 40 cases, followed by the natural resources and banking sectors with 35 cases each. The agrarian and health sectors were at the bottom, with 31 and 27 cases respectively. This fact reflects that although villages are the spearhead of development, this sector is actually the most vulnerable to abuse of authority and budget mismanagement. This condition reinforces the urgency of supervision, transparency, as well as regulatory and governance reforms so that the principles of good governance are truly implemented at the local level.

Previous research conducted by Endriyani Lestari (2024) found that the concept of village development needs to pay attention to spatial planning of village areas to ensure benefits and compliance with applicable provisions. The method applied in this study was the normative juridical method through a qualitative approach. A normative juridical study is a stage of legal research carried out through the review of literature sources or secondary information as the main material, by conducting research related to the issue being studied. The results of this study indicate that in implementing policies related to village spatial planning, there are two possible factors: supporting factors and inhibiting factors. To establish clarity in the objectives of policy implementation, legal certainty is needed that can accommodate the needs of village planning and control (Healey, 2006).

The study by Faidhul Mannan, Dairani Dairani, and Fathol Bari (2023) entitled "Accountability and Transparency in State Financial Management by Village Governments as a Form of Government Responsibility" discusses the importance of accountability and transparency in village financial management in accordance with Law Number 6 of 2014 on Villages. This article highlights how village governments have the responsibility to manage budgets openly and accountably, in order to ensure the effective and efficient use of village funds. The authors emphasize the need for proper oversight to prevent misuse of funds and to increase public trust in village financial management. Issues that arise in the context of regional development, particularly at the village level, are inseparable from the role of regional autonomy in shaping effective and participatory governance.

Regional autonomy grants authority to local governments to regulate and manage the interests of their communities, which should serve as the foundation for strengthening the capacity of village governments to independently plan, implement, and evaluate development. However, in practice, villages still face many challenges in realizing good governance. Therefore, the enactment of Law Number 3 of 2024 on Villages becomes crucial as a legal reform that responds to the actual needs of villages in the era of autonomy. This reform carries significant urgency to promote regional development based on the principles of good governance, such as accountability, transparency, participation, and effectiveness, aimed at creating village governance that is more adaptive, inclusive, and competitive in facing today's socio-economic dynamics.

II. Methods

This study was conducted using a descriptive-analytical approach, which aims not only to factually describe how the implementation of a regulation takes place, but also to analyze it based on the applicable legal framework. This approach was chosen so that the research could present a comprehensive picture of the realities occurring in the field, particularly regarding the implementation of village policies, as well as identify the extent to which existing regulations have been carried out in accordance with legal principles. In this research process, the researcher focused the study on Law Number 3 of 2024 on Villages, which is the second revision of Law Number 6 of 2014. This law was used as the primary legal material because it has binding force and serves as the main legal basis in the formulation and implementation of policies at the village level. Through the examination of the norms contained in this regulation, the study seeks to assess the consistency, effectiveness, and urgency of legal reform in supporting better village governance.

III. Results and Discussions

A. The Role of Regional Autonomy in the Development of Village Autonomy

Indonesia is one of the countries that adopts an autonomy system in the implementation of its governance. Based on Law Number 23 of 2014 concerning Regional Government, regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their governmental affairs and the interests of local communities in accordance with statutory regulations. This Law also states that an autonomous region is a legal community unit that has territorial boundaries with the authority to regulate and manage its governmental affairs and the interests of local communities on its own initiative, based on the aspirations of the people (OECD, 2022)

In the perspective of a unitary state, regional autonomy is regarded as an instrument to achieve the objectives of the state within a democratic "national unity." As an instrument to achieve one of the state's goals, the policy of regional autonomy is expected to realize the provision of better public services and the creation of a more democratic decision-making process. Regional autonomy is a derivative of decentralization in the regional government system. The term "autonomy" is derived from the words "autos" and "nomos" in Greek. "Autos" means self, and "nomos" means rule or law. Thus, it can be interpreted as the authority to govern oneself or the authority to establish rules in managing its own affairs (zelfwetgeving). In its development, the concept of regional autonomy, in addition to containing the meaning of zelfwetgeving (establishing local regulations), also primarily encompasses zelfbestuur (self-government). Therefore, almost every nation-state adopts decentralization as a principle in the administration of state governance.

Law Number 6 of 2014 concerning Villages, as a product of the reform era, has marked the beginning of an era toward village independence, both in the administration of government and in the management of village finances. The customary rights authority under Article 19 letter (a) of Law Number 6 of 2014 concerning Villages includes the understanding that original rights are rights that existed before the establishment of the Unitary State of the Republic of Indonesia in 1945 and have continued to be implemented by villages after the formation of the Unitary State of the Republic of Indonesia until today. In addition, customary rights also arise from the initiative of the respective village and the initiative of the local community, as long as they do not conflict with the provisions of prevailing laws and regulations (Morgan, 2013).

Regional autonomy plays a strategic role in strengthening village development, as it provides space for villages to independently manage and regulate governmental affairs in accordance with the conditions, needs, and aspirations of the local community. Through broader authority, villages have the flexibility to design policies that are more contextual and targeted, as well as encourage the emergence of innovations in the management of local resources. This autonomy also opens opportunities for improving the quality of public services to be faster, more efficient, and more aligned with the characteristics of their regions.

Furthermore, community involvement in the decision-making process becomes more tangible, as villagers can participate in determining the direction of development they require. This involvement not only strengthens the legitimacy of policies but also accelerates the development process while reducing the dependency of villages on the central government. Thus, regional autonomy becomes an important foundation in realizing villages that are independent, participatory, and adaptive to local dynamics (Piattoni, 2010).

However, behind the opportunities offered by regional autonomy, there remain significant challenges, particularly related to disparities in human and financial resources among villages. Differences in the quality of village apparatus, education levels, and managerial capacity mean that not all villages are able to optimally utilize autonomous authority. Similarly, uneven financial conditions, where villages with low economic potential often struggle to implement sustainable development programs, also pose challenges. This inequality directly impacts the effectiveness of implementing regional autonomy at the local level, as villages with limited capacity tend to rely more on external assistance and are less able to carry out governmental functions independently. Therefore, more equitable support is needed in the form of improved human resource competence, technical assistance, and pro-poor fiscal policies so that regional autonomy can truly serve as an instrument of equitable development reaching even the most remote villages.

The customary rights authority recognized by the state includes the management of natural resource wealth, customary land, village treasury land within the village's jurisdiction, the establishment of village government apparatus by accommodating original regulations, the settlement of customary disputes, and the preservation of local customs and culture. Customary rights authority is often referred to as traditional rights, inherent rights, or original rights. All of these terms share the same essence, namely that they basically encompass two meanings at once. First, customary rights from the past that existed before the establishment of the Unitary State of the Republic of Indonesia in 1945 and have continued to be borne and exercised by villages after the establishment of the Unitary State of the Republic of Indonesia until today. *Tanah bengkok* in Java and *tanah ulayat* outside Java are the most concrete examples of original rights possessed by villages before the establishment of the Unitary State of the Republic of Indonesia and that have continued to be upheld by villages after its establishment until the present.

Second, original rights that arise from the initiative of the respective village and the initiative of the local community, as long as they do not conflict with the provisions of applicable laws and regulations. Village markets or boat moorings built on the initiative of the village are also referred to as original rights of the village. The forms of actions that are actually included in the authority or original rights are indeed very diverse across regions. However, in general, the original rights of the village include: (1) Organizing and managing village land or communal village land. (2) Applying original arrangements in the administration of village governance. (3) Preserving customs, institutions, systems, and local wisdom. (4) Resolving disputes through local customary mechanisms.

Village land is the most vital original right of the village because land is an asset (wealth) that serves as the source of livelihood and life for the village and its community. The state grants recognition and respect for the original rights of the village. The state may not intervene in or take over the village's original rights, but it may provide guidance regarding the regulation and management of such rights as proposed, as well as protection to safeguard and optimize their utilization. Since the original right refers to village land, the village has full authority to regulate and manage it. Village wealth in the form of village land may not be transferred in ownership rights to other parties, except when required for the public interest. This provision implies protection and preservation. Village land may only be released for public interest purposes, such as building schools, hospitals, government offices, highways, houses of worship, and others.

Law No. 6 of 2014 concerning Villages grants recognition and respect for this right, affirming that the state may not intervene in or take over the original rights of the village without the consent of the local community. However, challenges arise in the implementation of village land management, particularly related to governance that is not yet fully effective and the potential for abuse of authority. Nevertheless, non-transparent and unaccountable management may trigger conflicts and harm the village community (Pierre et al., 2005).

Village authority can also be described by sectors. Sectoral local authority of villages covers the dimensions of institutions, infrastructure, commodities, capital, and development. In the agricultural sector, villages have the authority to foster and develop farmer groups, provide training for farmers, supply village-scale agricultural infrastructure, allocate budgets for capital, develop seeds, consolidate land, select superior seeds, manage planting systems, develop appropriate technology, and diversify farming businesses. The implementation of such regional authority results in the entry of government programs into the village sphere. Article 20 of Law No. 6 of 2014 concerning Villages affirms that the implementation of authority based on original rights and local-scale village authority as referred to in Article 19 letters a and b shall be regulated and administered by the Village. This article is related to Article 81 paragraph (4): "Regional development at the village scale shall be carried out by the Village itself," and paragraph (5): "The implementation of sectoral programs that fall within the authority of the Village Government shall be integrated with Village Development. "

Law Number 6 of 2014 on Villages Article 19, authority based on the right of origin of the village and local-scale authority of the village. The village is entrusted with the mandate to manage and administer its own affairs independently without being burdened with tasks and governmental matters from higher authorities that burden the village. Furthermore, the village also exercises authority granted by the government and other authorities granted by the provincial or regency/ municipal government.

Regional autonomy is a policy that grants authority to regions to regulate and manage governmental affairs and the interests of the local community in accordance with laws and regulations. This policy plays a very significant role in village development in Indonesia. Village development is one of the main focuses of the government, especially after the enactment of Law Number 6 of 2014 on Villages. In this context, regional autonomy becomes an important tool in promoting more independent and participatory development at the village level.

Since the implementation of regional autonomy through Law Number 23 of 2014 on Regional Government, regional governments have had greater authority in managing and developing their potential, including in villages. This is in line with Article 18 of the Constitution of the Republic of Indonesia of 1945, which affirms that each region has the right to regulate and manage its own governmental affairs according to the principles of autonomy and co-administration. The main objective of regional autonomy is to improve public services, accelerate regional development, and empower communities to actively participate in the development process.

Regional autonomy allows local governments to be more responsive to local needs and potential. Through regional autonomy, villages have greater freedom in designing and implementing development programs that are tailored to their characteristics and local needs. Article 1, point 8 of Law Number 6 of 2014 on Villages states that a village is a legal community unit with territorial boundaries authorized to regulate and manage governmental affairs, the interests of the local community based on community initiatives, original rights, and/or traditional rights recognized and respected within the governance system of the Unitary State of the Republic of Indonesia. Thus, regional autonomy enables villages to develop local economic, social, and cultural potential more effectively (Provan et al., 2008).

Regional autonomy provides opportunities for villages to manage natural resources more optimally. This is important because many villages in Indonesia are rich in natural resources, yet they are often unable to maximize their use due to limited authority and resources. With regional autonomy, villages can establish partnerships with the private sector or other institutions to develop local economic potential, such as agriculture, fisheries, tourism, and creative industries. Article 67, paragraph (1) of Law Number 6 of 2014 on Villages emphasizes that villages are entitled to receive sources of village income originating from the central government, local governments, and village-generated revenue, which can be used to improve the welfare of village communities.

Regional autonomy allows for more effective and transparent management of village funds. Since the enactment of Law Number 6 of 2014, villages have received allocations of village funds sourced from the State Budget (APBN), aimed at supporting development and community empowerment in villages. With the existence of village funds, village governments have the flexibility to plan and implement various development programs covering infrastructure, education, health, and the economy. Article 72 of Law Number 6 of 2014 stipulates that sources of village income consist of original village revenue, village fund allocations, shares of regional taxes and regional levies, and financial assistance from the central and local governments.

The role of regional autonomy in village development is evident in the empowerment of village communities to participate in the planning and decision-making process. Community participation in village development is an important principle guaranteed by Article 80 of Law Number 6 of 2014, which states that village communities have the right to obtain information, participate, and convey their aspirations in village development. In the implementation of village development, communities are invited to engage in village deliberations, which serve as an important forum for determining the direction of policies and development priorities in the village.

However, although regional autonomy provides many benefits for village development, there are still a number of challenges that need to be addressed. One of the main challenges is the capacity of village governments to manage autonomy and village funds effectively. Many villages still face obstacles in terms of human resources, management, and good governance. In this context, the role of regional governments becomes important in providing support and guidance to village governments so that they can carry out their duties and responsibilities properly. Article 112 of Law Number 6 of 2014 emphasizes that the central government and regional governments are obliged to provide guidance and supervision to village governments in implementing village autonomy.

Another challenge is the potential conflict between regional governments and villages regarding the distribution of authority and resources. In some cases, regional autonomy can create unhealthy competition between villages and regional governments in accessing resources and authority. Therefore, it is important to strengthen coordination and cooperation between regional governments and villages in order to create synergy in the implementation of development. Article 95 of Law Number 6 of 2014 emphasizes the importance of cooperation between villages and between villages and third parties in order to improve the welfare of village communities.

The issue of sustainability becomes a concern in the implementation of regional autonomy and village development. Sustainable village development requires attention to environmental and social aspects, so that development does not only focus on economic aspects alone. Regional autonomy must encourage villages to integrate the principles of sustainable development in every policy and program implemented. Article 78 of Law Number 6 of 2014 underlines that village development aims to improve the quality of human life as well as poverty alleviation through the sustainable utilization of resources.

B. The Urgency of Legal Reform Concerning the Enactment of Law No. 3 of 2024 on Villages in Regional Development Through the Principle of Good Governance

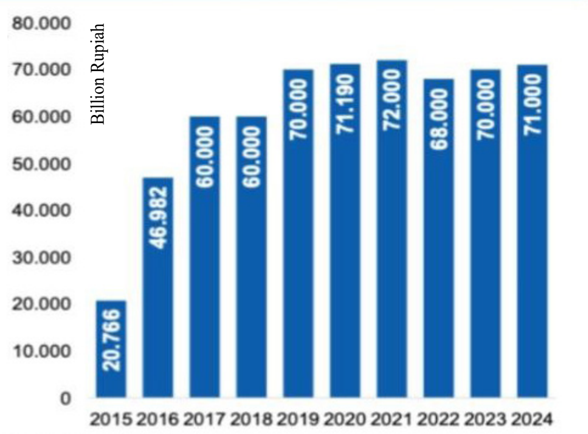

Figure 1. Development of Village Funds in the Fiscal Year 2022 – 2024

Source: Ministry of Finance

Based on the data presented in the graph "Development of Village Funds FY 2022–2024," it can be seen that the allocation of village funds has experienced a significant increase since it was first introduced in 2015. In that year, the allocated village funds amounted to Rp20.77 trillion, then surged to Rp46.98 trillion in 2016. This upward trend continued until it reached Rp72 trillion in 2021, which was the highest allocation during the period. Although in 2022 it experienced a decline to Rp68 trillion, the government once again increased the allocation to Rp70 trillion in 2023 and Rp71 trillion in 2024.

This increase reflects the government's commitment to strengthening village development as part of efforts to achieve equitable welfare. However, the large amount of allocated funds also demands more transparent, accountable, and participatory governance so that village funds truly provide tangible benefits to the community and are not misused. The phenomenon of the urgency of legal reform with the enactment of Law No. 3 of 2024 on Villages in regional development through the principle of good governance reflects the government's efforts to strengthen village autonomy and improve the quality of governance at the local level.

This Law constitutes the second amendment to Law No. 6 of 2014 on Villages, with the aim of strengthening the position of villages within the Indonesian governance system, with an emphasis on the protection and empowerment of villages to become stronger, independent, and democratic. The Village Law has established a regulatory framework for the implementation of the village development process independently, from planning, implementation, to evaluation, involving villages in the entire process. However, the Village Law is not a cure-all for every issue and demand that has so far arisen regarding the realization of village autonomy and all the rights that have been claimed, particularly in the context of village development. In fact, a number of provisions in the Village Law instead weaken the authority of villages, which have developed into organizations tasked with managing community development (Rodríguez-Pose, 2013).

In Indonesia, legal reform is often necessary to address new challenges arising in regional development and to improve the quality of governance. One concrete manifestation of this effort is the enactment of Law No. 3 of 2024 on Villages, which marks an important step in strengthening the role of villages as the spearhead of regional development. This law focuses on the application of good governance principles aimed at enhancing effectiveness, transparency, and accountability in village governance.

Law No. 3 of 2024 on Villages emerged amid the urgent need to reform the legal framework governing village administration in Indonesia. Before this law was issued, village governance was regulated by Law No. 6 of 2014 on Villages. Although it provided a strong foundation for the management of village governance, several new issues and challenges arose in line with the dynamics of rural community development and the demands of regional development. For example, the misuse of village funds, the suboptimal capacity of village governments, and the still-low level of community participation in decision-making processes. This situation necessitated a more responsive and adaptive legal reform.

Legal reform in this context aims to improve the quality of village governance by adopting the principles of good governance. Good governance refers to sound governance, encompassing aspects of transparency, accountability, participation, responsiveness, effectiveness, and efficiency. In the context of village governance, the application of these principles is expected to foster the creation of a more open, participatory, and accountable administration, thereby ensuring that village development can proceed more effectively and sustainably.

The principles of good governance play an important role in enhancing the quality of village governance and regional development as a whole. With the application of good governance, village governments are expected to perform their functions more effectively, including in resource management and public service delivery. Transparency, for example, requires village governments to provide clear and open information to the community regarding village policies, programs, and budgets. This is essential for building public trust in village governance and preventing the misuse of authority.

Accountability, as one of the principles of good governance, requires village governments to be responsible for every decision and action taken. Village governments must ensure that the programs implemented are truly aligned with the needs of the community and provide tangible benefits. In this context, monitoring and evaluation of the implementation of village programs become highly important. Community participation in the decision-making process is also a key element of good governance. Active participation from the community can improve the quality of decisions made and ensure that village policies genuinely reflect the aspirations of the people.

Law No. 3 of 2024 concerning Villages recognizes the importance of applying the principles of good governance in village administration. One of the main objectives of this law is to strengthen community participation in village development and to enhance transparency and accountability in the management of village funds. With this law, it is expected that the community can take a more active role in planning and overseeing the implementation of village development, thereby creating a more democratic and inclusive village government.

The legal reform through Law No. 3 of 2024 was driven by various challenges faced by village governments in Indonesia. One of the main challenges is the management of village funds, which is often non-transparent and vulnerable to corrupt practices. In recent years, many cases of misuse of village funds have been uncovered, revealing weaknesses in the system of oversight and accountability. Therefore, legal reform is needed to strengthen supervisory mechanisms and enhance the accountability of village governments in managing funds.

Human resource capacity at the village level is also a serious challenge. Many village governments still face obstacles in terms of the capacity and competence of village officials. Village officials often lack adequate knowledge and skills to effectively carry out governmental and developmental tasks. In this context, Law No. 3 of 2024 emphasizes the importance of training and capacity building for village officials in order to improve the quality of public services and the effectiveness of village development program implementation.

Community participation in village development is also a main focus in this legal reform. Before the enactment of Law No. 3 of 2024, community participation in the decision-making process at the village level was still relatively low. Communities were often not actively involved in the planning and implementation of village programs. With this legal reform, community participation is expected to increase, enabling village development to proceed in a more inclusive and participatory manner.

Law No. 3 of 2024 concerning Villages emphasizes the importance of implementing the principles of good governance in village administration. This law regulates various mechanisms and procedures aimed at enhancing transparency, accountability, and community participation in village governance. Some key provisions in this law include strengthening the role of the Village Consultative Body (BPD) in supervising and evaluating village programs, improving the capacity of village officials, and establishing more inclusive village deliberation forums.

Strengthening the role of the BPD is one of the main focuses of this law. As a representative body of the village community, the BPD has an important task in overseeing the implementation of village policies and programs. This law grants greater authority to the BPD to supervise and evaluate the use of village funds, as well as to provide recommendations for improvements to the village government. In this way, the BPD is expected to become an effective partner in enhancing the accountability of village governance.

The enhancement of village officials' capacity is also an important focus in Law No. 3 of 2024. The law mandates the government to provide training and capacity-building programs for village officials, enabling them to perform their governmental duties more effectively. This training covers various aspects, such as financial management, development planning, and public service. With this capacity enhancement, village officials are expected to be more professional and responsive in delivering services to the community (Li et al., 2005). The village deliberation forum is also strengthened under this law as a platform for community participation in decision-making. Village deliberations are expected to serve as an inclusive and democratic forum, where the community can express aspirations, provide input, and participate in village development planning. With an effective village deliberation, it is hoped that

Aspects of the Village Law considered inconsistent and/or incomplete include the following: Initially, the district/city government delegated authority to the village government to plan and implement development, but this delegation has not been fully completed because the village government still requires permission from the Regent or Mayor to determine village development policies (Scott, 2001). In addition, the village government is preoccupied with administrative matters in the implementation of development, which are delegated tasks from the central and regional governments. These issues result in villages remaining marginalized as a vertical organization under the regional government.

Second, there is no clause recognizing the diversity of village capacities, even though villages in Indonesia actually have varying capacities in implementing village development. Although some villages are classified as advanced and independent, the majority are very underdeveloped and disadvantaged, and this disparity affects the outcomes of village development implementation in each village. For villages with strong capacity, a standardized approach to village development may result in successful development; however, for villages with limited capacity, this can lead to failure because village development authority is locally participatory, meaning villages are given the freedom to plan and implement development independently.

Third, the village community, which is the focus of village development and entitled to participate in its implementation, is not fully involved in the entire process. Moreover, the evaluation of community development does not include an assessment of the outcomes of village development that has been carried out, thus hindering the emergence of a public accountability process. Fourth, although other stakeholders play various roles in village-level development implementation, the village head, as the highest authority in the village, has the most influence, from the planning stage to the evaluation stage of development. This directly contradicts the principles of village development as stipulated in the Village Law, which call for a process that is transparent, accountable, and participatory (Marin et al., 2003).

Considering the various issues mentioned above, the uniform patterns of village development as stipulated in the Village Law need to be revised. Various development models designed for groups of villages with different capacities, such as advanced and autonomous villages, as well as underdeveloped and very underdeveloped villages, must be accommodated by village regulations. This is important to achieve the objectives of village development as outlined in the Village Law through genuine village development.

There are at least two policy options that can be incorporated as substantive amendments to the Village Law for alternative village development for communities classified as underdeveloped and very underdeveloped villages. First, a mentoring village system, in which advanced and independent villages serve as role models for very underdeveloped and underdeveloped villages by providing guidance and support in village development. This is feasible because independent and advanced villages have the capacity to implement development and can serve as exemplars for villages still classified as very underdeveloped or underdeveloped.

Second, collective village development, namely the joint implementation of development planning by several very underdeveloped villages and less developed villages within one region. This allows the potential of other villages to complement or compensate for the limited capacity of a particular village in a given area.

In order to accelerate village development in the regions, collective village development also facilitates the growth of communities within the same area. As a result, the development patterns regulated in the Village Law are based on the differences in village capacities in planning and implementing village development. The alternative development patterns mentioned above are based on the capacity of villages in development, and therefore can serve as substantive revisions to the Village Law, essentially recognizing the reality that villages cannot be treated as uniform (Kovanen et al., 2003). In this sense, the state acknowledges the diversity of villages based on their culture, abilities, and capacities in carrying out village development.

Public accountability and openness are two further aspects of village development that are not covered in the Village Law. Given that the community has the right to know and evaluate the development that has been carried out, the spirit of the Village Law, namely participatory development, must include how the community is involved in the process of achieving village development that is open and accountable to the people. For village development to deliver results in the form of development that is responsive to the community, it must also be able to produce a development process that is transparent and responsible. This understanding makes it necessary for the Village Law to be updated, including a section outlining the community's rights to transparency in the entire village development process as well as their rights to evaluate the accountability system of completed village development (Kooiman, 2003).

Legal certainty is a guarantee regarding the law that embodies justice. Norms that promote justice must truly function as rules that are obeyed. Without legal certainty, people will not know what they should do, and eventually uncertainty will arise, which in turn will lead to chaos due to the lack of firmness in the legal system. Thus, legal certainty refers to the enforcement of clear, stable, and consistent laws, the implementation of which cannot be influenced by subjective circumstances (Shin et al., 2004).

Legal certainty emerges as an effort to make regulations a concrete and legitimate reference; therefore, the enactment of Law No. 3 of 2024 ensures that the advancement of villages is a definite matter. The presence of an open legal policy, with the phrases "open cumulative" and "penetrating the bill list," as discussed by Iwan Satriawan and Tanto Lailam, underlines the need to delineate the roles of positive and negative legislators. This discourse is based on the theories of Hans Kelsen and Allan Brewer Carias, who define a negative legislator as one who performs the normative function of repealing norms and declaring laws unconstitutional. This is grounded in the principle that the Constitutional Court has no authority to amend laws or usurp the powers of other institutions, which is a defining feature of a negative legislator. Conversely, a positive legislator must fulfill society's sense of justice, a duty derived from abstract review rather than from concrete individual cases.

The effectiveness of these efforts depends on the prevailing political conditions and the structure of government, as well as the legislative procedures that uphold state sovereignty within the theory of separation of powers. To strengthen this line of thought, it is very important for the legislature to consider the interests of society, bearing in mind that legislators serve as representatives of the people (Kavanagh, 2022).

Based on Montesquieu's doctrine of the separation of powers, legislators refer to the legislative body. According to Article 20 paragraph (2) of the 1945 Constitution, the legislature is required to cooperate with the executive to transform proposals into binding laws (ius constitutum). The concept of open legal policy indirectly forces the legislature and executive to revise laws determined by the judiciary without strengthening the argument about the emergency of administrative law. While there is still a possibility for the legislative body to include revisions in the National Legislation Program (Prolegnas), Zsolt Szabó warns that this approach may complicate matters, including the potential to question the role of the legislative body as the representative of the people.

The ruling on open legal policy is the second step after reaching ius constitutum, then returning to ius constituendum by the lawmakers to once again become ius constitutum. Roger Douglas emphasizes that an administrative emergency requires an appropriate response, considering its public implications and the potential to introduce new legal challenges. According to Alex Carol, the field of administrative law has recently been developed to complement the judicial and political systems, and to prevent maladministration.

The views of Roger Douglas and Alex Carol highlight that, in the context of open legal policy decisions by the Constitutional Court of Indonesia, it is crucial for lawmakers to respond quickly to prevent maladministration, as these decisions have a significant impact on the public. The characteristics of open legal policy decisions in the context of an administrative law emergency include: the absence of a requirement to be included in the National Legislation Program (Prolegnas); the involvement of law-making and law-enforcing institutions in responding to the decision; and a focus on the public interest.

Law No. 6 of 2014 is widely believed, both through academic studies and media reports, to require revision, particularly to address issues such as money politics involved in Village Head Elections. This is important to prevent the abuse of power by policymakers within the national framework. According to Alex Carol, only the decisions of the Constitutional Court of Indonesia are part of the judiciary, while other decisions, such as those made by the legislature or the President, are political in nature (Hooghe et al., 2003).

IV. Conclusion

Regional autonomy provides an important foundation for strengthening village development in Indonesia by granting broader authority to villages to manage their own affairs independently and in accordance with local wisdom. Through Law No. 6 of 2014, villages are positioned as subjects of development with the right to design and implement programs according to their respective needs and potential. However, in practice, many challenges are still found, ranging from disparities in human resource capacity, weak governance, to low community participation. This is what encouraged the enactment of Law No. 3 of 2024 as a form of legal reform that is more adaptive and responsive to social realities and the diverse needs of village development. This legal reform reaffirms the importance of applying the principles of good governance in the administration of village government, emphasizing transparency, accountability, and participation as the main instruments to promote sustainable and inclusive development.

The state has also begun to recognize the importance of a differentiated approach to village capacity by accommodating non-uniform development models, such as foster village systems and collective development, aimed at bridging gaps between villages. More than just regulation, Law No. 3 of 2024 reflects a new direction in village development policy that not only relies on fund distribution, but also on strengthening institutions, improving the capacity of village officials, and enhancing the role of the community as active participants in the development process. On the other hand, regional governments are required to play their role consistently as facilitators and mentors of villages, not merely as administrative supervisors. With an inclusive legal approach based on real needs in the field, Law No. 3 of 2024 is expected to serve as a strong foundation for realizing independent, just, and competitive villages, as well as a catalyst for building more democratic and dignified local governance. This reform is not only necessary as a form of legal improvement, but also as the state's effort to restore the essence of development to the community as its main subject and ultimate goal.

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