



Reconstruction of Village Authority Regulations in Implementing Village Government in a State Constitutional System Based on Pancasila Justice Values

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ARTICLE INFO

Keywords: Village, Pancasila, Administration, Natural Resources

Received : 7, May

Revised : 21, May

Accepted: 23, June

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ABSTRACT

Pancasila as the basis of the state plays a fundamental role in village government. Although it is constitutionally recognized through Law No. 6 of 2014, village government practices still face challenges such as overlapping authority, weak institutions, and subordination to local governments. This study uses a socio-legal approach with qualitative methods through interviews, observations, and literature studies in Wirogunan Village, Kartasura, Sukoharjo. The results of the research reconstruct the values and norms of village authority to be in harmony with Pancasila, especially in the management of tourism, water resources, and fisheries. This reconstruction emphasizes the importance of environmental ethics, citizen participation, and social justice, and places villages as autonomous entities and main actors of sustainable development within the framework of the Republic of Indonesia.

INTRODUCTION

Pancasila as the basis of the state should be a guideline in the administration of government, including at the village level. Although constitutionally and juridically the village is recognized through the 1945 Constitution and Law No. 6 of 2014 concerning Villages, in practice there is a gap between the values of Pancasila and the implementation of village government. Villages are still often positioned as policy implementers without true independence, and existing regulations do not fully reflect the principles of recognition, subsidiarity, and diversity.

Decentralization has not been optimally applied to villages, so local characteristics are not accommodated in a uniform model of governance. The overlap of authority between villages and local governments hinders village autonomy, and weak capacity of village officials worsens participatory planning and social justice.

Cases such as the leadership conflict in Mundurejo Village, Jember and the transparency of the management of the APBDes in Sucuk Village, Bali reflect the complexity of village government issues. This shows the urgency of reconstructing village authority regulations based on Pancasila values.

Regulations such as Law No. 23 of 2014 concerning Regional Government still do not provide authority space for villages in the management of local natural resources, even though villages have rights of origin protected by the Village Law. Therefore, normative, institutional, and implementive regulatory reform is needed, which is not only legalistic but also philosophical and constitutional.

Regulatory reconstruction is needed so that villages are positioned as active, sovereign, and empowered subjects in the constitutional system, in accordance with the values of Pancasila. The main goal is to strengthen village autonomy substantively, encourage justice, equality, and local wisdom, and realize inclusive and sustainable national development.

LITERATURE REVIEW

Reconstruction

Reconstruction means rebuilding a system that is no longer relevant. In the legal context, reconstruction is not just a revision, but a thorough renewal based on the value of justice. Mahfud MD, Satjipto Rahardjo, Jimly Asshiddiqie, and Soetandyo Wignjosoebroto emphasized that reconstruction must be in accordance with social needs, Pancasila values, and substantive justice. This is important especially in the context of villages, to address regulatory overlap and clarify its authority in the national system of government.

Regulation

Regulation is a legal norm that governs people's lives and comes from the basic norms of the state (according to Hans Kelsen). Regulations must not only be formally legitimate, but also fair and contextual (Satjipto, Rawls, Fuller). Maria Farida Indrati emphasized the importance of consistency and hierarchy in the formation of regulations. Good regulation must be rooted in the values of society (Savigny) and involve public participation.

Village Government

Village government is a government entity at the lowest level that carries out administrative, development, and empowerment functions. Based on Law No. 6 of 2014, villages have the authority of origin and local authority. The village government is led by the village head and supervised by the Village Consultative Body (BPD). The principles of transparency, accountability, and participation are the cornerstones of democratic village governance that is responsive to the needs of the community.

Constitutional Law

Constitutional Law regulates the structure of state institutions and the relationship between the state and society. Experts such as Simorangkir, Miriam Budiardjo, and Kelsen emphasized that this law guarantees justice and sovereignty of the people. Constitutional Law also regulates the division of power and is the basis for regulating citizens' rights. In the Indonesian context, the 1945 Constitution is the main source of constitutional law and guarantees a democratic system of government.

Village Governance based on GCG Principles

Village governance based on Good Corporate Governance (GCG) emphasizes five principles: transparency, accountability, responsibility, independence, and fairness. The implementation of GCG in villages aims to realize a clean, effective, and trusted village government by the community. This is the key to supporting sustainable development and optimal empowerment of village communities.

METHODOLOGY

Research Paradigm

This research uses the socio-legal paradigm as the main approach in answering the problems raised in the dissertation. The socio-legal paradigm is an interdisciplinary approach that not only views law as a static written norm (law in books), but also pays attention to how law works in social reality (law in action). In the context of this study, the regulation of village authority is not enough to be analyzed only from the normative aspect, but must also be studied sociologically to find out how the regulation is implemented in village government practices and how the community responds to it.

Approach Method

According to Soerjono Soekanto and Sri Mamudji, normative legal research includes research on legal principles, the level of legal synchronization. The research approach used in this study is normative legal research or commonly called normative juridical research. The socio-legal research method is a research approach that combines legal analysis with social reality to understand the interaction between law and society. This approach aims to explore how law functions in a broader social and cultural context, as well as its impact on individuals and groups in society. In contrast to legal research that

focuses purely on legal texts or laws and regulations, socio-legal research emphasizes the understanding of the application of law in practice and its influence on social life.

Research Type

The type of research used in completing this dissertation is the descriptive juridical research method, which is research carried out by examining library materials (secondary data) or library legal research, then described in the analysis and discussion.

Data Types and Sources

The data used are primary data taken from the research object of the Wirogunan Village Government, Kartasura District, Sukoharjo Regency and secondary. To obtain primary data, the researcher refers to data or facts and legal cases obtained directly through field research, including information from respondents related to the object of research and practice that can be seen and related to the object of research. Meanwhile, secondary data is carried out by means of literature studies.

Data Collection Methods

Data collection is focused on what exists, so that in this study there is no deviation and blurring in the discussion. This research uses primary data collection in the form of observations and interviews, while secondary data collection uses Library Research (literature study), which is the collection of data obtained from literature sources, scientific works, laws and regulations, and other written sources related to the problem being researched as the basis of theory. From this study, the data obtained is called secondary data.

Data Analysis Methods

The data analysis method used is descriptive analysis, which is by paying attention to the facts in field practice which are then compared with the descriptions obtained from literature studies. From this analysis, it can be seen the effectiveness of the legal system that is educational. As a way to draw conclusions from the research results that have been collected, the data analysis method used is Qualitative Analysis, because it explains the discussion, while qualitative means data analysis that is based on the information obtained from the respondents to achieve clarity of the problem to be discussed.

RESULTS OF RESEARCH AND DISCUSSION

Regulation of Village Authority in Implementing Village Government in the Current Indonesian Constitutional System

Villages are an important part of the Indonesian government system that plays a direct role in serving the community, and has the authority to regulate local affairs based on the principles of democracy, autonomy, and empowerment. Major changes occurred after the 1999 Reform, especially through the amendment of the 1945 Constitution which affirmed the recognition of the unity of customary law communities (Article 18B paragraph 2).

1. Law No. 32 of 2004 concerning Regional Government

This law replaces Law No. 22 of 1999, recognizing villages as a legal community unit with authority based on origins and customs. Villages are legally recognized, but are still subordinate parts of the district/city government. Village rights are recognized, but they have not been regulated in detail, so the position is often not much different from that of the village.

2. Law No. 6 of 2014 concerning Villages

This law exists to strengthen the authority of villages in accordance with the mandate of Article 18B paragraph (2) of the 1945 Constitution. Villages are recognized as a unit of legal society that has the right to regulate government affairs based on traditional initiatives and rights. Villages have two main functions: as a local self-government and a self-governing community.

Even though it is administratively under the district/city, the village is given autonomy based on the origin that distinguishes it from the village. The principle of recognition in this Law affirms the state's recognition of villages as historical entities that grew before the formation of the Republic of Indonesia, and provides space for villages to develop within the framework of a unitary state.

The development of regulations shows the strengthening of village authority in the Indonesian constitutional system, from a subordinate entity to a subject who is recognized as having the right to autonomy based on origin and customs. Law No. 6 of 2014 is an important milestone in placing villages as the smallest but important government unit in building the country from below.

Factors Causing Unclear Village Authority in the Indonesian Constitutional System

Villages are the lowest government entities with autonomy and an important role in the system of the Republic of Indonesia. However, its authority is still unclear due to several factors:

1. The Absence of Villages as a Subject of the Division of Government Affairs
Law No. 23 of 2014 only regulates the division of strategic affairs (forestry, marine, energy) between the central and provincial governments, without including villages, thus causing overlap with the Village Law.
2. Constitutional ambiguity
Villages are not explicitly mentioned as part of local government in the 1945 Constitution, but are regulated separately in Article 18B paragraph (2), causing confusion in the status of villages.
3. Weak Coordination Between Government Levels
Villages are often not involved in strategic sector policies, even though the village community is directly affected.
4. Limited Capacity of Village Government
The low level of human resources, institutions, and funding makes the village considered not ready to receive wider authority.
5. Recentralization Tendency

After Law 23/2014, many strategic authorities were withdrawn to the central/provincial centers, shrinking the role of villages and closing local participation.

Implementation of Village and Village Authority as a Sub-System of Government

Wirogunan Village as a Sub-System of Government

- 1) Legal Authority: Recognized in the 1945 Constitution (Article 18B paragraph 2) and Law No. 6 of 2014 as an autonomous government based on the right of origin.
- 2) Relationship with Local Government: Coordinated, not subordinate. The district government fosters, not interferes in the affairs of village autonomy.
- 3) Application of Constitutional Values: Village government is carried out democratically through village deliberations and community involvement in development (RPJMDes, APBDes).
- 4) Example of Practice: Wirogunan Village shows the actualization of Pancasila, especially the 4th precept (deliberation) and the 5th precept (social justice).
- 5) The Problem of Inequality of Authority: Law 23/2014 denies the role of villages in strategic sectors, even though villages play an important role in the management of natural resources locally and sustainably.
- 6) Proposed Solution: A legal reconstruction is needed to formally recognize the role of villages and provide participatory space in natural resource management.

Kartasura Village as a Sub-System of Government

- 1) Role and Function: Urban Villages function in public services, development, and community development, although they do not have autonomy like villages.
- 2) Authority: Urban Villages are an administrative part of the local government that plays a role in supporting the implementation of government at the lower level.

Weaknesses - Weaknesses in practices that cause ineffectiveness of regulations related to village authority in the implementation of village government

Weaknesses of Legal Structure Aspects

- 1) Villages are not explicitly mentioned in the structure of local government (Law No. 23 of 2014), so their legal authority is blurred.
- 2) The absence of a coordination mechanism between village and district/city governments triggers overlapping authority and excessive intervention.
- 3) The Village Law does not place the village systemically in the constitutional structure according to the 1945 Constitution, so it is juridically and philosophically weak.
- 4) The absence of explicit references to Pancasila as an ideological basis weakens the value foundation of village regulation.

- 5) Recommendation: Revision of Law No. 23/2014 and harmonization with the Village Law to clarify the structural relationship, authority, and position of villages in the national system.

Weaknesses of Legal Substance Aspects

- 1) Article 14 paragraph (1) of Law No. 23/2014 ignores the authority of districts/cities over strategic sectors (forestry, marine, energy and mineral resources).
- 2) This leads to a concentration of authority at the central and provincial levels, contrary to the principle of decentralization.
- 3) This results in conflicts of authority, low participation of local communities, and ineffective management of resources.
- 4) Recommendation: Revision of implementing articles or regulations that open up space for collaboration between districts/cities and communities in the management of strategic sectors.

Weaknesses of Legal Cultural Aspects

- 1) There is a disconnect between written law and local values that have long governed the management of natural resources.
- 2) The low involvement of local and district/city communities creates a trust gap for the central/provincial government.
- 3) These provisions ignore customary laws and local values, leading to social resistance and the failure of sustainable development.
- 4) Recommendation: Formal recognition of the role of communities and local laws, as well as revision of regulations so that state and local laws can work in synergy.

Weaknesses in the structure, substance, and legal culture in village-related regulations have hampered the effectiveness of the implementation of village government and the implementation of Pancasila values. Therefore, regulatory reconstruction is needed in order to create a clear, fair, participatory, and contextual legal system for villages within the framework of Indonesian constitution.

Reconstruction of the ideal regulation regarding village authority in the Indonesian constitutional system that is BASED on Pancasila values

Comparison of Village Authority in the Constitutional System in Various Countries

1. United States
 - a. A federated state with a constitutional democratic system; Local government is highly dependent on each state's constitution.
 - b. Rural areas cover 97% of the area, but are inhabited by only 14–20% of the population.
 - c. There is no explicit provision on villages in the federal Constitution; The authority of the local government comes from the state.
 - d. The concept of Home Rule gives broad autonomy to local governments (townships, villages, municipalities) in terms of fiscal, spatial planning, and public services.

- e. Local government is recognized as the implementer of the principle of self-government.
 - f. Tribal nations have autonomy like the right of village origin in Indonesia.
 - g. Indonesia adheres to a unitary state system with the principle of decentralization; Even though it is regulated in Law No. 6 of 2014, villages in Indonesia are not yet fully independent.
2. Egypt
 - a. A semi-presidential republic with a centralized system of government and administrative decentralization.
 - b. It consists of 27 provinces and thousands of villages (qaryah) as the lowest administrative unit.
 - c. The village is led by an appointed village head ('umdah), and has a local council elected by the people.
 - d. The function of the village is administrative, not autonomous; natural resource management and tourism policy are controlled by the central government.
 - e. Although villages are the implementers of national policies, there is no recognition of the right of origin or local autonomy as in Indonesia.
 - f. Tourism projects often ignore the role of villages and have the potential to damage the environment.
3. Brunei Darussalam
 - a. An absolute monarchy with a centralized system of government.
 - b. Villages (kampong) are the smallest administrative units in the structure of Mukim and districts.
 - c. The village has a semi-formal Village Consultative Council (MPK) board and is managed by the central ministry.
 - d. The role of the kampong is more of a central policy implementer with community participation limited to social and cultural activities.
 - e. There is no political or legislative autonomy of the village; However, villages are still important in carrying out national programs.

Comparison Between Foreign Countries and Indonesia

1. United States: Local government is autonomous based on state authority.
2. Egypt: A village is an administrative unit with limited authority, under central control.
3. Brunei: Villages carry out administrative functions in a highly centralized system of absolute monarchy.

Indonesia, through the Village Law, provides recognition of the right of origin and autonomy of villages based on Pancasila values such as social justice, deliberation, and people's participation. The reconstruction of village regulations in Indonesia needs to balance the role of the state and village independence in order to create a more just government rooted in local values.

Reconstruction of the Value of Village Authority

Villages are not just administrative units, but strategic entities that have the right of origin, local wisdom, and an important role in maintaining the integrity of the Republic of Indonesia. Law No. 6 of 2014 is an important legal

basis, but its implementation still does not fully reflect the values of Pancasila, so it is necessary to reconstruct values to realize a just, civilized, and sustainable village.

1. The reconstruction of village values is based on the five precepts of Pancasila:
2. Godliness: The management of tourism and natural resources of the village must uphold religious and moral norms.
3. Humanitarian: Management must be fair and inclusive of all community groups.
4. Unity: Must uphold diversity and encourage the togetherness of citizens.
5. People: Decisions must be taken through village deliberations (Musdes).
6. Social Justice: The results of village management must be equitable and in favor of the weaker groups.

Strengthening village institutions, participatory regulations, and government support are needed so that villages become active subjects of development, not just policy objects.

Reconstruction of Village Authority Norms

Normatively, villages are recognized in Article 18B paragraph (2) of the 1945 Constitution and Law No. 6 of 2014. But in practice, villages are often just an extension of the local government. Therefore, it is necessary to reconstruct norms so that villages really have substantive autonomy in managing local potential.

The example of the case of Wirogunan Village shows the importance of a new norm that:

1. Affirming the village as the legal subject who is authorized for natural resources and tourism.
2. Encourage community participation through Musdes.
3. Integrating the principles of social justice and environmental sustainability.
4. Formulation of Ideal Norms (Ius Constituendum)
 - a. Articles 1-3: Villages are recognized as limited sovereign local governments, subject to autonomous law that play a strategic role in the development and preservation of natural resources.
 - b. Articles 4-6: Villages are authorized to establish natural resources policies in a sustainable manner, involve the community, and ensure fair distribution of economic benefits.

The reconstruction of village values and norms of authority is important to strengthen village sovereignty, affirm its legal status in the constitutional system, and realize sustainable development that is in line with Pancasila values. Villages must be the main actors, not just the implementers of the central program, in managing local living spaces and wealth in a fair, ethical, and participatory manner.

Table 1. Table of Reconstruction of Village Authority in the Indonesian Constitutional System Based on Pancasila Justice Values

No	Article Reading	Debilitation	Proposal for Novelty Based on Pancasila Justice Values	Article Reads After Reconstructed
1	<p>Article 1 number 1, Law No. 6 of 2014</p> <p><i>A village is a legal community unit that has 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.</i></p>	<p>The definition does not emphasize aspects of ecological responsibility and the preservation of village natural resources</p>	<p>It is necessary to include the phrase: "including the obligation to maintain and manage natural resources in a sustainable manner with the values of Pancasila."</p>	<p>Article 1 number 1, Law No. 6 of 2014</p> <p><i>A village is a legal community unit that has territorial boundaries and is authorized to regulate and manage government affairs and the interests of the local community based on community initiatives, rights of origin, and/or traditional rights, including the obligation to maintain and manage village natural resources in a sustainable manner with Pancasila values.</i></p>
2	<p>Article 18 of Law No. 6 of 2014</p> <p><i>The village has authority based on:</i></p> <ul style="list-style-type: none"> <i>a) the right of origin;</i> <i>b) local authority at the village scale;</i> <i>c) Authority assigned by the government/local government;</i> <i>d) other authorities in accordance with regulations.</i> 	<p>The authority does not explicitly include the management of village natural resources and locally-based tourism</p>	<p>Further explanation: village authority includes the management of village natural resources, coastal/aquatic areas, and local tourism based on the value of social justice and community participation.</p>	<p>Article 18 of Law No. 6 of 2014</p> <p><i>The village has authority based on:</i></p> <ul style="list-style-type: none"> <i>a. right of origin;</i> <i>b. village-scale local authority which includes the management of village natural resources, coastal areas and waters, as well as the development of local tourism based on the values of social justice, sustainability, and community participation;</i> <i>c. authority given by the regency/city local government; and</i> <i>d. other authorities granted by laws and regulations.</i>
3	<p>Paragraph (1) Article 19 of Law No. 6 of 2014</p>	<p>It does not explicitly mention the management of village natural</p>	<p>The addition of an explanation that village development</p>	<p>Paragraph (1) Article 19 of Law No. 6 of 2014</p>

	<p><i>The authority of the village includes:</i> <i>a) village government,</i> <i>b) village development,</i> <i>c) community building,</i> <i>d) community empowerment.</i></p>	resources, tourism, and waters as part of development	includes environmental conservation, tourism management, and village natural resources in a sustainable manner	<p><i>(1) The authority of the village includes:</i> <i>a. Implementation of village government;</i> <i>b. implementation of village development which includes environmental conservation, village natural resource management, and sustainable development of local tourism;</i> <i>c. community development; and. community empowerment.</i></p>
4	<p>Paragraph (1) Article 87 of Law No. 6 of 2014</p> <p><i>(1) In order to increase the income of the community and village, a Village-Owned Enterprise can be formed hereinafter referred to as BUM Desa.</i></p>	It does not include the potential for optimal management of village and water tourism	Additional Article on the role of BUMDes in managing the potential of village tourism, aquatic products, people's ponds, and village forests in an inclusive and sustainable manner	<p>Article 87 A of Law No. 6 of 2014</p> <p><i>BUM Desa has a strategic role in:</i> <i>a. Managing and developing village tourism potential in a participatory and sustainable manner;</i> <i>b. Managing aquatic products, community ponds, and village forests with the principles of inclusivity and ecological justice;</i> <i>c. Improving community welfare through village economic empowerment based on local potential.</i></p>
5	<p>Article 14 paragraph (1) of Law No. 23 of 2014</p> <p><i>(1) The implementation of Government Affairs in the fields of forestry, marine, and energy</i></p>	Not giving space for villages in the management of local village waters and natural resources; Authority only in the province/district	It is necessary to revise/elaborate through the Regional Regulation or revision of the Law so that the village can be given the delegation of	<p>Article 14 paragraph (1) of Law No. 23 of 2014</p> <p><i>(1) The implementation of government affairs in the implementation of marine, forestry, energy and mineral resources, as well as tourism, can be</i></p>

<p><i>and mineral resources is divided between the Central and Provincial Governments.</i></p> <p><i>(2) Government affairs in the forestry sector as intended in paragraph (1) related to the management of district/city forest parks shall be the authority of the district/city region.</i></p> <p><i>(3) Government affairs in the field of energy and mineral resources as intended in paragraph (1) relating to oil and gas management shall be the authority of the Central Government</i></p>		<p>special authority in the management of local water areas and village natural resources</p>	<p><i>delegated authority specifically to the Village Government through local regulations, in order to encourage the management of natural resources and village waters in a participatory, fair, and sustainable manner based on the values of Pancasila.</i></p> <p><i>(2) Government affairs in the forestry sector as intended in paragraph (1) related to the management of district/city forest parks shall be the authority of the district/city region.</i></p> <p><i>(3) Government affairs in the field of energy and mineral resources as intended in paragraph (1) relating to oil and gas management shall be the authority of the Central Government</i></p>
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CONCLUSIONS AND RECOMMENDATIONS

Villages have a strategic position in the Indonesian constitutional system and are recognized through the 1945 Constitution and the Village Law. However, the disharmony of regulations with the Regional Government Law, weak coordination, and the tendency to recentralize hinder village autonomy. Inequality between villages and sub-districts, especially in natural resource management, indicates the need for regulatory reform based on the values of social justice and Pancasila. International comparisons show that Indonesia needs to strengthen village autonomy by emphasizing community participation, local wisdom, and asymmetric decentralization so that villages become subjects of sovereign and empowered development. It is necessary to harmonize the Village Law and the Regional Government Law to clarify the authority of the village constitutionally and administratively. Regulatory reforms also need to be carried out, such as the addition of articles related to the role of BUMDes in the management of natural resources in an inclusive and sustainable manner. In addition, the empowerment of village communities must be based on the rights of origin and local wisdom, as well as adopt decentralized practices from the federal state to strengthen village autonomy and participation in development.

ADVANCED RESEARCH

Further research can be focused on a comparative study of village autonomy in the federal state, an analysis of the harmonization of the Village Law and the Regional Government Law, an empirical study of the role of

BUMDes, and a study of community participation and local wisdom. In addition, it is necessary to reconstruct norms based on Pancasila values and social justice to strengthen the authority and independence of villages in the Indonesian constitutional system.

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