



# How are the dynamics of village regulations related to preserving local wisdom and community culture? Consistency in laws and regulations in Indonesia

Ardika Nurfurkon

Institut Pemerintahan Dalam Negeri, Sumedang, Indonesia

**Abstract:** Village regulations are often not consistent with higher laws and regulations, so some villages still face the dilemma of carrying out their role in maintaining local wisdom and community culture amidst the pressures and demands of increasingly complex times. This research aims to show the dynamics of village regulations, especially in maintaining the local wisdom and culture of village communities and their consistency in statutory regulations. This research uses a normative research method that studies relevant laws and regulations, including Law Number 6 of 2014 concerning Villages. Researchers found the strategic role of village regulations in preserving local wisdom and community culture, consistency in village regulations in statutory regulations and challenges to the existence of village regulations in supporting the preservation of local wisdom and village community culture. This is strengthened by the legitimacy regulated in Law Number 6 of 2014 concerning Villages, providing a strong legal basis for villages to regulate and carry out affairs that are beneficial to local communities.

**Keywords:** Village Regulations, Local Wisdom, Community Culture, Legislation

## 1. Introduction

Current general conditions show that village communities' local wisdom and culture face significant challenges in line with the development of globalization and modernization. This triggers changes in society's social and cultural order, which can cause the erosion of local wisdom values. Basically, local wisdom is a national asset that must be maintained and passed on to the next generation because it contains social norms, ethics and worldview values that can foster harmony in community life. In Indonesia, village regulations are increasingly developing, with Law Number 3 of 2024 concerning the Second Amendment and Law Number 6 of 2014 concerning Villages. In this context, although there has been a lot of research that discusses village regulations, this research discusses the dynamics of village regulations, especially in maintaining local wisdom and culture of village communities and their consistency in statutory regulations. The long history of village regulations in Indonesia means that clear and fair legal regulations are very necessary to support the sustainability and independence of villages, especially local wisdom and village community culture (Hadi, 2020).

Therefore, village regulations are an important instrument in efforts to protect and maintain these values. Effective village regulations can help realize village autonomy based on local wisdom, as explained by Arifin, (2024) in his writing regarding the role of administrative law in realizing village autonomy. Nevertheless, factual conditions in the field show that the implementation of village regulations is often not consistent with higher laws and regulations. Several villages still face dilemmas in carrying out their role as protectors of local wisdom amidst the pressures and demands of increasingly complex times. This challenge is demonstrated in the study of Rakhman & Lega, (2023) which highlights the importance of revitalizing local wisdom as playing a key role in preserving traditional practices as well as providing a foundation for the social and cultural sustainability of local communities.

### Correspondence:

Name: Ardika Nurfurkon

Email: ardika.nur@ipdn.ac.id

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Furthermore, drafting village regulations that are responsive to local wisdom also requires effective and participatory communication. As explained by Indiyati et al., (2021), a good communication process in developing village regulations for sustainable tourism development requires the active involvement of all stakeholders. This includes how village communities understand and redefine local wisdom values in an ever-changing global context. In this way, the regulations drafted not only function administratively but also accommodate local wisdom as the main basis for village policy-making.

In practice, village regulations that protect local wisdom are expected to be in harmony with national laws and regulations, so as not to result in overlapping policies or legal conflicts. Febrianty et al., (2023) emphasized the importance of clarity and coordination in establishing regional regulations to protect local wisdom. This is vital so that villages can carry out their role without conflicting with more general laws at the national level.

Considering the importance of village regulations in the context of local wisdom, Darmawan & Sancaya, (2024) in a case study of a traditional village illustrate how culture-based village management can provide an example of implementing regulations that align with local principles. This study shows that support from all levels of society, from traditional leaders to village governments, is very important in formulating policies that are adaptive to change but still adhere to local cultural roots.

Filmon Mikson Polin, (2024) research highlights the role of local wisdom in village governance. It emphasizes that village management based on local wisdom can create more harmonious and effective governance. This study emphasizes that integrating local wisdom in village regulations involves formal aspects of law and strengthening social capital through the recognition and preservation of existing cultural values.

Therefore, this research examines how village regulations maintain the local wisdom and culture of village communities and ensure their consistency with statutory regulations. The focus will include an analysis of village regulations to maintain the continuity of culture and local identity of village communities facing the challenges of modernization.

## 2. Materials and Methods

The research method used in this research is normative legal research (Rosidi et al., 2024), which aims to analyze and explore the position and consistency of village regulations in maintaining local wisdom and community culture. This research will study relevant laws and regulations, including Law of the Republic of Indonesia Number 6 of 2014 concerning Villages and its implementing regulations. By analyzing applicable legal norms, this research will identify the extent to which village regulations can be implemented in the context of preserving local wisdom, as well as whether there is harmony between village regulations and higher regulations in the Indonesian legal system (Fauzan & Hasanah, 2019; Sukimin et al., 2023).

In conducting research, researchers will collect and analyze various legal documents consisting of laws and other relevant legal sources through secondary data consisting of scientific materials such as journals, books, statutory regulations and other secondary sources. This document will be analyzed critically to explore the concepts, principles and legal norms that regulate the role of village regulations in the context of local wisdom and community culture. This approach is characterized by a descriptive study, where researchers will evaluate how village regulations reflect local and cultural values through a legislative process that involves village community participation (Fandi et al., 2024; Mar'ah et al., 2022).

Furthermore, this research will also consider aspects of constitutionality and legal relevance by considering the results of previous research which shows challenges in implementing village regulations. Research by Sukimin et al. shows that there is ambiguity in the position of village regulations in the hierarchy of statutory regulations, which can result in uncertainty about the legal consequences of these regulations (Sukimin et al.,

2023). By analyzing these regulations, it is hoped that this research can provide recommendations regarding strengthening the position of village regulations to encourage the preservation of local wisdom amidst the dynamic development of regulations and the challenges of modernization in Indonesian society (Hidayati, 2017; Wuisang, 2018).

### 3. Results and Discussion

#### 3.1. Village Regulations

Village regulations play an important role in preserving local wisdom and community culture. Effective village regulations can support village autonomy rooted in local wisdom (Arifin, 2024). Village Regulations (Perdes) function as a tool to gather local wisdom and community culture in decision-making at the village level. This is reflected in the village community's ability to formulate rules by existing values and traditions. According to Mahmuda and Darmawan, villages as local government organizations have the authority to formulate and decide on public policies in the form of Village Regulations, which must reflect the needs and interests of local communities (Mahmuda & Darmawan, 2022). This shows that active community participation can integrate local wisdom into official regulations.

#### 3.2. Status of Village Regulations in Legislation

In the context of legal position, Sukimin et al. revealed that village regulations do not have a clear place in the legal hierarchy in Indonesia, which causes uncertainty in testing their constitutionality (Sukimin et al., 2023). Wuisang emphasized that since the enactment of Law no. 12 of 2011 concerning the Formation of Legislative Regulations, village regulations' legal position should be reviewed to ensure their relevance to higher regulations (Wuisang, 2018). In addition, Simamora et al. stated the importance of understanding the changes faced by Village-Owned Enterprises (BUM Desa) as the impact of new regulations, which illustrate the legal dynamics involving village regulations in policy formation at the village level (Simamora et al., 2022).

Furthermore, research by Juang shows that supervision and guidance of sub-district heads need to be improved to align with existing regulations, including in the context of village regulations (Juang, 2023). This research highlights the importance of supervision in ensuring that village regulations are implemented effectively in implementing village development. In addition, research related to rights of origin in village autonomy provides an illustration of how the implementation of authority in village government is unclear (Asrinaldi & Yoserizal, 2013). This shows the need for policy revisions and institutional strengthening so that village regulations can be more effective.

Rakhman & Lega, (2023) highlight the importance of revitalizing local wisdom as a basis for local social and cultural sustainability, indicating that without this revitalization, traditional values will be increasingly eroded by the flow of modernization. Indiyati et al., (2021) emphasize that a participatory communication process is the key to success in drafting village regulations, especially in the context of sustainable tourism development. Febrianty et al., (2023) underlines the importance of clarity and coordination between village regulations and national legislation to avoid overlap and legal conflicts.

A case study by Darmawan & Sancaya, (2024) in a traditional village shows how culture-based management can be in harmony with local regulations, rooted in support from all levels of society. Filmon Mikson Polin, (2024) states that the integration of local wisdom in village governance can create a more harmonious and effective village government.

Furthermore, navigating between customary law and positive law is important in the context of village regulations. Nurhadiyanti stated that in making village regulations, community participation is the basis for ensuring that norms recognized by local communities are maintained in the village legislative process (Nurhadiyanti, 2022). This is in line with the views of Fauzan and Hasanah, who emphasize that the existence of the Village Law provides recognition of local communities and their traditional rights, especially in the context of cultural preservation (Fauzan & Hasanah, 2019).

This effort also aims to strengthen the village's cultural and socio-cultural identity. Community empowerment activities through training and mentoring also significantly impact village development based on local wisdom. Jubaedah and Fajarianto show that developing tourist villages based on local wisdom boosts the community's economy and preserves local traditions and culture (Jubaedah & Fajarianto, 2021).

In addition, research by Rahmasari et al. shows that clear regulation of customary law in village government is very important to strengthen the implementation of Village Regulations that align with local culture (Rahmasari et al., 2023). Compatibility between local wisdom and legal structures is the key to facing challenges in modernization and globalization, which can threaten the authenticity of local culture. Village regulations as a legal instrument are to regulate and provide space for the community to practice local wisdom. This was explained by Alam et al., who underlined the importance of collaboration between the community and government officials in formulating regulations oriented to local potential and cultural wisdom (Alam et al., 2023). With this approach, Village Regulations can become a bridge in maintaining and developing local culture amidst the ongoing flow of change.

### ***3.3. The Strategic Role of Village Regulations in Preserving Local Wisdom and Community Culture***

#### **a. The importance of Village Regulations in preserving Local Wisdom**

When linked to the basis for the formation of statutory regulations, the local wisdom approach places a sociological foundation as the core of local wisdom values that develop in society. According to Syaokani & Thohari, (2008), if the law is built without paying attention to harmony with the spiritual structure or values of society, then society will likely strongly reject or resist it.

Village regulations have an important role in preserving local wisdom and community culture. Villages can formulate policies that integrate the cultural values and traditions of local communities into the legal framework. The implementation of a local culture-based model in children's education at an early level shows success in fostering a love of local wisdom (Tanfidiyah, 2023). This reflects the importance of Village Regulations as instruments that guide communities to appreciate better and preserve their own culture.

Law Number 6 of 2014 concerning Villages stipulates that Village Regulations have a legal position and are recognized in the Indonesian legal system. Article 18 of Law 6 of 2014 states that Village Authority includes authority in the field of administering Village Government, implementing Village Development, developing Village community, and empowering Village communities based on community initiatives, rights of origin and village customs so that villages have the right to regulate and implement government affairs and community interests through Village Regulations. This shows legitimacy and authority for the village to make regulations that benefit the local community. Research by Hudaya and Triadi shows that Village Regulations must prioritize community rights and protect their interests in their formation (Hudaya & Triadi, 2024). With this article, the Village Regulation can become an effective tool in maintaining and preserving local wisdom and meeting the community's specific needs.

In Article 19 and Article 103 of Law Number 6 of 2014 concerning Villages, it is stated that villages and traditional villages have four authorities, namely as follows: (1) Authority based on rights of origin. (2) Village scale local authority. (3) Authority assigned by the government, provincial, regional government, or district/city regional government; (4) Other authorities assigned by the government, provincial, regional government, or district/city regional government following the provisions of statutory regulations. With authority derived from the rights of origin and village-scale local authority, villages have the right to regulate and administer various matters, as regulated in Article 20 of Law Number 6 of 2014 concerning Villages. Both ordinary and traditional villages have the authority to establish and implement rules (regulations) regarding permitted and prohibited matters, binding on all relevant parties. In addition, villages are

responsible for planning, budgeting and implementing development or service activities, as well as resolving problems that arise (Silahuddin, 2015).

b. The existence of cultural rights for village communities

Article 67 of Law Number 6 of 2014 concerning Villages confirms that villages have the right to regulate and manage the community's interests based on the rights of origin, customs and socio-cultural values of the village community; establish and manage village institutions, and obtain sources of income. On the other hand, village communities have the right to request and receive information from the village government and supervise the implementation of village government, village development programs, community development, and efforts to empower village communities. They also have the right to receive equal and fair services from the village government.

According to research by Bunga, Village Regulations result from a legislative process by the Village Consultative Body (BPD) and the Village Head, which aims to meet the needs of local communities (Sakti & Lalu M. Dul Rifai, 2023). In preserving local wisdom and community culture, Village Regulations are an important instrument that regulates various aspects of village community life, including traditions, customs and local potential. Through this arrangement, the Village Regulation creates conditions conducive to preserving local wisdom amidst the development of diverse communities.

One form of implementing local-scale authority in villages is issuing village regulations. The aim is to create an order of life for village communities based on customs and noble values that live, grow and develop in the village as a unified legal community. Apart from that, this village regulation also aims to encourage village community initiative in solving problems independently, without closing themselves off to developments and dynamics of society, technology and culture originating from outside the village environment (Sukimin et al., 2023).

c. Consistency of Village Regulations with Legislative Regulations

The existence of laws governing villages and village regulations must be consistent with higher regulations, such as Law Number 6 of 2014 concerning Villages. The preparation of village regulations is technically regulated in Minister of Home Affairs Regulation (Permendagri) Number 111 of 2014 concerning Technical Guidelines for Village Regulation. Minister of Home Affairs Regulation Number 111 of 2014 provides technical guidelines for village governments in compiling, establishing and implementing village regulations. This regulation emphasizes participation, transparency, accountability and conformity with higher regulations. The process of drafting village regulations involves identifying needs, drafting a text, discussing with the Village Consultative Body (BPD) and the community, and determining by the village head. Apart from that, this Permendagri also regulates evaluation and monitoring mechanisms to ensure the effectiveness of implementing village regulations. However, implementation is often hampered by limited human resource capacity, budget and coordination with local governments. To optimize the implementation of this Permendagri, efforts are needed to increase the capacity of village officials through training and mentoring and increase community participation in the process of drafting village regulations. Regional governments must also ensure adequate budget allocation to support drafting and socializing village regulations.

Village regulations are recognized juridically in the legal hierarchy, so village governments need to understand and adapt local policies to higher regulations (Sukimin et al., 2023). This conformity is useful for legal certainty and encouraging the effective preservation of local wisdom. Ambiguity in the legal position can hinder the implementation of village regulations oriented towards cultural preservation (Sukimin et al., 2023). Even though the legal status of village regulations is listed in the hierarchy of statutory regulations as another type of statutory regulation, this is not a problem normatively. The existence of village regulations in Law Number 6 of 2014 gives attributive authority to

villages to form Village Regulations. Thus, village regulations have juridical binding power because they obtain the attribution of authority from Law Number 6 of 2014.

In implementing and forming Village Regulations, certain principles must be adhered to, such as the principle of participation and the principle of transparency. Neyasyah stated that the juridical validity of Village Regulations is seen from the perspective of formal institutional principles that require community involvement in making these regulations (Neyasyah, 2019). This involvement aspect is very important because it can ensure that local wisdom and community culture are integrated with every village regulation produced. In addition, the importance of consistency between Village Regulations and higher laws and regulations is regulated in Law No. 6 of 2014 in Article 69, paragraph 2, which states that every Village Regulation must not conflict with national and regional policies. Integrating village regulations into the statutory hierarchy helps clarify their position and increase legal resilience in preserving local wisdom (Nasution et al., 2023). Thus, Village Regulations not only function to maintain local culture but also operate within a broader legal framework.

Article 8 paragraph (1) Law no. 12 of 2011 states that Village Regulations are another type of Legislative Regulation apart from the established hierarchy of statutory regulations so that they are one type of legal product determined by the Village Head after being discussed and agreed upon with the Village Consultative Body (BPD). This shows the importance of village regulations in the deliberation process, which should reflect the aspirations of the village community. According to an analysis by Bunga, the important role of the BPD as an institution that supervises and participates in the drafting of village regulations can increase the legitimacy and effectiveness of village policies (Sakti & Lalu M. Dul Rifai, 2023). This process ensures that the Village Regulation is an administrative product and a participatory instrument that creates transparency in village management.

Article 96 Law no. 12 of 2011 regulates community participation which must be carried out before the enactment of the Village Regulation. Therefore, village regulations must first be consulted with the community in the village so that the community has the right to provide input or criticism of the regulations that will be established. This is important to ensure that local wisdom and community cultural values are reflected in village regulations. Community participation in forming Village Regulations can help identify relevant and local issues and encourage community awareness of applicable regulations (Noniarti et al., 2023).

d. Challenges The existence of village regulations supports the preservation of local wisdom and culture of village communities

Challenges in local culture preservation are often caused by a lack of community understanding and government support in the effective implementation of village regulations (Sobian et al., 2021). In addition, research by Hidayati shows that the value of local wisdom in resource management has faded due to a lack of attention to regulation implementation (Hidayati, 2017). Therefore, synergistic efforts between the community, village government, village council and other relevant institutions are needed to ensure that local wisdom is maintained and supported by strong village regulations.

Challenges in preserving local culture are often caused by a lack of community understanding and government support for effectively implementing village regulations. Therefore, synergistic efforts between the community, village government, and other related institutions are necessary to ensure that local wisdom is maintained and supported by strong legal regulations. By overcoming these challenges, village regulations can become an effective instrument in supporting the development and welfare of village communities while strengthening good and sustainable village governance.

#### 4. Conclusion

This research explores the role of village regulations in protecting and preserving local wisdom and its consistency with laws and regulations. The results show that village regulations are important in preserving the local wisdom of the community. Village regulations enable the integration of local cultural values and traditions into the appli-

cable legal framework, thus significantly fostering appreciation of local wisdom. Researchers found the strategic role of village regulations in preserving local wisdom and community culture, the consistency of village regulations in legislation and the challenges of the existence of village regulations in supporting the preservation of local wisdom and culture of village communities. By overcoming the challenges, policy recommendations regarding synergy between the community, village government, village council and other related institutions are needed to ensure that local wisdom is maintained and supported by strong village regulations. This is reinforced by the legitimacy stipulated in Law No. 6/2014 on Villages, providing a strong legal foundation for villages to organize and implement affairs that benefit the village community.

In addition, this research is expected to contribute to village governments in Indonesia in good and sustainable governance. Apart from that, researchers realize the limitations of this article, which is only analyzed normatively through secondary data, namely scientific materials such as journals, books, laws and regulations, and other secondary sources. Future research should focus on the substance of village regulations associated with local wisdom empirically in the field, or comparisons between countries, especially the quality of village regulations in Indonesia with other countries, and focus on finding a more complex relationship between village regulations and their impact on village sustainability in a broader context. Although this research is limited, the researcher believes that this research contributes to the treasure of knowledge in the field of law and village governance.

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