



Challenges in Drafting Village Regulations in Nggawia Village

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Abstract: Village Regulations (Perdes) are important legal instruments in the administration of village governance because they function as the legal basis for regulating village community life. This study aims to analyze the stages of forming Village Regulations based on statutory provisions and to examine the obstacles faced by the Village Government and the Village Consultative Body (BADAN PERMUSYAWARATAN DESA (BPD)) in the drafting process in Nggawia Village, Tojo Barat Subdistrict, Tojo Una-Una Regency. This research employs an empirical juridical legal research method with a sociological approach. Data were collected through interviews, field observations, and document studies, and were analyzed using descriptive qualitative analysis. The results show that, normatively, the stages in the establishment of village regulations has been systematically regulated in Law Number 6 of 2014 on Villages and Minister of Home Affairs Regulation Number 111 of 2014, which include the stages of planning, drafting, discussion, enactment, promulgation, and dissemination. However, in practice in Nggawia Village, this process has not been carried out optimally. Internal constraints include the limited legal understanding and technical competence of village officials and Badan Permusyawaratan Desa (BPD) members, as well as the high turnover of village apparatus. External constraints include the suboptimal guidance, assistance, and supervision from the regional government, limited technical facilitation, and low levels of community participation. These conditions have affected the quality and quantity of Village Regulations produced. This study recommends strengthening the capacity of village officials, enhancing the role of regional government guidance, and optimizing community participation in the promulgation of Village Regulations.

Keywords: Village Regulations; Village Governance; Empirical Juridical; Regulation Drafting; Community Participation

1. Introduction

Village Regulations (Perdes) are one of the legal instruments that play a strategic role in the administration of village governance. Perdes function as the legal basis for regulating village community life, covering aspects of governance, development, community development, and community empowerment. The existence of Perdes is crucial because they serve as guidelines for both the village government and the community in exercising their rights and obligations, as well as in realizing democratic and just village governance.

Normatively, the formulation of Perdes is regulated under the Regulation of the Minister of Home Affairs Number 111 of 2014 on Technical Guidelines for Village Regulations, which stipulates that Perdes are enacted by the head of the village jointly with the Badan Permusyawaratan Desa (BPD) through systematic and participatory procedures and in harmony with higher-level laws and regulations. The process of forming Perdes is not merely administrative, but also requires transparency, community participation, and the capacity of village officials to understand legislative drafting techniques (Bebhe, 2022).

However, in practice, the drafting of Perdes in many villages still encounters various problems. Common issues include low levels of community participation, limited legislative capacity of village officials and Badan Permusyawaratan Desa (BPD) members, and weak harmonization of Perdes with higher-level regulations (Idris et al., 2022; Pratiwi et al., 2025). These conditions potentially result in Perdes that are less responsive

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to community needs and ineffective in their implementation.

These problems are also found in Nggawia Village, Tojo Barat Subdistrict, Tojo Una-Una Regency, Central Sulawesi Province. Nggawia Village covers an area of 2,278.80 hectares with a population of 1,189 people, the majority of whom work as farmers and fishermen (Peraturan Desa Nggawia, 2025). The village is characterized by a predominantly rural economy, limited infrastructure, and relatively low levels of formal education, which directly affect patterns of community participation and access to legal information (Katayu, 2025). These socio-economic characteristics make Nggawia Village a relevant and strategic research location, because the effectiveness of participatory regulation making is strongly influenced by the capacity of the community and village institutions.

Low community participation and limited capacity of village officials are important factors affecting the quality of Perdes produced (Irwansyah, 2025). In fact, community participation is a fundamental element in the formation of Perdes. In addition, the governance context of Nggawia Village shows specific challenges, namely the limited technical understanding of legislative drafting among village officials and BPD members, combined with minimal institutional mechanisms to encourage public involvement in the formulation of Perdes. This condition does not only reflect general obstacles found in other villages, but also illustrates a more complex interaction between socio-economic vulnerability, institutional capacity, and the implementation of participatory norms in village regulation-making.

The research gap of this study lies in its focus on Nggawia Village as a case that integrates socio-economic characteristics with an analysis of the procedural conformity of Perdes drafting. Previous studies largely emphasize general obstacles, such as low capacity or weak participation, without deeply examining how local socio-economic conditions and village governance structures simultaneously shape the Perdes drafting process. This study therefore specifically analyzes: (1) the extent to which the stages of drafting Perdes in Nggawia Village conform to statutory provisions, and (2) how socio-economic factors and governance capacity uniquely influence the effectiveness of participatory and legally compliant Perdes formulation.

Accordingly, this research is important to provide a more contextualized understanding of Perdes drafting at the village level. It is expected to contribute theoretically to the development of village governance law studies and practically to serve as evaluative input for village governments in improving the quality of Village Regulation drafting in the future.

2. Materials and Methods

This study is an empirical juridical legal research that examines law not only as a set of norms, but also as a reality that operates within society (law in action) (Sukmawan & Damayanti, 2025). The research focuses on the process of drafting Village Regulations in Nggawia Village and the obstacles faced by the village government and Badan Permusyawaratan Desa (BPD). The approach employed is a sociological legal approach, which analyzes the relationship between legal provisions and social practices in the promulgation of Village Regulations.

The data sources in this study consist of primary and secondary data. Primary data were obtained through field research using interview and observation techniques, conducted with the Head of Nggawia Village, the Village Secretary, members of the Badan Permusyawaratan Desa (BPD), and village community members considered relevant to the research objectives. Secondary data include primary legal materials such as Law Number 6 of 2014 on Villages, Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 on Villages, Regulation of the Minister of Home Affairs Number 111 of 2014 on Technical Guidelines for Village Regulations, as well as Village Regulations formally promulgated in Nggawia Village. In addition, secondary legal materials in the form of legal books and journals were used to strengthen the theoretical foundation of the research.

Data were collected through in-depth interviews, field observations, and document studies of statutory regulations and Village Regulation documents. The collected data were then analyzed using descriptive qualitative analysis by organizing, interpreting, and relating the field findings to the applicable legal provisions. The results of the analysis are presented in a narrative-argumentative form to comprehensively elaborate on the stages of Village Regulation development and the obstacles encountered, in order to address the research questions.

3. Results and Discussion

3.1. Stages of Village Regulation Formation According to Statutory Provisions

Law Number 6 of 2014 on Villages constitutes the primary and most comprehensive legal basis for the administration of village governance, including the authority to enact Village Regulations (Peraturan Menteri Dalam Negeri Nomor 111 Tahun 2014 Tentang Pedoman Teknis Peraturan Di Desa, 2014). Key provisions of the Village Law outline the scope of village authority in various fields, such as village governance administration, village development implementation, community development, and community empowerment. These provisions provide a legal mandate for villages to issue regulations within these domains (Ladiku, 2021; Akhmaddhian, 2020). This law clearly defines the roles and responsibilities of the Village Head as the chief executive of village government and Badan Permusyawaratan Desa (BPD) as the village legislative body, both of which play central roles in the process of forming Village Regulations (Lindawaty, 2023; Mar'ah et al., 2022).

Regulation of the Minister of Home Affairs Number 111 of 2014 serves as the main implementing regulation that provides technical guidelines and detailed procedures for the drafting, enactment, and dissemination of Village Regulations. This regulation carefully outlines each stage of the Village Regulation formation process, including planning, drafting (specifying the roles of the Village Head and the Badan Permusyawaratan Desa (BPD)), public consultation, deliberation and agreement between the Village Head and the Badan Permusyawaratan Desa (BPD), enactment by the head of the village, promulgation by the Village Secretary, dissemination to the community, and evaluation (Maulana, 2025; Selan et al., 2023).

Minister of Home Affairs Regulation Number 111 of 2014 emphasizes the importance of community participation and mandates public consultation as an integral part of the drafting process, ensuring that Village Regulations reflect the needs and aspirations of local communities. This regulation functions as a practical roadmap for village regulation-making, translating the broad legal principles of the Village Law into concrete steps and procedures that must be followed by village governments. Its emphasis on technical aspects and community involvement is crucial to ensuring the quality and legitimacy of Village Regulations. The stages of Village Regulation formation according to Minister of Home Affairs Regulation Number 111 of 2014 are as follows:

a. Planning (Article 5 of Regulation of the Minister of Home Affairs No. 111 of 2014)

The process of drafting a Village Regulation usually begins with the identification of the need for a regulation, often initiated by the head of the village, Badan Permusyawaratan Desa (BPD), or based on community proposals. The planning stage involves the inclusion of the draft Village Regulation included in the village government's annual program of activities (Village Government Work Plan/RKP Desa), which is jointly determined by the head of the village and the Badan Permusyawaratan Desa (BPD) (Harpinsyah & Maryanti, 2023).

The formation of a dedicated working team is often the first practical step, tasked with overseeing the entire drafting process. This team may consist of village officials, Badan Permusyawaratan Desa (BPD) members, and community representatives. A detailed work plan is then prepared, outlining stages, timelines, responsibilities, and required resources for the formulation of the Village Regulation (Apriyen & Faridah, 2025).

It is also essential at this stage to collect relevant village profile data (geographical, demographic, and socio-economic) to ensure that the proposed regulation is evidence-based and tailored to the specific village context (Aisyah et al., 2025).

b. Drafting of Village Regulations

1) Initiated by the Village Government (Article 6 of Regulation of the Minister of Home Affairs No. 111 of 2014)

Article 6 consists of several paragraphs that outline the stages of drafting Village Regulations proposed by the village government: (a) Paragraph (1) states that the drafting of Village Regulation bills is proposed by the village government. This affirms that the Village Head, as head of the village government, has the right of initiative to propose and preliminary Village Regulation, ensuring that administrative needs and village development programs can be regulated through formal legal instruments. (b) Paragraph (2) provides that drafted Village Regulation bills is required to be discussed with the village community and may additionally be consulted with the subdistrict head (camat) to gather feedback. This paragraph emphasizes the importance of community participation in the promulgation of Village Regulations and allows consultation with the subdistrict authority to ensure alignment with higher-level regulations and to obtain technical guidance. (c) Paragraph (3) specifies that consultations should prioritize community members or groups directly linked to the regulatory substance, promoting effective and targeted participation. (d) Paragraph (4) states that community and sub-district inputs must be employed by the village government to take further action and refine the draft regulation. This confirms that consultation is substantive, not merely procedural. (e) Paragraph (5) explains that the consulted and refined draft is then by the head of the village to the Badan Permasyarakatan Desa (BPD) for joint deliberation and approval. This stage represents the core of the village legislative process.

2) Initiated by the Village Consultative Body (Article 7 of Regulation of the Minister of Home Affairs No. 111 of 2014)

Article 7 regulates the mechanism for proposing Village Regulation drafts initiated by the BADAN PERMUSYAWARATAN DESA (BPD): (a) Paragraph (1) states that draft Village Regulations initiated by the Badan Permasyarakatan Desa may be formally proposed by members of the Badan Permasyarakatan Desa (BPD) to the Badan Permasyarakatan Desa (BPD) leadership and subsequently designated as Badan Permasyarakatan Desa (BPD) initiated drafts. (b) Paragraph (2) outlines exceptions, whereby certain types of Village Regulations particularly those concerning the village budget, accountability reports, and technical administrative matters generally fall under the authority of the Village Head and cannot be initiated by the Badan Permasyarakatan Desa (BPD).

3) Discussion of Village Regulations (Articles 8, 9, and 10 of Regulation of the Minister of Home Affairs No. 111 of 2014)

Article 8 regulates the detailed process of discussing Village Regulation drafts between the Village Head and the Badan Permasyarakatan Desa (BPD): (a) Paragraph (1) states that drafts proposed by the village government and/or the Badan Permasyarakatan Desa (BPD) are jointly discussed by the head of the village and the Badan Permasyarakatan Desa (BPD), emphasizing deliberation and consensus. (b) Paragraph (2) stipulates that such discussions are conducted through Badan Permasyarakatan Desa (BPD) deliberation forums. (c) Paragraph (3) allows the Village Head to involve village officials and/or community elements in the discussion process. (d) Paragraph (4) provides that if no agreement is reached, the draft is returned for revision. (e) Paragraph (5) requires that revised drafts be resubmitted for further deliberation.

Once a draft is finalized and agreed upon, the Badan Permasyarakatan Desa (BPD) leadership formally submits it to the Village Head for enactment within a maximum of seven days (Rizki et al., 2022).

- 4) Enactment and Promulgation (Articles 11 and 12 of Regulation of the Minister of Home Affairs No. 111 of 2014)

Article 11 regulates the enactment of agreed Village Regulations. After the draft is jointly approved, it must be signed by the head of the village and forwarded to the Village Secretary for promulgation.

If the Village Head fails to sign the draft within a maximum of fifteen days, the regulation must still be promulgated in the Village Gazette and is legally valid as a Village Regulation (Makaruku et al., 2024).

- 5) Dissemination (Article 13 of Regulation of the Minister of Home Affairs No. 111 of 2014)

Article 13 requires the Village Head to submit promulgated Village Regulations reported to the Regent/Mayor through the intermediary of the Subdistrict Head within seven working days for evaluation or clarification.

The village government and the Badan Permusyawaratan Desa (BPD) share responsibility for disseminating information regarding newly enacted Village Regulations to the community. Ideally, dissemination begins at the early planning stage. Its primary purpose is to ensure that all villagers are informed about the content and implications of new regulations (Saputra & Rosshad, 2025).

3.2 Obstacles Faced by the Village Government and the Badan Permusyawaratan Desa (BPD) of Nggawia Village in the promulgation of Village Regulation

Nggawia Village is one of the villages located in Tojo Barat Subdistrict, Tojo Una-Una Regency, Central Sulawesi Province. The village covers an area of approximately 22.78 km², consisting of agricultural land, residential areas, and green zones. Geographically, Nggawia Village is bordered by Tomini Bay to the north, Tombiano Village to the east, mountainous/forest areas to the south, and Ujungtibu Village to the west.

The population of Nggawia Village is approximately 1,189 people, consisting of 621 males and 568 females, with a total of 199 households. The main livelihoods of the villagers are in the agricultural sector, particularly coconut, cocoa, and durian farming. In addition, some residents work in fisheries and self-employment. The village is characterized by strong kinship ties and a high spirit of mutual cooperation (gotong royong).

Nggawia Village is led by a Village Head, assisted by village officials consisting of a Village Secretary, Heads of Affairs, and Hamlet Heads. Village institutions such as the Village Consultative Body (BPD), Village Community Empowerment Institution (LPMD), PKK, and Karang Taruna are actively involved in social and development activities. Development programs in Nggawia Village focus on improving road infrastructure, developing educational and health facilities, and promoting a creative economy based on local potential. Based on field research conducted in Nggawia Village, several internal and external obstacles were identified in the formation of Village Regulations.:

a. Internal Constraint

- 1) Limited Legal Understanding of Village Apparatus

“Regarding legal understanding, there are still some village officials who do not understand the regulations on drafting village regulations.” (Statement of the Head of Nggawia Village, Mr. Muhajir Djaati, interview, Friday, 16 May 2025)

“There are still BADAN PERMUSYAWARATAN DESA (BPD) members who do not understand the legal aspects of drafting village regulations, especially the new Badan Permusyawaratan Desa (BPD) members.” (Statement of Badan Permusyawaratan Desa (BPD) member, Mr. Budiman Siparante, interview, Sunday, 18 May 2025)

Interview results indicate that many village officials, both in the village government and the Badan Permusyawaratan Desa (BPD), have limited understanding of the legal basis for drafting Village Regulations. Many experience difficulties in identifying relevant provisions in Law Number 6 of 2014 and Minister of Home Affairs Regulation Number 111 of 2014. For example, confusion persists regarding the time limits for evaluation of Village Regulations by the Regent/Mayor and the distinction between Village Regulations, Village Head Regulations, and Joint Village Head Regulations. This limitation makes the resulting Village Regulations vulnerable to procedural and substantive errors or even non-compliance with legislative drafting principles (Neta et al., 2024; Rido, 2020).

From a juridical-theoretical perspective, this condition reflects the failure to internalize the principles of *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and hierarchical harmonization in the practice of Village Regulation drafting, which should be positioned as an integral part of the national legal system (Fadhli et al., 2021). Consequently, Village Regulations risk procedural and substantive defects (*gebrek van vorm* and *gebrek van inhoud*) and may lose their normative legitimacy and binding force due to non-compliance with principles of legal certainty, clarity of norms, and vertical and horizontal consistency as stipulated in Law Number 12 of 2011 and its amendments.

2) Limited Technical Competence in Drafting

“What often slows down the drafting process is formulating the wording of the regulation because we still lack understanding of how to legally express the substance of the Village Regulation.” (Statement of the Village Secretary, Mr. Iyan Ajan Sudjudillah, interview, Saturday, 24 May 2025)

Beyond legal understanding, village officials in Nggawia also face difficulties in technical drafting competence. They struggle to formulate precise legal language, avoid ambiguity, and construct systematic and coherent articles. The drafting process often depends on existing templates or external assistance, which are not always relevant to the local context, thereby reducing the originality and quality of the Village Regulations.

3) Impact of Frequent Turnover of Village Officials

“Frequent turnover of village officials is also an obstacle, partly because salaries are uncertain, so many leave to work in Morowali. As a result, we often have to start again from zero” (Statement of the Village Secretary, Mr. Iyan Ajan Sudjudillah, interview, Saturday, 24 May 2025)

Turnover of village heads, officials, or Badan Permusyawaratan Desa (BPD) members due to the end of terms or employment changes is often not accompanied by effective knowledge transfer. Institutional experience and accumulated knowledge are not well documented or adequately transferred to new officials, forcing them to relearn from the beginning. This condition hampers the drafting process and increases the risk of repeating similar mistakes.

b. External Constraints

1) Lack of Guidance and Supervision from Regency/Municipal Government

“During my three-year term, there has been no training from the regency on drafting village regulations” (Statement of the Head of Nggawia Village, Mr. Muhajir Djaati, interview, Friday, 16 May 2025)

The study found that the intensity and quality of guidance and supervision from the subdistrict and the Regency Office of Community and Village Empowerment remain suboptimal. Technical guidance and training are often incidental, unsustainable, limited in participant coverage, and insufficiently contextual. Supervision mechanisms across drafting stages from planning to promulgation are weak. Evaluation by the Regent/Mayor is often formalistic and conducted post-enactment rather than preventively. Higher-level governments have also not optimally facilitated village access to updated legal materials and good regulatory models.

2) Limited Technical Facilitation Support from External Actors

“We directly feel the lack of guidance from village facilitators, although we understand they handle many villages and must divide their time.” (Statement of the Head of Nggawia Village, Mr. Muhajir Djaati, interview, Friday, 16 May 2025).

Although village facilitators exist, their technical support in drafting Village Regulations remains limited. The number of facilitators is disproportionate to the number of villages assisted, and their competence in legal drafting is uneven. Villages remain dependent on third parties, such as consultants or certain organizations, which is neither sustainable nor cost-efficient. The absence of structured collaboration between villages and universities or legal practitioners further constrains technical assistance in drafting complex Village Regulations.

3) Minimal Community Participation and Social Control

“Community leaders are also less concerned with the process of village regulations, so there is no control over the legal products produced.” (Statement of former PMD section head of Tojo Barat Subdistrict, Mr. Bahrum Banyaguru, interview, Tuesday, 20 May 2025).

Beyond internal participation, community involvement and social control outside the formal village government structure remain minimal. The broader community lacks awareness of the importance of Village Regulations and their right to participate in drafting processes. Existing mechanisms for socialization and aspiration gathering have not effectively reached all community elements, weakening public oversight over village legal products.

4. Conclusions

Based on the research findings, it can be concluded that although the formation of Village Regulations (Perdes) has been normatively regulated under Law Number 6 of 2014 and Regulation of the Minister of Home Affairs Number 111 of 2014, its implementation in Nggawia Village has not yet functioned optimally. Internal constraints include the limited legislative capacity of village officials and Badan Permusyawaratan Desa (BPD) members, as well as high personnel turnover, which weaken institutional continuity. Externally, guidance, supervision, and technical support from regional authorities remain insufficient. These conditions have resulted in the limited quality and quantity of Perdes produced.

To address these issues, capacity-building should move beyond general training toward structured, practice-based programs. Priority measures include modular training over several months, focusing on legislative drafting techniques, harmonization of regulations, and participatory procedures, combined with mentoring during actual Perdes drafting. Clear outputs (such as compliant draft regulations and village drafting SOPs) and competency indicators (the ability to independently draft, consult, and harmonize Perdes) should be established. This study is limited by its single-village focus, a relatively small number of informants, and reliance on interview-based data. Future research should therefore prioritize multi-village comparative and longitudinal designs to better capture variations in village governance capacity and to assess long-term improvements in Perdes formulation.

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