Jurnal Saniri

Volume 7 Issue 1, November 2026: p. 48-60
E-ISSN: 2774-1850
https://fhukum.unpatti.ac.id/jurnal/saniri/
Jurnal Saniri : 10.47268/saniri.v7i1.4195

Responsibility of Regency/City-Level Local Governments in Guiding the Formulation of Village Regulations

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Abstract

Introduction: *Village regulations are a type of legislation serving as a formal legal instrument that governs administrative affairs—both those based on local, village-scale authority and those delegated by the regency/city, provincial, or central governments. However, the drafting of village regulations sometimes gives rise to legal issues, whether procedural or substantive in nature, often stemming from a limited understanding of the law among the Village Government and the Village Consultative Body (BPD). This situation warrants the attention of regency/city governments, which are tasked with providing guidance and oversight to village governments and the BPD—a responsibility mandated by Article 115 of Law No. 6 of 2014.*

Purposes of the Research: *To analyze how regency/city governments fulfill their responsibility to provide guidance to village administrations regarding the drafting of village regulations, and to examine the specific forms of support and oversight provided by regency/city governments in the legal development of these village regulations.*

Methods of the Research: *The method employed in this study is socio-legal research, which combines doctrinal legal research with empirical legal research.*

Results/Main Findings/Novelty/Originality of the Research: *The local governments of Central Maluku Regency and Ambon City have not yet provided guidance to village governments and Village Consultative Bodies (BPD) regarding the drafting of village regulations—a process that constitutes a component of legal development at the village level. The responsibilities of regency/city local governments in the drafting of village regulations include providing guidelines for the formulation of such regulations, conducting evaluations and oversight, and organizing education and training for village governments and BPDs. In practice, the local governments have limited their involvement solely to the evaluation and oversight of village regulations.*

Conclusion: *The local government must strengthen its role in village legal development by establishing clear guidelines for drafting village regulations and providing education and training for village governments and Village Consultative Bodies (BPD). These measures are essential to improving institutional capacity and ensuring the quality, legitimacy, and effectiveness of village regulations.*

Keywords: Responsibility, Local Government, Guidance/Development, Village Regulations.

Submitted: 2026-09-21 *Revised: 2026-10-22* *Accepted: 2026-11-15* *Published: 2026-11-16*

How To Cite: Yohanes Pattinasarany, Jantje Tjiptabudy, Michael Rolando Singkery. "Responsibility of Regency/City-Level Local Governments in Guiding the Formulation of Village Regulations". 2026. *Jurnal Saniri* 7(1): 48-60. https://doi.org/10.47268/saniri.v7i1.4195

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INTRODUCTION

Village regulations are a type of legislative instrument established by the village head following a process of deliberation and mutual agreement with the Village Consultative Body (Badan Permusyawaratan Desa, or BPD). These regulations serve as formal legal instruments for carrying out governmental affairs—both those falling under local, village-scale authority and those delegated by the regency/city, provincial, or central governments.

However, the formulation of village regulations sometimes gives rise to legal issues—whether procedural or substantive—often stemming from a lack of legal knowledge among the village government and the BPD. The process of establishing such regulations requires a sound understanding of the procedures and protocols mandated by the prevailing governance system. A current trend is that many of these regulations do not align with the actual conditions of the community.

Frequently, the village government and the BPD struggle to draft effective village regulations; even when they do produce them, the content or substance is often problematic. An exception to this is the village regulation concerning the Village Revenue and Expenditure Budget (Anggaran Pendapatan dan Belanja Desa, or APBDesa), for which a standardized format is already provided—leaving the village government only to input the relevant figures into the established template.

The village government and the Village Consultative Body (BPD) must possess the legal knowledge and competence to formalize the values that exist within the community—or sociological values—into sound village regulations, whether for the execution of local governance at the village level or for tasks delegated to the village. In other words, the creation of effective village regulations is inextricably linked to the duties and responsibilities of the village government and the BPD.

This situation warrants the attention of all stakeholders—particularly regency/city governments—who are tasked with providing guidance to village governments and the BPD. This responsibility arises from the authority granted to them to oversee and provide guidance regarding village regulations, as stipulated in Article 112, paragraph (1) of Law Number 6 of 2014 concerning Villages (hereinafter referred to as Law No. 6/2014), which mandates that the Central Government, Provincial Governments, and Regency/City Governments provide guidance and supervision for the administration of village governance. Furthermore, Article 115 (points b, e, and i) of Law No. 6/2014 specifies that the guidance and supervision to be carried out by regency/city governments—as referred to in Article 112, paragraph (1)—include: (b) providing guidelines for the drafting of village regulations and village head regulations; (e) evaluating and supervising village regulations; and (i) overseeing the provision of education and training for the village government, the Village Consultative Body (BPD), community organizations, and customary institutions.

Regency/City governments provide guidance to village governments and Village Consultative Bodies (BPD) in the drafting of village regulations, ensuring that such regulations do not conflict with higher-level legislation and/or the public interest, as stipulated in Article 69, paragraph (2) of Law No. 6 of 2014. Village regulations must be aligned with higher-level legislation and the public interest; this requirement serves as one of the fundamental principles for the formation of legislation in Indonesia.

The principles for the formation of legislation include: (a) clarity of purpose; (b) appropriate institutional authority or designated official for drafting; (c) consistency among the type, hierarchy, and substantive content; (d) implementability; (e) efficiency and effectiveness; (f) clarity of formulation; and (g) transparency. Furthermore, the substantive content of village regulations must also reflect the principles of: (a) protection; (b) humanity; (c) nationality; (d) familial spirit; (e) national unity (archipelagic perspective); (f) *Bhinneka Tunggal Ika* (unity in diversity); (g) justice; (h) equality before the law and in governance; (i) order and legal certainty; and/or (j) balance, harmony, and alignment.

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E-ISSN: 2774-1850
Published by: Faculty of Law, Universitas Pattimura

However, many village regulations that have been enacted remain problematic in terms of both technical aspects and substance; in some cases, they fail to address the actual legal needs within the village. Yet, villages require various regulations to serve as a legal basis for carrying out governance affairs—which fall under their authority—and to provide further elaboration on higher-level legislation. The authority of a village encompasses the administration of village governance, the implementation of village development, the fostering of community life, and the empowerment of the village community.

The existence of village regulations provides the legal foundation that legitimizes the actions of both the community and village government officials in managing affairs under the village's jurisdiction—a necessity stemming from Indonesia's status as a state governed by the rule of law. Village regulations function as legal instruments to grant, regulate, and limit the authority of village government officials, while also safeguarding the rights of community members. Furthermore, these regulations serve as a benchmark for determining the legitimacy of actions taken by village government officials and the community.

Granting authority to regency/city-level local governments to oversee the drafting of village regulations entails a responsibility for these local governments to provide guidance to the village administration and the Village Consultative Body (BPD). This ensures that the village regulations enacted effectively address matters within the village's authority, while remaining consistent with higher-level legislation and the public interest.

The regional governments of Central Maluku Regency and Ambon City are responsible for providing guidance to village governments and Village Consultative Bodies (BPD) regarding the drafting of village regulations. This ensures that each village within Central Maluku Regency and Ambon City is able to establish village regulations, which serve as the legal basis for carrying out the administrative affairs that fall under the village's authority.

Based on the above, the research problems can be formulated as follows:

1. Have the regional governments of the regency/city fulfilled their responsibility to provide guidance to village governments regarding the drafting of village regulations?
2. What form does the regional government's responsibility for providing guidance on the drafting of village regulations take?

METHODS OF THE RESEARCH

The method employed in this study is socio-legal research, which combines doctrinal legal research with empirical legal research. Doctrinal research involves conducting a literature review—identifying relevant legislation and gathering other data pertinent to the issue under investigation. This includes a normative research approach, which examines legal principles and norms concerning the responsibilities of the Central Maluku Regency local government in designating a Negeri (traditional village) as an Adat (customary) village.

RESULTS AND DISCUSSION

A. The Responsibility of the Central Maluku Regency Local Government in the Designation of a Negeri as an Adat Village.

1. Legal Basis for the Local Government's Responsibility in Facilitating the Establishment of Village Regulations.

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In carrying out their governmental responsibilities, public bodies, officials, or administrative authorities—including local and village governments—must operate based on a legal foundation established within statutory regulations. This is a necessary consequence of Indonesia's status as a rechtsstaat (a state governed by the rule of law), as stipulated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In a state governed by the rule of law—such as Indonesia—the law serves as the foundation, a guiding framework, and a benchmark for assessing the validity of any action or conduct undertaken by all legal subjects within the life of the state. Legal rules serve as guidelines for conduct and criteria for evaluation within the life of society, the nation, and the state. Legislation functions as a legal instrument to grant, regulate, limit, and guarantee the rights of citizens, while also serving as a benchmark to assess the validity of actions taken by members of society, the government, and state authorities.

Any action or conduct undertaken by members of society, the government, or state authorities must be based upon or guided by legal rules—whether written or unwritten. One form of written legal rule is legislation (statutory regulation). Legislation consists of written rules containing legal norms that are generally binding, established or enacted by state institutions or authorized officials through procedures prescribed by law.
Legislation assigns the responsibility to regency/city-level local governments to provide guidance in the drafting of village regulations. Regency/city local governments cannot carry out governmental actions—including providing guidance on the drafting of village regulations—without a legal basis that authorizes such actions. Legislation serves as the legal foundation that legitimizes the responsibility of regency/city local governments to provide guidance regarding the drafting of village regulations.
Article 112, paragraph (1) of Law No. 6 of 2014 stipulates that the Central Government, provincial-level local governments, and regency/city-level local governments are responsible for providing guidance and supervision over the administration of village governance. In accordance with this provision, Article 115 of Law No. 6 of 2014 further specifies that the guidance and supervision to be carried out by regency/city-level local governments—as referred to in Article 112, paragraph (1)—encompass the following:

a. provide guidelines for the implementation of tasks delegated by the Regency/City government to the Village;
b. provide guidelines for the drafting of Village Regulations and Village Head Regulations;
c. provide guidelines for the preparation of participatory development planning;
d. facilitate the administration of Village Government;
e. evaluate and oversee Village Regulations;
f. determine the allocation of balancing funds for the Village;
g. supervise the management of Village finances and the utilization of Village assets
h. provide guidance and supervision for the administration of Village government;
i. organize education and training for the Village Government, the Village Consultative Body, community organizations, and customary institutions;
j. grant awards for achievements in the administration of Village government, the Village Consultative Body, community organizations, and customary institutions;
k. undertake efforts to accelerate rural development;
l. undertake efforts to accelerate Village development through financial assistance, advisory support, and technical assistance;

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m. enhance the capacity of Village-Owned Enterprises (BUMDesa) and inter-village cooperation institutions; and
n. impose sanctions for any irregularities committed by the Village Head, in accordance with the provisions of prevailing laws and regulations.

Based on the aforementioned provisions, the Regency/City government bears several responsibilities, including providing guidance on the formulation of Village Regulations—as stipulated in points (b), (e), and (i)—which entails providing guidelines for drafting Village Regulations and Village Head Regulations, evaluating and overseeing Village Regulations, and organizing education and training for the Village Government and the Village Consultative Body. Furthermore, under Law Number 23 of 2014 concerning Regional Government—as most recently amended by Law Number 9 of 2015—regional governments are authorized to provide guidance and oversight regarding the administration of village governance, including the development of village-level regulations.

The aforementioned provisions serve as the legal basis for the responsibility of regency/city-level local governments to provide guidance on the drafting of village regulations. A fundamental principle in a state governed by the rule of law is that every government action must be grounded in applicable legal regulations; this extends to the actions of regency/city local governments when providing guidance on the formulation of village regulations. In this context, "guidance" functions as a management process designed to implement desired policies, ensuring that the resulting village regulations are legally valid and capable of being executed in accordance with their intended purpose.

2. Local Government Guidance in the Drafting of Village Regulations.

The drafting of village regulations—which form part of the legislative framework governing village administration—must align with the values held by the community and reflect empirical social conditions. Furthermore, these regulations must not conflict with higher-level legislation or the public interest. This means that when village governments and the Village Consultative Body (BPD) draft village regulations, they must account for the norms and principles prevalent within the community, while ensuring no contradiction with higher-level laws or the public interest, as stipulated in Article 69, paragraph (2) of Law No. 6 of 2014.

"Higher-level legislation" refers to any legal instrument that holds a superior position or rank within the hierarchy of laws compared to a village regulation. The creation of village regulations constitutes the development of an interconnected system of norms. A higher-level legal norm serves as the foundation for the validity of the norms beneath it; in other words, legal norms are structured in a hierarchical, tiered, and interrelated fashion. Consequently, these norms must be consistent with one another and free from contradiction. As Hans Kelsen posited in his *Stufenbau des Rechts* (hierarchy of norms) theory, a legal system must be organized hierarchically, systematically, and consistently to prevent conflicts between norms. In practice, however, Indonesia frequently encounters overlapping regulations and conflicts between different legal instruments.

Within the hierarchy of laws and regulations in Indonesia, village regulations (peraturan desa) occupy the lowest tier. Although Article 7, paragraph (1) of Law No. 12 of 2011 does not explicitly include village regulations in the formal hierarchy, Article 8 of the same Law recognizes them as a type of legislation that holds legal force, provided they are authorized

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by higher-level laws and regulations. Various other provisions further establish the status of village regulations as a form of legislation at the village level.

Because village regulations are recognized as a type of legislation, their formulation—much like that of other laws and regulations—must not conflict with higher-level legislation or the public interest, either in terms of their substance or content. In other words, the creation of a village regulation must align with the established system of legal norms and principle.

A norm is a standard that an individual must observe in their interactions with others or their environment. The legal norms contained within a village regulation must not contradict the legal norms of higher-ranking legislation—whether in terms of form (procedural/formal aspects) or content (substantive aspects)—nor should they conflict with the public interest. The formation of any legislation, including village regulations, must satisfy various formal and substantive requirements, encompassing institutional aspects, foundational principles, and drafting techniques.

Furthermore, village regulations are prohibited from conflicting with the public interest. Actions that harm the public interest include those that: a. disrupt harmony among community members; b. impede access to public services; c. disturb public peace and order; or d. interfere with economic activities that support the welfare of the village community. ...discrimination based on ethnicity, religion and belief, race, intergroup relations, or gender. As part of the national legal system, village regulations cannot stand alone; they must adhere to the principles of sound legislative drafting.

Regency/City governments are tasked with providing guidance on the formulation of village regulations to ensure that those drafted by the village government and the Village Consultative Body (BPD) do not conflict with higher-level legislation or the public interest, as stipulated in Article 69, paragraph (2) of Law No. 6 of 2014. This serves as the basis for Regency/City governments to provide guidance to village governments and the BPD in the creation of village regulations.

Legal knowledge among village governments and Village Consultative Bodies (BPD) regarding the drafting of village regulations is crucial for ensuring the quality and legitimacy of these regulations. Such regulations serve as the primary foundation for village governance, a tool to facilitate the smooth operation of village administration, and a guide or reference for conducting village affairs.

However, village governments and BPDs often struggle to draft village regulations. This difficulty stems from a lack of knowledge, understanding, or expertise in the drafting process; an insufficient grasp of the specific stages involved in creating such regulations; and a limited understanding of the prevailing laws and legislation relevant to the regulations being drafted.

Given this situation, regency and municipal governments—including those of Central Maluku Regency and Ambon City—are obligated to provide guidance to the village governments and BPDs within their respective jurisdictions. This responsibility arises as a direct consequence of the mandate to oversee the drafting of village regulations. Such guidance is essential to enhance the legal knowledge of village governments and BPDs, covering both the procedural aspects of drafting and the substantive content of the regulations themselves. In this context, "responsibility" entails the obligation to fulfill specific duties that arise from the granting of certain rights or authority.

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Nevertheless, the Secretaries of Negeri (village-level administrative units) Saleman and Sawai, along with the Head of the Government Affairs Division of *Negeri* Wahai, have reported that the Central Maluku Regency government has never provided guidance to their respective Negeri administrations or Saniri Negeri (village consultative bodies) regarding the drafting of Negeri regulations. Similarly, the head of Negeri Laha, its Secretary, and the Chair of the *Saniri Negeri* Laha have stated that the Ambon City government has never offered technical guidance on the drafting of Negeri or village regulations. In fact, the technical guidance on how to draft these regulations has been provided by lecturers from the Faculty of Law at Pattimura University.

According to the Head of the Legal Division of the Central Maluku Regency Government, the regency administration has not yet provided guidance or capacity building to village governments or Village Consultative Bodies (BPD). This is due to budgetary constraints; the regency government's involvement is limited to evaluating draft village regulations and providing clarifications on enacted village regulations. A similar situation was reported by the Head of the Legislation Sub-Division of the Ambon City Government, who noted that the city administration has not provided technical guidance on drafting village regulations to village governments or their respective consultative bodies (Saniri Negeri or BPD). This is also attributed to budgetary limitations. However, the Ambon City Government plans to organize technical training to assist village governments and their consultative bodies in drafting sound village regulations—an initiative that may be carried out in collaboration with a local law faculty. Nevertheless, the Ambon City Government continues to evaluate draft village regulations and provide clarifications on those that have been enacted.

The absence of technical guidance from the local government regarding the formulation of village regulations significantly hinders village governments and BPDs in establishing the legal frameworks necessary to guide communal life and the execution of local-scale governance affairs—including tasks delegated by the regency, city, or provincial governments. Currently, the only village regulation consistently enacted each year is the one concerning the Village Budget (*APBDesa*); for this, the village government is simply provided with a template into which they must input the relevant budgetary figures. This recurring pattern stems directly from the lack of technical guidance provided by the local government to the village authorities and the BPD.

Yet, village regulations serve as a concrete manifestation of the normative and delegated authority vested in a village. They are established by the village head following a deliberative process with the BPD, which must also incorporate community participation throughout the drafting phase. Village regulations serve as a legal foundation for governing and directing the exercise of village authority, whether it pertains to local-scale matters or delegated authority. In other words, village regulations exist to manage both the administrative affairs that fall under the village's own jurisdiction and those delegated to it by regional or central governments. The regency/city-level regional government provides guidance to ensure that the village regulations being established do not conflict with higher-level regulations or the public interest.

The implementation of the regional governance system has led to the strengthening of the village governance system as an integrated whole, particularly regarding the authority to enact legal instruments in the form of regulations.

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B. The Responsibility of Regional Governments in Guiding the Formulation of Village Regulations.

The guidance provided by regency/city regional governments regarding the formulation of village regulations is based on Article 115, letters (b), (e), and (i) of Law No. 6 of 2014. This law stipulates that regency/city regional governments are responsible for providing guidance and supervision, which includes: issuing guidelines for the drafting of village regulations; evaluating and overseeing village regulations; and organizing education and training for village governments and Village Consultative Bodies (BPD).

1. Providing Guidelines for the Drafting of Village Regulations.

Regency/city regional governments fulfill their responsibility to provide guidelines for drafting village regulations by issuing a Regent/Mayor Regulation. This regulation serves as a technical guide, outlining the procedures and methods for village governments and the BPD to follow when formulating village regulations. This responsibility is mandated by Article 32, paragraph (2) of the Minister of Home Affairs Regulation No. 111 of 2014, which states that further technical provisions regarding the procedures for drafting village-level regulations shall be established through a Regent/Mayor Regulation.

Both the Regent of Central Maluku and the Mayor of Ambon are responsible for establishing a Regent/Mayor Regulation that provides guidelines for drafting village regulations (or negeri regulations, in the local context). Such a regulation would serve as a technical manual for village governments and the BPD to follow when drafting these local rules. However, neither the Regent of Central Maluku nor the Mayor of Ambon has yet enacted such a regulation. Consequently, village governments and BPDs in Central Maluku Regency and Ambon City have been unable to effectively formulate village or negeri regulations.

As noted, village governments have thus far been unable to properly draft village regulations. According to the Laha village government, the village administration and the *Saniri Negeri* (village representative body) of Laha have enacted a village regulation; however, the drafting of this regulation was assisted by lecturers from the Faculty of Law at Pattimura University. There is currently no Regent or Mayor-level regulation to serve as a guide or provide technical directives on the procedures for village governments and the Village Consultative Body (BPD) to follow when drafting village regulations. Consequently, the village government and the BPD lack the capacity to draft effective village regulations.

C. Conducting the evaluation and oversight of village regulations.

In addition to the responsibility of establishing Regent/Mayor regulations—which serve as guidelines for the drafting of village regulations—regency/city governments are also tasked with evaluating and overseeing village regulations formulated by village governments and Village Consultative Bodies (BPD). This ensures that such regulations do not conflict with higher-level legislation or the public interest.

The regency government of Central Maluku and the city government of Ambon carry out this evaluation and oversight by reviewing draft village regulations (or *negeri* regulations, in the local context) that have been mutually agreed upon by the village/negeri government and the BPD (or *Saniri*) prior to their formal enactment. Furthermore, they conduct clarifications of village regulations that have already been enacted by the village government.

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Evaluation entails the examination and assessment of draft village regulations to determine whether they conflict with the public interest and/or higher-level legislation. Clarification, meanwhile, involves the examination and assessment of already enacted village regulations to determine whether they conflict with the public interest and/or higher-level legislation.

The responsibility of regency/city governments to evaluate village regulations is legally mandated by Article 69, paragraph (4) of Law No. 6 of 2014. This provision stipulates that draft village regulations concerning the Village Budget (APBDesa), levies, spatial planning, and the organization of the village government must undergo evaluation by the Regent/Mayor before they can be formally enacted as village regulations. As further stipulated in Article 14, paragraph (1) of the Minister of Home Affairs Regulation Number 111 of 2014 concerning Technical Guidelines for Village Regulations (hereinafter referred to as MoHA Regulation No. 111/2014), draft village regulations—specifically those concerning the Village Budget (APB Desa), levies, spatial planning, and the organization of the Village Government—that have been discussed and agreed upon by the Village Head and the Village Consultative Body (BPD) must be submitted by the Village Head to the Regent/Mayor (through the sub-district head or an equivalent official) no later than 3 (three) days after the agreement is reached, for the purpose of evaluation.

Furthermore, the responsibility of the Regency/City regional government to conduct a clarification of village regulations is governed by Article 19, paragraph (1) of MoHA Regulation No. 111/2014, which stipulates that village regulations that have been enacted—as referred to in Article 12, paragraph (1)—must be submitted by the Village Head to the Regent/Mayor no later than 7 (seven) days from the date of their enactment, for the purpose of clarification.

Based on these arrangements, any draft village regulation must undergo an evaluation by the Regent/Mayor before it can be enacted by the Village Head. In other words, once a draft village regulation has been mutually agreed upon by the village government and the Village Consultative Body (BPD), it must be evaluated prior to its formal enactment. This evaluation is a prerequisite for validity; without it, the draft regulation cannot be enacted as a village regulation. Furthermore, once a village regulation has been enacted by the Village Head, it is subject to clarification by the Regent/Mayor. This process determines whether the enacted regulation remains in effect or is revoked—specifically if it is found to conflict with the prohibitions stipulated in Article 69, paragraph (2) of Law No. 6 of 2014.

For the purpose of this evaluation, any draft village regulation concerning the Village Budget (APBDesa), village levies, village spatial planning, or the organization of the village government—having been mutually agreed upon by the Village Head and the BPD—must be submitted by the Village Head to the Regent/Mayor (via the Sub-district Head) no later than 3 (three) days after the agreement is reached. Not all draft village regulations are subject to this evaluation; it applies only to those covering the specific subject matters mentioned above.

Upon submission, the draft village regulation is evaluated by the Regency/City regional government. The Regent/Mayor must provide the results of this evaluation within a maximum of 20 (twenty) working days from the date the draft regulation is received. If the Regent/Mayor provides evaluation results, the Village Head and the BPD are required to make the necessary revisions within 20 (twenty) days of receiving said results. Should the

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Village Head and the BPD fail to revise the draft, and the Village Head proceeds to enact it as a village regulation, the Regent/Mayor shall revoke that regulation.

The nature of this evaluation is corrective, not revocatory. However, if the findings from the evaluation are not addressed and the regulation is nonetheless enacted as a village regulation, it shall be annulled by the Regent/Mayor. In addition to conducting evaluations, the regency/city local government also performs oversight by seeking clarification regarding all village regulations enacted by the village government. Consequently, every village regulation must be submitted by the Village Head to the Regent/Mayor no later than 7 (seven) days from the date of its promulgation, for the purpose of such clarification.

The Regent/Mayor shall conduct a clarification of village regulations by establishing a clarification team no later than 30 (thirty) days from the date the village regulation is received by the Regent/Mayor. The outcome of the clarification may indicate that the regulation is consistent with the public interest and/or the provisions of higher-level legislation, or, conversely, that it conflicts with the public interest and/or the provisions of higher-level legislation.

If the clarification process determines that a village regulation does not conflict with the public interest and/or the provisions of higher-level legislation, the Regent/Mayor shall issue a clarification result letter confirming such consistency. If the clarification determines that the regulation conflicts with the public interest and/or the provisions of higher-level legislation, the Regent/Mayor shall revoke the village regulation through a Regent/Mayor Decree.

The evaluation and clarification of village regulations by the Regency/City regional government serve as a supervisory instrument within the legal development framework for village regulations—part of the broader system for the enactment of legislation in Indonesia—aimed at preventing conflicts, whether in terms of material/substance or the underlying principles governing the formation of legislation.

Conducting Education and Training.

As previously noted, the regional governments of Central Maluku Regency and Ambon City have yet to provide guidance to village governments and Village Consultative Bodies (BPD) regarding the drafting of village regulations. This is despite the fact that they are authorized to provide such guidance through the organization of education and training for village governments and BPDs. Such education and training are intended to equip village governments, BPDs, and the community with an understanding of how to properly draft a village regulation.

In practice, however, neither the regional government of Central Maluku Regency—specifically its Legal Affairs division—nor the regional government of Ambon City has ever conducted education or training for village governments or BPDs concerning the drafting of village regulations (or *negeri* regulations, in the context of Central Maluku Regency). This was conveyed by the Secretary of Saleman Village (Negeri Saleman) in the North Seram District, who stated that, to date, there has been no guidance or support from the Legal Division of the Central Maluku Regency Regional Secretariat regarding the drafting of village regulations. Consequently, the Saleman Village government and the *Saniri* (village representative body) continue to face difficulties in formulating village regulations—which serve as the legal basis for governing affairs under the village's authority. Yet, such

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regulations are essential for Saleman Village to provide a legal foundation for the actions taken to manage matters within the village.

The Secretary of Sawai Village (Negeri Sawai) stated that, to date, the local government of Central Maluku Regency—specifically the Legal Division and the Village Empowerment Agency—has provided no guidance or training to the village administration (pemerintah negeri), the village representative body (Saniri Negeri), or the community of Sawai regarding the drafting of village regulations (peraturan negeri). Consequently, the village administration and the Saniri Negeri have been unable to formulate any such regulations. The only existing regulation in Sawai concerns the Village Budget (APBNegeri); however, this is provided by the regency government in a pre-set format, requiring the village administration merely to input figures into the designated fields. They lack the understanding necessary to articulate the legal reasoning or considerations that should serve as the foundation for drafting village regulations effectively.

A similar situation was reported by the Head of Government Affairs for Wahai Village (Negeri Wahai). The Central Maluku Regency government has never provided guidance, training, or support to the Wahai village administration or the Saniri Negeri on how to draft village regulations, making it difficult for them to independently develop such regulations properly. While the Wahai village administration has previously established a regulation concerning the Village Budget (APBNegeri), it followed a standardized, pre-existing template; they simply had to fill in the specific activities and corresponding budgetary figures.

The Head of the Legal Division of the Central Maluku Regency Secretariat acknowledged that the division's efforts to provide guidance on the development of village regulations have not been optimal, citing budgetary constraints. This is supported by data obtained by the author and the research team, which indicates that the last instance of the Legal Division providing such guidance occurred in 2022. In 2024, the Legal Division of the Central Maluku Regency Regional Secretariat is launching a single application called OPSIKU (Optimization of Online Consultation). This application is designed to provide online legal services to all residents of Central Maluku Regency.

The Head of the Legislation Sub-Division of the Ambon City Government stated that the city government has not yet provided education or training to village (*desa* or *negeri*) administrations or their respective representative bodies (*BPD* or *Saniri Negeri*) regarding the drafting of village regulations. This was corroborated by the head of the *negeri* administration, the *negeri* secretary, and the chair of the *Saniri Negeri* of Laha, who confirmed that the Ambon City Government has never conducted any education or training on the formulation of village regulations in Laha.

Yet, such regulations are crucial for governing communal life within a village. Village administrations and their representative bodies (BPD) are in urgent need of education and training from the local government so that they can independently draft regulations to manage administrative affairs—falling under their authority—and address the legal needs of the community.

Education and training would undoubtedly enhance the capacity of village officials, the BPD, and the community in drafting village regulations. It would provide the necessary understanding and equip human resources—including village government officials and the

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E-ISSN: 2774-1850
Published by: Faculty of Law, Universitas Pattimura

broader community—with the skills to formulate these regulations. This is a strategic necessity for strengthening the capacity of all stakeholders, ensuring they can carry out their duties and functions effectively, correctly, and in compliance with prevailing laws and regulations.

Training provided by the local government would improve the understanding of the mechanisms, regulations, and principles required to draft village regulations in a participatory manner that aligns with the law. It would equip village officials, the BPD, and the community with practical skills to draft inclusive, transparent regulations that are responsive to the needs of the people, while encouraging the involvement of various community groups and all elements of the village population. Such an approach would strengthen village governance through regulations that are accommodating and acceptable to all parties.

CONCLUSION

The local government has not yet provided guidance or support to village administrations and their representative bodies (BPD) regarding the formulation of village regulations. This guidance is intended as part of legal development at the village level, aimed at establishing sound village regulations. These regulations serve as a legal foundation and a guide for conduct within the village community, governing both the execution of local-scale village administrative affairs and tasks delegated by the regency/city, provincial, or central government. The responsibilities of the regency/city government in the formulation of village regulations include providing guidelines for drafting such regulations, conducting evaluations and oversight, and organizing education and training for the village government and the Village Consultative Body (BPD).

However, local governments have yet to establish regent or mayoral regulations to serve as guidelines for drafting village regulations; furthermore, they have failed to provide education and training to village administrations and Village Consultative Bodies (BPD) regarding the formulation of such regulations. In reality, village administrations and BPDs are in dire need of such education and training from the local government to enhance the capacity of village officials and BPD members in drafting village regulations. Local governments currently limit their involvement solely to the evaluation and oversight of regional (district/city-level) regulations.

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