

The Legal Policy Framework for The Management of Development and Rural Spaces After The Entry into Force of The New No. 6 Year 2023 on The Establishment of Government Regulations to Replace The Law No. 2 Year 2022 on The Creation of Jobs to Become a Law

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ABSTRACT

The spatial policy is a key instrument in creating the use of the spaces that exist in Indonesia, ranging from the level of central government, provincial government, district government to the village level. Spatial law policy, generally at the most basic level, where the village has a strategic role in the space management framework. In accordance with article 48 of the Act No. 6 of 2023 on the Establishment of Government Regulations to Replace the Law No. 2 of 2022 on the Creation of Works into Law, that the Rural Area Design is directed to: 1) empowerment of rural communities; 2) defence of the quality of local environment and the Territories supported by it; 3) conservation of natural resources; 4) preservation of local cultural heritage; 5) defense of perennial agricultural land for food sustainability; and 6) maintenance of the balance of rural-urban development. The basic concept of rural spatial planning is oriented towards the interests of empowerment of society. In this study analyzes related to the village spatial law policy in a legal perspective. By using normative law research.

Keyword: Legal Policy, Development, Spatial Planning and Village

ABSTRAK

Kebijakan tata ruang merupakan instrument utama dalam rangka menciptakan penggunaan ruang-ruang yang ada di Indonesia, mulai dari tingkat pemerintah pusat, pemerintah Provinsi, pemerintah Kabupaten sampai pada tingkat desa. Kebijakan hukum tata ruang, secara umum pada tingkat paling dasar, dimana desa memiliki peran strategis dalam rangka pengelolaan tata ruang. Berdasarkan Pasal 48 UU No. 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang, bahwa Penataan Ruang Kawasan Perdesaan diarahkan untuk: 1). Pemberdayaan masyarakat perdesaan; 2). pertahanan kualitas lingkungan setempat dan Wilayah yang didukungnya; 3). konservasi sumber daya alam; 4). pelestarian warisan budaya lokal; 5). pertahanan Kawasan lahan abadi pertanian pangan untuk ketahanan pangan; dan 6). penjagaan keseimbangan pembangunan perdesaan-perkotaan. Konsep dasar tata ruang pedesaan berorientasi kepada kepentingan pemberdayaan masyarakat. Dalam penelitian ini menganalisis berkaitan dengan kebijakan hukum tata ruang desa dalam persepektif hukum. Dengan menggunakan penelitian hukum normative.

Keyword: Kebijakan Hukum, Pembangunan, Tata Ruang dan Desa



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1. Introduction

Indonesia is undergoing a lot of development, especially in the economic sphere at the regional level, both urban and rural. A greater focus on the well-being of communities now creates a distinction between small areas and growing areas. It has an impact on society, i.e. increasing the poverty rate. For example, the construction of large-scale palm oil plantations in rural areas has led to the displacement of local farmers, who often sell their land at low prices due to economic pressure. While these projects are intended to boost regional economies, they often result in a widening gap between small and growing areas, as the economic benefits are not evenly distributed. This focus on development, while beneficial for some, has led to an increase in poverty among the displaced villagers, as they lose their primary source of income and struggle to find alternative livelihoods. Because the village is close to the life of the village community, the village construction has caused a lot of trouble. Therefore, the government pays special attention to development in Indonesia, especially in rural areas, to realize the development of advanced villages. The lives of the Indonesian people and the country depend on the status of the village and the village community.¹ The existence of the village promotes the strengthening of the development and spatial planning of the countryside.

Synergy is important in the development of the village. As described village development is the whole process of various actions carried out around the village with the aim of improving the standard of living of the villagers and improving their well-being. With all its problems, village development is a continuing form of development that focuses on common interests. States that man is the foundation of national development because he is the center of all development efforts. What's going to be built is his abilities and strengths as an implementers and driver of development. Basically, communities work with governments to build villages, mainly by providing guidance, guidance and construction assistance, and supervision to help communities improve their standard of living and well-being.² With regard to village development, the objectives are: (1) Improve land services and process land problems within the boundaries of district jurisdiction; (2) Ensuring the management of space utilization and control of space utilization to create an efficient, efficient and sustainable living environment; (3) Improving the quality of secure, comfortable, and healthy settlements; (4) Increasing the territorial presence in backward, remote, and border areas; (5) Improved quality of development planning in the regions and territories; (6) Increase the regional economy for the well-being of the people and bridging the gaps between the regions; and (7) Development of the countryside.³

While these objectives are designed to enhance the well-being of village communities, they may also have unintended consequences. For example, improving land services and managing space utilization often lead to an increase in land prices. This can make it difficult for poorer villagers to afford or maintain ownership of their land, potentially forcing them to sell their land, which is often their primary source of income. Additionally, infrastructure development and improvements in the quality of settlements can lead to higher living costs, ultimately placing a greater economic burden on less affluent members of the community. As a result, although there may be improvements in certain aspects of living standards, some members of the community may experience increased poverty due to their inability to adapt to the economic changes that occur.

Before the Republic of Indonesia was founded, villages or other names existed. In article 18 of the Basic Law of 1945 (before changes), there were about 250 *selfbesturende landschappen* (autonomous villages) and *volksgemeenschappen* (indigenous villages), such as villages in Java and Bali, Nagari in Minangkabau, dusun and marga in Palembang, and so on. It can be said that each village has unique characteristics and characteristics that derive from its original shape. Over time, the villages became more diverse and autonomous, so they needed protection and empowerment to work. It's necessary for the village to be independent, strong, and able to run democracy well. In the Law No. 23 of 2014 on regional governance, it is seen that the authority given to the local government is more broadly intended to be able to provide services and stimulate the participation of members of the community in the development of all fields. Also with the village is the part that is within the governance of the district and or the city that has close proximity and has closer relations with the community. In article 18,

¹ Penny, et.al. Implementation of Development Programs in Kapur Village, Sungai Raya Sub-district, Kubu Raya Regency, Pontianak City, Journal of Community and Village, Vol. 3, No. 1, June 2020, p. 56. 56.

² Fatmawati, et.al, Independent Village Development Through Community Participation in Pattalassang District, Gowa Regency, JPPM: Journal of Public Policy and Management, Volume 1 Number 1 May 2020, pp. 16

³ Fatmawati, et.al, *Ibid.*,

paragraph 1, of the 1945 Basic Law, the State of the Union of the Republic of Indonesia is divided into provinces, and the provinces are divided in districts and towns, each of which has a regional government regulated by law. It can be taken a summary where the village as part of the regional government. The village holding on to diversity has the authority to regulate and take care of all matters of interest to the people in order to improve the service in the development.⁴ Increasing the economy of course requires a high level of responsibility, especially budgetary responsibility. The implemented budget will then be in the form of financial reports and other supporting reports. This requires accounting expertise by the village apparatus to compile financial reports on all implemented activities. Good budget planning, implementation in accordance with regulations and laws and accountability are fundamental factors in supporting the sustainable development of independent villages. This is due to the strong will of the village apparatus to evacuate the village as well as the support of the community in overseeing the implementation of the rural budget.⁵ The development and development of the village is like an obligation to be implemented in this digital age. Although not easy, innovation and collaboration in rural development can help people to increase their sources of income. People are required to create innovations from the local products/resources of the village. Furthermore, rural areas with minimal natural resources can collaborate with villages that are either human resources or better so as to create better output value.⁶

2. Method

The writing in this research uses normative juridical research methods through a statutory approach. This research was conducted using literature study, through objective elaboration of primary legal materials in the form of statutory regulations, and reviewing secondary materials from journals, books and literature that are relevant to the research topic in an effort to produce a research synthesis that is credible and academically accountable, comprehensive, systematic and integrated.⁷ The analysis focuses on the legal policy framework for spatial planning at the village level following the enactment of Law No. 6 of 2023, which establishes Government Regulations to Replace Law No. 2 of 2022 on Job Creation. The study examines the six key directions of rural area design outlined in the law: community empowerment, protection of local environmental quality, conservation of natural resources, preservation of local cultural heritage, protection of perennial agricultural land for food sustainability, and the maintenance of the rural-urban development balance. This research aims to evaluate the implementation and impact of these policies within the legal and spatial management framework in Indonesia.

3. Result and Discourse

3.1 The legal policy of the development and management of the village spatial planning

Aware of the importance of the existence of the village as the face of Indonesia and of the significance of changing the orientation of management and governance of village governance as the new public service paradigm conceptualizes, the Indonesian government continues to make various efforts to enhance the capacity of villages in the modernization of governance and management. Thus the objectives of government and the goals of society can be achieved simultaneously.⁸ A fundamental change in the management and governance of the village took place after the enactment of the Law No. 6 of 2014 on the Governance of a Village by changing the system and structure of a village in fact. The changes in the systems and structures of this village have a very broad impact on the maintenance of governance, planning of development, financial management and the system of support in supporting governance in the village. The Village Act complements the previously enacted local regulation as well as gives room for the administration of governance at the regional level between provinces,

⁴ Kiki Endah, Implementation of Village Government According to Law Number 6 of 2014 concerning Villages, *Dinamika: Scientific Journal of State Administration Science*, Vol. 5 No. 2019, DOI: <http://dx.doi.org/10.25157/dinamika.v5i1.1224>, pp. 76

⁵ Lisnawati and Soraya Lestari, Analysis of Village Development Factors

In the Development of Sustainable Independent Village in Bungku Village Aceh Besar, *PUBLISIA: Journal of Public Administration Science*, Volume: 4 (2) 2019, DOI: <https://doi.org/10.26905/pjiap.v4i2.3390>, pp. 158.

⁶ Lisnawati and Soraya Lestari, *Ibid*, pp. 158-159.

⁷ Asnawi. M.I., et al, Regulatory Arrangement in Supporting the Restructuring of State-Owned Plantation Enterprises, *Journal Penelitian Hukum De Jure*, Vol. 24. No. 2, July 2024, p. 109

⁸ Mansyur Achmad KM, Management and Governance of Village Government Regulative and Applicative Perspectives, Published by PT Balai Pustaka (Persero), 2018, p. 4. 4..

districts/cities, counties and villages.⁹

Initially, the village was a local community organization that had territorial boundaries, was inhabited by a number of inhabitants, and had customs to manage itself. This is what we call a self-governing community. The village is referred to as the unity of the newly known legal society in the Dutch colonial era. Villages generally have their own governance that is managed autonomously without hierarchical-structural ties with higher structures. In Western Sumatra, for example, Nagari is a "little republic" that has its own government autonomously and based on society (self-governing community).¹⁰

The optimization of the role of the village in promoting the existence of the welfare state in the United States of the Republic of Indonesia is based on several considerations, namely:¹¹

1. The village is the settlement of a community that wants to be built and welcomed;
2. The village has a very rich and diverse aspect of local wisdom, which dominates and colours the life of the village. This is what is truly the main force that is the spirit of life of nations and states in the State of the United Republic of Indonesia;
3. Orientation must be directed or targeted to the village if we want to truly succeed in realizing the ideals and goals of development; and
4. The village is the centralized activities and activities of all the elements and components of society in government, development, and public service.

The village is a legal community that has the territorial boundaries authorized to regulate and take care of the interests of the local community, based on local origins and customs recognized and respected in the Indonesian system of Government. The villagers generally know each other, live together, have common customs, and have their own system of life in society. In addition, the village is generally made up of agricultural areas, so the eyes of most farmers. The village is under district governance, in its management using the concept of decentralization. The village is a legal community that has territorial boundaries and authority to regulate and manage the interests of the local community based on local origins and customs recognized and respected in the system of State Government of the United Republic of Indonesia. (NKRI). Based on this, after the enactment of the Act No. 6 of 2014 on the village, the village has sufficiently wide authority and becomes the most appropriate place for the people to update their interests in order to meet the collective needs of the community. The village is entitled to social development. .¹²

The scope of the system of maintenance of village governance covers various aspects and processes related to the implementation of the village government. Here are some examples of the scope that are generally included in the system:¹³

1. Establishment and Structure of Village Governance: This scheme covers the procedure for the establishment of village governance, including the election of the head of the village and other village bodies. It also covers setting the structure of the organization of village government, for example how the duties and functions of each village institution are established and regulated.
2. Rural Development Planning: This scope includes the process of planning the development of the village, from the preparation of the Medium-term Rural Development Plan (RPJM Village), the Rural Government Work Plan (RKPD), to the planning of programmes and more specific development activities. In this scheme, also regulated mechanisms of public participation in the planning process of the rural development
3. Rural Finance Management: The scope covers the scheme of village financial management, including the drafting of the Income and Purchasing Budget of the Village (APBDes) and the village finance management in general.

⁹ Mansyur Achmad KM, *Ibid.*, 4.

¹⁰ Isharyanto and Dila Eka Juli Prasetya, *Village Government Law (Perspective, Conceptualization and Juridical Context)*, Publisher: ABSOLUTE MEDIA, pp. 2016, pp. 51.

¹¹ Yansen TP, 2014, *Revolution from the Village: It's Time for Development to Fully Trust the People*, Jakarta, Elex Media Komputindo, pp. 46-47, in Isharyanto and Dila Eka Juli Prasetya, *Ibid.*, pp. 311-312.

¹² Nasrin, et.al, *Village Government Law*, Publisher: Widina Media Utama, 2023, p.

¹³ Mutmainah Nur Qoiri, et.al. *Village Government Law*, Publisher: GET PRESS INDONESIA, 2023, pp. 58-60

4. Decision-making: This system covers decision-making mechanisms within the village government, including the village separation process, the decision of the village head, the village policy, and the village regulation validation process. It also covers the regulations relating to the holding of meetings and decision making processes in force in the village governance,
5. Monitoring and Public Complaints: This scope covers monitoring machinery involving the village community, such as the village supervisory agency, public complaints, and complaint handling procedures. This also includes the mechanism of reporting, investigating, and prosecuting alleged violations or abuses carried out by the village administration.
6. Implementation of Village Programs and Activities: This scheme covers the implementation of programmes and village development activities, including the planning, implementation, monitoring and evaluation stages. It also covers procurement procedures for goods and services, as well as the management of village assets.
7. Public Communications and Information: This scope covers the methods of communication and public information in village governance, including data management and communication between the village government and the public.

In order to encourage efforts to create a system of village governance, it is necessary to identify in the development of the village, so that the village can develop well. Generally as follows:

Table I
Recapitulates the Status of Independent Village Progress

No	Classification	Total
1	Desa Mandiri	6.238
2	Desa Maju	20.249
3	Desa Berkembng	33.902
4	Desa Tertinggal	9.584
5	Desa Sangat Tertinggal	4.982
6	Desa Tidak memenuhi kriteria	6
	Total	74.961

Source: Appendix to the Decision of the Minister of Rural Affairs, Rural Development, and Transmigrasinomor 80 Year 2022 on the Status of Progress and Independence of the Village in 2022.

The progress of a self-reliant village is necessary to advance its own, and therefore it is necessary to promote the development of the village for the people of the countryside. Therefore, a policy against the governance of the villages of a developmental nature is necessary.

Table II
Status of Progress and Independence of Villages in 2022

NAMA PROVINSI	MANDIRI	MAJU	BERKEMBANG	TERTINGGAL	SANGAT TERTINGGAL	DESA TIDAK MEMENUHI KRITERIA	JUMLAH DESA
ACEH	224	787	4.027	1.379	77	3	6.497
BALI	386	218	32	0	0	0	636
BANTEN	10	261	814	146	7	0	1.238
BENGKULU	33	317	848	142	1	0	1.341
DI YOYAKARTA	184	197	11	0	0	0	392
GORONTALO	44	253	336	24	0	0	657
JAMBI	188	391	764	55	1	0	1.399
JAWA BARAT	1.130	2.511	1.671	0	0	0	5.312
JAWA TENGAH	406	3.006	4.331	66	0	0	7.809
JAWA TIMUR	1.490	3.906	2.326	0	0	2	7.724
KALIMANTAN BARAT	586	549	802	94	0	0	2.031
KALIMANTAN SELATAN	100	835	892	34	2	1	1.864
KALIMANTAN TENGAH	87	348	766	229	3	0	1.433
KALIMANTAN TIMUR	136	349	339	17	0	0	841
KALIMANTAN UTARA	39	65	201	140	2	0	447
KEPULAUAN RIAU	13	81	173	8	0	0	275
KEPULAUAN BANGKA BELITUNG	42	155	112	0	0	0	309
LAMPUNG	105	803	1.489	38	0	0	2.435
MALUKU	62	267	499	356	14	0	1.198
MALUKU UTARA	2	64	395	524	78	0	1.063
NUSA TENGGARA BARAT	139	478	333	55	0	0	1.005
NUSA TENGGARA TIMU	12	259	1.371	1.303	81	0	3.026
PAPUA	2	41	467	1.451	3.450	0	5.411
PAPUA BARAT	2	22	190	922	606	0	1.742
RIAU	159	520	801	87	24	0	1.591
SULAWESI BARAT	3	79	291	188	14	0	575
SULAWESI SELATAN	235	786	1.028	195	11	0	2.255
SULAWESI TENGAH	42	522	995	266	17	0	1.842
SULAWESI TENGGARA	4	180	1.417	300	7	0	1.908
SULAWESI UTARA	181	610	679	37	0	0	1.507
SUMATERA BARAT	132	458	310	28	0	0	928
SUMATERA SELATAN	29	500	2.146	178	0	0	2.853
SUMATERA UTARA	31	431	3.046	1.322	587	0	5.417
JUMLAH DESA	6.238	20.249	33.902	9.584	4.982	6	74.961

Source: Appendix to the Decision of the Minister of Rural Affairs, Rural Development, and Transmigrasi Nomor 80 Year 2022 on the Status of Progress and Independence of the Village in 2022.

In general, that independence of the village is necessary in order to build a sustainable village community. The position of the village community is an integral part of development, therefore efforts to advance the countryside are required with the policies issued by the state. In general, independence of the village is essential for fostering a sustainable village community. This principle is underscored by the newly introduced Law No. 6/2023, which emphasizes the need for robust and autonomous village governance as a cornerstone of rural development. The position of the village community is integral to national development efforts. Hence, the implementation of this law is critical, as it provides a framework for advancing rural areas through state-issued policies and supports the strengthening of village autonomy.

Legislative Policy Against Law No. 6 of 2023 on The Establishment of Government Regulations to Replace Law No.2 Of 2022 on The Creation of Employment Into a Law Based on Rural Development

In national development, the pattern of national development legal policy is always linked to a system that emphasizes the model of national sustainability. For the purposes of rural development, reference is made to Article 1 No. 23 A rural area is a territory that has main agricultural activities, including the management of natural resources with the arrangement of the functions of the Area as a rural settlement, government services, social services, and economic activities. In the provisions of Article 20 (1) of the Act No. 6 of 2023 on the Establishment of Government Regulations to Replace the Law No. 2 of 2022 on the Creation of Employment into the National Territory Space Planning Act, it contains:

- a. the objectives, policies, and strategies of the National Territory Space Planning;
- b. the national territory structure plan that covers the national urban system related to the Rural Area in its Service Territory and the main area network system;
- c. the National territory space pattern plan that includes the National Protected Area and the National Power Planning Area which has national strategic value;
- d. the establishment of a National Strategic Area;
- e. the Space Usage Instruction containing indications of the main programmes of the medium term of 5 (five) years; and
- f. the control of the use of national Territory space instruction that contains the indication of the zoning of the national system, the appropriateness of the activities of space usage, the incentive and disincentive instructions, as well as sanctions instructions.

Modern rural development has undergone significant changes in its concepts and processes. The concept of development is no longer confined to the agricultural sector and basic infrastructure but leads to the development of Information and Communications Technology (ICT). The process of rural development then increasingly reduces dependence on the role of government, as rural communities are becoming more capable and creative in developing innovation.¹⁴ In order to develop the village, that the structure of the district spatial planning is based on the development of the village as Article 26 (1) of the Act No. 6 of 2023 on the Establishment of Government Regulations Replacing the Law No. 2 of 2022 on the Creation of Works into the District Territory Spatial Planning Act contains:

- a. the purposes, policies, and strategies of the District Area Planning;
- b. district territorial structure plan that covers the urban system in its territory related to the rural area and the network of the district territory;
- c. a Plan of District Area Plan that includes the District Protected Area and District Power Planning Area;
- d. a district Territory Space Exploitation Directive that contains indications of the main programmes of the medium term of 5 (five) years; and
- e. a provisions for the control of the use of the area of the district containing the general provisions of zoning, the provisions on the adequacy of space utilization activities, the incentive and disinfection provisions, as well as the sanctions directives.

¹⁴ Muhammad Badri, Rural Development Based on Information and Communication Technology (Study on the Village Building Movement), Journal of Risalah, Vol. 27, No. 2, December 2016, p. 62. 62.

Furthermore, in Article 48 para. (1) of Act No. 6 of 2023 on the Establishment of Government Regulations to Replace Law No. 2 of 2022 on the Creation of Works to Become a Law, that the Deployment of Rural Areas is directed to:

- a. empowerment of rural communities;
- b. defence of the quality of the local environment and the Territories it supports;
- c. conservation of natural resources;
- d. preservation of local cultural heritage;
- e. defense of the perennial land of food farming for food sustainability; and
- f. maintenance of the balance of rural-urban development.

The very serious efforts of the government are evident from the construction of the infrastructure of the village that is going on very massively. Some of the very urgent agendas carried out by the government among others are;

- a. Development of village infrastructure ranging from village roads, electricity, clean water, telecommunications networks and so on that can strengthen and improve access and distribution of the village economy;
- b. Strengthening the quality of human development in the village, especially the improvement of rural equipment resources to encourage innovation and drive competitive village economic development;
- c. Enhancing access and opportunities for people to enjoy the development results that can be felt and benefited by the entire village community;
- d. Guaranteeing the distribution and allocation of economic resources that are equal and enjoyable to all groups and groups in the country;
- e. Facilitating small communities to access economic resources which can improve their well-being.

Therefore, the village development policy is part of an effort to build a sustainable government and state.

4. Conclusion

The implementation of the legal policy on the development of villages is oriented towards the sustainability of spatial planning, the focus of the village development is related to the implementation of legal policy carried out by the state. The village lag in Indonesia reached 9,585. With the highest village lag left in Indonesia, then through the Act No. 6 of 2023 on the Establishment of Government Regulations replacing the Law No. 2 of 2022 on the Creation of Jobs became a law, prompting the strengthening of village spatial management into self-governing villages and advancing as a sustainable development orientation.

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