

Development Law Politics in Village Authority Related to Spatial Planning in Indonesian

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Abstract

Development law significantly influences the direction of village management policies and the regulation of authority, particularly within the realm of spatial planning. Lacking an effective spatial plan hinders the optimization of regulations for sustainable development in villages, leads to conflicting regulations, and impedes local community involvement in harnessing their natural resource potential. This research employs a normative legal methodology grounded in specific methods and systematic thinking, intending to examine a phenomenon of legal issues through a sociolegal lens. The findings of the political and legal study consider village autonomy as a cohesive legal entity within a region that possesses the power to establish its administration, develop regional plans, and manage natural resources for the advantage of local populations, adhering to the principle of decentralization. The idea of village autonomy refers to the capability and initiative of the village community to independently organize and oversee the village's potential, demonstrating its existence as a quality and self-sufficient community unit. Law Number 3 of 2024 governs the political and legal dimensions of development, assigning a strategic role to villages in executing spatial management development. Based on this law, the transparency of village authority promotes community involvement in the village spatial planning process. However, this law also has positive and negative impacts. On the one hand, it will improve the village economy because the community can manage and run their businesses independently and legally. However, the crucial implication is the loss of local community rights due to unclear derivative regulations.

Keywords: Development law politics; Village authority; Village spatial planning

1. Introduction

One of the important elements in the presidential government system in Indonesia is the existence of the village government, as basically, to maximize the implementation of central government policies, the government makes regulations on regional autonomy [1]. Moreover, national development is also a comprehensive process and involves various levels of government. Several rules about village regulation represent the central government, which has autonomy in regulating and managing the resources in the village. In the course of the birth of Village Law Number 6 of 2014 which was later changed to Law Number 3 of 2024 became a constitutional way to strengthen villages by the state, in accordance with the mandate of the 1945 Constitution article 18B concerning the recognition of the unity of customary law communities and their traditional rights [2]. It is necessary to have a separate regulation in the form of a Village Law, as it is necessary to maintain identities and entities that are different from each other, from the smallest composition of the central government.

Regulations on villages have historically changed a lot from the beginning of independence until now, consisting of three laws, namely Law Number 19 of 1945 concerning Desapraja, Law Number 5 of 1979 concerning Village Government, amendments to Law Number 6 of 2014 concerning Villages and finally Law Number 3 of 2024 concerning the second amendment to Law Number 6 of 2014 concerning Villages. Law Number 3 of 2024 is the basis for the village as an entity of the government to regulate and manage existing resources, including the authority regarding the development of spatial planning in the village area.

The second amendment to the Village Law is the granting of authority from the central government to the regions in order to open opportunities for villages to carry out development that is more in line with the needs of local communities, including in village spatial planning that prioritizes aspects of wisdom and natural resource potential. In 2019, from World Bank data, the state provided a budget to villages for the development of village equity of around USD 110.000 per year or 1,786,823,500.00 rupiah [3]. However, in the implementation of village authority in spatial planning development, there are still difficulties, one of which is the lack of capacity of the village government in handling spatial planning laws, thus causing problems in village planning that are not in line with the district or city regional spatial plan (RTRW), this often causes conflicts of interest between villages and local governments, especially related to aspects of natural resource management and utilization village space for general development, such as tourism, infrastructure and industrial estates.

The legal basis that the village as an entity of the central government has the right to regulate and manage existing resources, including the authority to develop spatial planning in the village area, is contained in Article 16, paragraph (4) [4]:

"The Village Spatial Planning Draft regarding the Village Budget and Expenditure Plan, Levies, Spatial Planning and Village Government Organization receives an evaluation from the Regent/Mayor before being stipulated as a Village Regulation".

This Law explicitly states that village spatial planning needs to be regulated as part of the village development planning process, there are at least 3 important reasons why this village spatial planning regulation must exist, first, to prevent conflicts in the use of space at the village level, to support village development based on local wisdom and to increase environmental resilience and prevent ecosystem degradation [5]. The absence of a good spatial plan is an obstacle to the optimization of regulations for the implementation of sustainable development in villages, overlapping regulations, and the participation of local communities in the empowerment of their natural resource potential.

The changes in legal politics that occurred in the village government show that there is a gap between the purpose of granting authority to the village and the reality of its implementation. The development of law politics that is carried out through the Village Law must be able to be a bridge for the needs of villages to regulate their spatial planning and the needs of nationally connected development as this mis synchronization between village policies and local governments can result in negative impacts such as environmental conflicts, social inequality and legal conflicts. Empirically in the political field, it can be seen that the loss of elements of social

institutions, leadership and customary institutions in the legal field, Village Governance, the concept of state control over the earth, and natural resources in it have been used as an instrument to deprive indigenous people of their sovereignty over their natural resources. In the economic field, the impact of natural resources has become an object of exploitation by the government and private investors for the development of large projects [6].

Basically, this study aims to examine the legal politics of development within the scope of village authority as regulated in Law Number 3 of 2024, especially in relation to the impact of the policy on development and village spatial planning. This study will explore how applicable regulations provide a legal basis for villages to manage and develop their areas independently, as well as how these policies affect the spatial governance system at the village level.

This study also aims to identify changes in village authority regulated by the latest law and analyze the implications for the planning and implementation of village spatial development. By exploring the dynamics of politics, law, regulation, and their application, this study also seeks to comprehensively explain the various challenges and obstacles faced by villages in exercising these authorities, both in terms of policies, resources, and village institutional capacity. In addition, this study also focuses on evaluating the effectiveness of the implementation of Law Number 3 of 2024 in strengthening the role of villages as the main actors in development. The analysis will include the extent to which this policy is able to improve village spatial governance in a way that is more sustainable, inclusive, and in line with the needs of village communities.

2. Research Method

This study used a normative research method based on the systematics of thinking that aims to study a phenomenon related to a legal issue, that is, a specific study using a certain analytical tool [7]. The data used is secondary data with primary legal materials, namely laws and regulations. Data collection techniques with literature study methods, both from relevant books and journals. This research used a sociolegal approach related to the research process with a combination of legal studies and social views to understand how a law works in the surrounding community [8]. This study uses qualitative descriptive analysis techniques to explain and answer existing problems.

3. Result and Discussion

3.1. Dynamics and political role of village development law

In the course of the 1998 reform, there was a paradigm shift in thinking about government in Indonesia, namely, the implementation of regional autonomy in general, especially in relation to villages. If the reform had been centralized before, then after the change, it would have become decentralized. The shift in regional autonomy means that a region has the free authority to decide and handle certain problems of the region [9]. However, it is not to break from the Indonesian state and turn it into a state.

The role of the political configuration of law in development from the beginning of independence to the reform era of the Indonesian nation has not reached the point of

independence, and does not have a clear and good legal system, especially in development problems in rural areas. Political observers agree that when there is a special regulation on villages, the hope is to provide opportunities for villages to be more independent in improving the standard of living of villagers according to the mandate of the constitution, even though long before the passage of this Village Law, rural conditions were more democratic systematically, a concrete example of this is the election of village heads from the community itself has implemented election competition between qualified village heads with a good background. It is certainly varied [10]. The role of political law in development is very important for the Indonesian nation. Moreover, the function of spatial planning in the village is to ensure that the concept of development in the village area can be implemented in accordance with the reality on the ground, the potential, and the dynamics of the community in the village. Therefore, it is necessary to have a structured village spatial planning process for development purposes and provide great support for the implementation of regional autonomy in small areas first [11].

In fact, legal politics is a policy taken by the government through state institutions or their officials who are given full delegation to pay attention to which laws must be replaced, amended, or considered in their implementation. Legal politics is also a way of regulating or issuing properly so that the policies of state administrators and the government can run in an orderly manner, and the country's ideals can be gradually realized [12]. The reason this village law was created was that the state tried to overcome the overlap and weakness of the decentralization paradigm, with the state giving more space and authority to the village. Bauer argues that the Village Law is fundamentally good, but its implementation is not always good, because it has to regulate which powers and resources should be managed and prioritized in the relationship between citizens and the government [13].

From the perspective of village government autonomy, a village is interpreted as a unity of the legal community in an area that has the authority to create its government. It emphasizes that autonomy aims to build a village life system that is useful for the benefit of the community. The concept of village autonomy is actually a concept that refers to the ability and initiative of the village community to regulate and manage the potential of the village itself, to be able to show its existence as an independent community unit. However, several factors affect the dynamics of development law and politics in the village that cause less than optimal management of village resources, including:

- a) The long term of office of the village head leadership causes democratic stagnation in the village government area [14].
- b) Political intervention in the village can interfere with sustainable development due to conflicts of interest between personal desires and groups above the interests of the general public [15].
- c) Complicated policies and regulations are problematic, as derivative regulations from the central government cause overlapping authority, which causes ineffective village governance.

Legal politics in village development also have an important role in shaping the direction of village development policies and strategies, including:

a) Policy framework for the sustainable development of villages

Legal politics plays a role in formulating regulations and policies that are the basis for fair and sustainable management of village resources and budgets. For example, in land management in rural areas, the rule of law has a vital role in realizing social justice and environmental conservation [16].

b) Empowerment of local communities

Legal politics facilitate village autonomy and strengthen the organization's ability to manage development independently. For example, the implementation of legal rules that support village cooperatives to help economic growth and social welfare of the community in the village [17].

c) Optimizing village governance and protecting the rights of village communities

It means that legal politics also helps improve village governance and guarantees the rights of village communities in realizing sustainable development. By optimizing the principles of transparency, participation, accountability, effectiveness, and efficiency, as well as involving the community in the decision-making process for corruption, and ensuring democratic stability in the village [18].

Law Number 3 of 2024 is an important milestone in the regulation of village government in Indonesia, especially in the aspects of planning, village spatial planning, and strengthening village institutions. There are certainly challenges to its implementation, but all parties must be committed to supporting the success of this Law for the realization of the welfare of the village community.

3.2. Implications of village authority in village spatial planning

The authority of the village in the management of spatial planning itself is based on the Village Law as the foundation, and the existence of a government that complies with this legal rule aims to ensure that the implementation of government remains in accordance with the applicable legal provisions [19]. The authority of spatial planning in administrative areas is regulated by Article 5 paragraph (3), which consists of national spatial planning, provincial spatial planning, and district/city spatial planning. This village authority is a new policy, considering that the Second Amendment to Law Number 6 of 2014 concerning new villages was ratified and took effect on April 25, 2024, while the Spatial Planning Law has been running since 2007. This change is expected to have a significant impact on the community and the environment in the village area. In general, the authority of the village regulated by the Village Law is not the authority given directly by the government through delinquency. However, the authority given through the mandate is the delegation of authority from one government organization to another government that allows the exercise of authority over the mandate-giver [20].

In the provisions of Article 79 of Law Number 3 of 2024, the amendment to Law Number 6 of 2014 explains the authority of the village at the planning stage. The village government is also obliged to prepare village development plans in accordance with its authority which refers to the development planning of the village area itself, and what is meant by development planning is prepared in a periodic manner including, Village development plans for a period of one to eight years, government work plans, and also

to prepare village revenue and expenditure budgets so that they become a source of income [21].

Based on the spatial planning law, spatial planning includes two main aspects, namely spatial structure and spatial patterns. Spatial structure refers to the arrangement of residential centers as well as a network of facilities and infrastructure that support community economic activities and have hierarchical functional value. Meanwhile, spatial patterns refer to the distribution of space utilization in an area, which includes space for protection and spatial functions for resource management or cultivation [22]. The preparation of village spatial planning is also an obligation that the Village Law has mandated. However, its implementation faces many obstacles, such as limited facilities and a lack of human resources in the village, making it difficult to realize. In its application at the village level, spatial planning is carried out based on the village's right of origin in accordance with the customs of the local community. The goal is to produce a legal basis that can be used and implemented by the village government; therefore, it is necessary to involve the participation of the village community before the regulation is passed

The implications of the existence of village authority in the context of spatial planning management are very large for regional governance, community empowerment, and sustainable resource management. The authority of this village is based on Village Law Number 6 of 2014, which has been amended by Law Number 3 of 2024 and other regulations. Here are some of the main applications of this authority [23].

a) Freedom of decision-making

The authority of the village government is to carry out the process of designing and implementing spatial planning that allows for development to occur in harmony with the conditions of rural communities [24].

b) Active community involvement

The involvement of residents in the planning process in terms of village spatial management is very possible based on the authority of the village. In fact, the involvement of residents as an approach to expand democratization in the realm of decision-making and spatial planning can be ensured in accordance with the needs of the community because of this involvement. In LAW Number 3 of 2004, it is emphasized that community members can participate in the preparation and planning of village regulations related to spatial plans [25].

c) Sustainable development approach

Village spatial planning plans carried out within the village authority encourage the creation of integrated development by aligning local initiatives with broader environmental and economic goals. Village governments have an opportunity to integrate sustainable approaches into related spatial planning plans. Daan can address issues such as land management, resource utilization, and environmental conservation because this is useful for maintaining ecosystems and encouraging economic growth through the tourism and agriculture sectors [23].

Law number 3 of 2024 brings major changes in terms of village authority, especially in the aspect of spatial planning as part of development legal policies aimed

at strengthening the role of villages in the government system. This change reflects a shift in the legal approach from a more centralized to a more decentralized one, thus giving villages wider authority in managing their territory. However, from a legal point of view, further analysis is needed regarding the various implications of the change in authority. Some of them are as follows [25]:

a) Strengthening village authority in spatial planning

Normatively, Law Number 3 of 2024 gives villages greater authority in compiling and managing spatial planning in their area. It provides legal certainty for villages in designing and implementing spatial planning policies that are adapted to local conditions. With this regulation, villages have the freedom to determine the direction of development in accordance with the interests of their communities, including in the management of natural resources, the division of regional zoning, and the use of land for various social and economic activities.

However, in practice, village policies in spatial planning must be in line with spatial planning regulations that the central and regional governments have set. Without good coordination, the authority of the village in regulating spatial planning can conflict with higher policies, such as the Regional Spatial Plan (RTRW) of the district/city or province. It has the potential to cause legal conflicts between the village and the local government, as well as other parties who have an interest in spatial planning [26].

b) Impact on licensing and spatial planning regulations

With the expansion of village authority in spatial planning, there are legal consequences related to the licensing system and land use regulations. Villages that have a greater role in decision-making must ensure that the policies implemented do not conflict with national regulations related to spatial planning and environmental protection. In this case, Law Number 3 of 2024 mandates the existence of a monitoring and evaluation mechanism for village spatial planning policies to prevent abuse of authority, such as uncontrolled changes in land functions. In the absence of strict regulations and clear supervision, there is a risk of exploitation of village resources that can harm local communities, for example, through large-scale investments that do not take into account the ecological balance and social impacts.

c) Potential legal disputes between villages and other stakeholders

The wider authority of the village in spatial management can also cause legal disputes with various parties, including local governments, investors, and the village community itself. For example, village policies that grant certain land use permits can be contrary to the district/city RTRW, so it has the potential to be canceled by a higher government. In addition, villagers who feel disadvantaged by spatial planning policies, such as changing the function of agricultural land into industrial areas, can file a lawsuit against the village government. Therefore, villages need to have a clear dispute resolution mechanism and ensure that the spatial planning policies taken are based on the principles of community participation and environmental sustainability.

d) Challenges in implementation and readiness of derivative regulations

Although Law Number 3 of 2024 provides a stronger legal basis for villages, the implementation of this policy still faces a number of challenges, especially in the aspects

of derivative regulations and the readiness of human resources at the village level. In order for the village authority to be applied optimally without causing legal uncertainty, more specific technical regulatory support is needed. Then, village officials also need to have a deep understanding of spatial planning and government administration laws in order to be able to carry out their authority appropriately. If not accompanied by adequate training and capacity building, there is a risk that villages will experience obstacles in implementing their spatial planning policies, and even have the potential to cause new legal problems due to errors in the implementation of regulations [27].

The village authority has a great influence on the development of village spatial planning. With this authority, the village government can harmonize the needs of local communities in spatial planning so that a sense of full responsibility is created between levels of society. This approach is in line with the principle of democratic development, where people are directly involved in decision-making that affects their lives. In addition, this method encourages active community participation in formulating spatial planning policies that reflect local aspirations. Then, spatial management based on village authority also supports sustainable development. Villages have the opportunity to manage land use by preserving the environment and economic needs. In this context, village spatial planning policies can be directed to maintain ecological balance, conserve natural resources, and develop economies based on local potential. The development of village spatial planning is not only based on short-term results but also contributes to long-term sustainability.

4. Conclusion

The dynamics of legal and political development in the village are influenced by several factors that cause the management of village resources to be less than optimal, such as the long term of office of the village head, political intervention in the village, and complicated policies and regulations. Legal politics in village development also have an important role in shaping the direction of village development policies and strategies, among others, policy frameworks for sustainable village development, empowerment of local communities, optimization of village governance, and protection of the rights of village communities. The existence of authority owned by the village has a great impact on the development of village spatial planning. The government can use this authority to align the needs of local communities in terms of spatial planning, which aims to create a sense of responsibility in the community.

With the existence of Law Number 3 of 2024, it can be seen that it affects government policies on spatial governance in villages. As is the case with Law Number 3 of 2024, the village level in creating spatial planning in its area will increase, so that the village government can better manage its village for development. This development is sustainable development, which, of course, is expected to be felt by the current generation and the next generation, and is also in accordance with the needs of the village community. In addition, Law Number 3 of 2024 also has shortcomings, as the village government has the authority to regulate its area, and it is also possible to have a conflict with the central government in implementing this regulation. However, of course, Law Number 3 of 2024 regulates the political aspect of development law to

provide a strategic role to villages in organizing development and spatial management. Through this authority, the village government can independently plan and implement spatial planning in accordance with the needs and aspirations of the local community. The Village government's granting of authority to villages in managing spatial planning has significant implications for village development. With this authority, villages can design regional spatial planning, community empowerment, based on Law Number 6 of 2014 which was amended to Law Number 3 of 2024, the openness of village authority also encourages the community to take part in the village spatial planning process with the aim of harmonizing local initiatives to maintain the ecosystem and encourage economic growth through the tourism and agriculture sectors.

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