
**JURIDICAL ANALYSIS OF THE MECHANISM FOR IMPLEMENTING VILLAGE EXPANSION IN HOLY
DISTRICT**

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ABSTRACT

Implementation of regional autonomy can realize community welfare by improving services and direct community involvement. One of the main attractions of the development of regional autonomy is regional expansion. The scope of regional expansion includes provinces, cities or districts, sub-districts, villages and/or sub-districts. After the reform, Every year regional expansion occurs in many areas throughout Indonesia. One expert, Charles Tibout, has an opinion regarding regional expansion. This expert researched using the public choice school approach contained in his book entitled A Pure Theory of Local Expenditure, which means regional expansion as a model of strong competition in the economic field, where local governments will be able to provide low taxes, effective public services and every individual can free to choose preferences in existing services at every level of government. The government issued Law no. 23 of 2014 in order to increase community welfare, one way is by forming, merging and abolishing regions that cover provinces to villages. This research shows that with the issuance of Law no. 23 of 2014 can improve community welfare.

Keywords: Village Expansion, Regional Autonomy, Village Formation

INTRODUCTION

The process of developing regional autonomy after the reform movement until now has achieved a lot of progress. Regional autonomy provides progress in regional development, regional autonomy is a product to provide solutions as a driver of development in each region. So that people in each region are required and encouraged to develop creativity and innovation, which provides an opportunity to advance regional development. The commitment to implementing regional autonomy is to realize community welfare through improved services and active community participation.¹ Apart from that, the community gives hope and confidence to the government in improving the quality of human resources to level regional autonomy in order to realize regional independence, progress and prosperity.

Regional autonomy has become a special attraction that has developed after the issuance of Law No. 32 of 2004 concerning Regional Government (hereinafter referred to as Law No. 23 of 2014). According to a report from the Ministry of Home Affairs, in 2021 alone there were 327 people who proposed the creation of new autonomous regions to the government.² Autonomy is not only beneficial from the political aspect, but also from the economic and social aspects.

In Indonesia, autonomy has spread into a new spirit, which can be seen from the many new autonomous regions that are expanding and have their own governments. In Law no. 23 of 2014 has regulated regional expansion from Village, Subdistrict, District, Regency, City to Province. Desa is the smallest area for expansion.³

According to one expert, Sutardjo Kartodikusumo, a village is a legal unit where a separate

¹ Muhammad Firi Baihai, 2019, *Pelaksanaan Otonomi Daerah, Terwujudnya Kesejahteraan Masyarakat melalui Peningkatan Pelayanan*, gunungmaskab.go.id.

² <https://www.kompas.id/baca/nusantara/2021/04/07/moratorium-pemekarakan-daerah-dikawal/>

³ [Djpk.kemenkeu.go.id](http://djpk.kemenkeu.go.id)

government community resides.⁴Villages have their own authority to manage their own government in managing various assets and resources in the village.

It is possible that the expansion area is motivated by certain interests. The pressure of regions to expand their regions for the political interests of groups, businessmen or traditional or religious leaders causes bottlenecks in managing the household. So that in carrying out autonomous authority as a manifestation of the objectives of this expansion, service to the community cannot be carried out properly.

The expansion of an area that has been expanded does not guarantee that the area will be prosperous, because in expanding it there are various reasons which may also be motivated by certain interests. So instead of prosperity being obtained, there is conflict in the expansion area. In other words, it can be said that regional expansion. What has been done so far has not fully improved the welfare of society. Instead of increasing welfare, abilities and search areas. The source of income itself is still weak so it remains dependent on the central government.⁵

Not all new autonomous regions are categorized as unsuccessful in realizing prosperity, there are several regions which are classified as successful in expanding. This can be seen from economic aspects, population and education levels from year to year which can be seen before the expansion and after the expansion or from year to year after the expansion occurred.

This is important in carrying out expansion because in measuring the progress of a country, one of the benchmarks is the welfare of the community. A prosperous society will feel physically and mentally safe in carrying out its life, this is one of the keys to a government that is successful in running its government system. Rather, it is from the economic aspect that is measured in determining the welfare of society, but also from aspects of security and justice.

One of the characteristics of a country that is able to carry out government affairs well can be seen in the welfare of its people, starting from economic prosperity, welfare development and welfare of fair and equitable public services. The importance of community welfare is a benchmark for whether the government has carried out its functions as it should.

Through regional expansion as regulated in Law no. 23 Tahun 2014 is expected to realize equitable development and welfare of its people. In regional expansion, regions will run their governments independently. The central government makes it easy to reach remote areas so that it is hoped that prosperity will be achieved, and village expansion is the smallest scope of expansion that has been regulated in Law no. 23 of 2014.

One expert, Charles Tibout, has an opinion regarding regional expansion. This expert researched using the public choice school approach contained in his book entitled *A Pure Theory of Local Expenditure*, which means regional expansion as a model of strong competition in the economic field, where local governments will be able to provide low taxes, effective public services and every individual can free to choose preferences in existing services at every level of government.⁶

In Central Java itself, in the period 2005-2022, there were 4 sub-district/village expansion areas during that time period.⁷ One of the expansion areas is Berugenjang Village in Kudus Regency. Berugenjang Village is part of Lambangan Village which only has a Beru Hamlet and a Genjang Hamlet. The formation of Berugenjang Village has been regulated in Kudus Regency Regional Regulation No. 4 of 2005.⁸

Berugenjang Village is a new village in Undaan District. Berugenjang Village was formed in 2005, this village is the result of the expansion of Lambangan Village. A little history about Berugenjang Village as a new village began when two hamlets (Beru and Genjang) chose to separate themselves from

⁴ Muhammad, 2019, *Desa: Pengertian, Fungsi, dan Ciri-cirinya*, banjarsari-labuhanhaji.desa.id.

⁵ <https://djk.kemenkeu.go.id>

⁶ Jurnal Ilmiah Indonesia, e-ISSN: 2548-1398, Vol.7, No. 4 April 2022.

⁷ <https://www.kemendagri.go.id>.

⁸ Perda Kabupaten Kudus No.4 Tahun 2005 tentang *Pemecahan Desa Lambangan dan Pembentukan Desa Berugenjang Kecamatan Undaan Kabupaten Kudus*.

Lambangan Village. The two hamlets felt dissatisfied with the management of village assets, which so far had little funds to develop the two hamlets, even though the two hamlets were considered to have sufficient rice fields and natural resources.

The inequality in the distribution of fund allocations to Berugenjang Village is considered to be inversely proportional to the potential of the two hamlets. On that basis, the two hamlets fought for their rights by establishing the Sendiri village and separating from the Lambangan village. However, the village of Lambangan itself does not want to let go of the two hamlets, because the two hamlets are too small in scope to expand and form a village.

RESEARCH METHODS

The approach method used in this research uses an empirical juridical approach method, the approach method used in this research uses a normative juridical approach method. This type of research is descriptive. Descriptive research is a rule for solving problems which is in the form of a research concept based on facts that are visible as they are with the concept of drawing and depicting the subject and object of research.⁹The location of this research was carried out in Berugenjang Village, Undaan District, Kudus Regency. This research was carried out in January-February 2023. The source of research data is normative law, so the data collected is primary and secondary data obtained from legal sources related to the research object. Data collection techniques include literature methods (library study), questionnaires, interviews. The data analysis used is descriptive qualitative.

RESULTS AND DISCUSSION

The Village Expansion Mechanism is based on Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 1 of 2017 concerning Village Management

Contained in Law no. 32 of 2004 regarding Regional Expansion, based on article 4 paragraph 3 that regions can expand more than one region, but after Law no. 32 of 2004 was revoked and declared invalid, replaced by Law no. 23 of 2014 concerning Regional Government, the material for regional expansion is contained in Article 32 paragraph (1), but the term used is regional division, which is a region that is separated from adjoining regions in one region to become one new region.¹⁰

UU no. 23 of 2014 concerning Regional Government regulates the requirements for the formation of autonomous regions, which in essence also underlies the requirements for regional expansion. The basic requirements referred to in Article 33 paragraph (3) include requirements for regional validity and requirements for the validity of regional capacity.¹¹

Meanwhile, in different layers there are administrative requirements for provincial and district areas. For provincial areas, it covers the ratification of the Regency/City DPRD with the Regent/Mayor which will cover the regional area of the central province, while for Regency/City areas it covers village deliberation decisions which will cover the Regency/City area, joint ratification with the central Regency/City DPRD with the Regent/Mayor of the central region, and joint ratification of the Provincial DPRD with the Governor of the provincial region which includes the Regency/City preparation areas which are then formed.¹² Furthermore, with changes to the new law, of course there are changes regarding expansion.

The enactment of Law no. 23 of 2014 as a replacement for Law no. 32 of 2004, the conditions and mechanisms for the formation of new autonomous regions have become more explicit and stricter. In

⁹ <http://digilib.uinsgd.ac.id>

¹⁰ UU RI No. 23 Tahun 2024 *Tentang Pemerintahan Daerah*, Paragraf 1 Pemekaran Daerah Pasal 32 Ayat (1).

¹¹ UU RI No. 23 Tahun 2024 *Tentang Pemerintahan Daerah*, Paragraf 1 Pemekaran Daerah Pasal 33 Ayat (3).

¹² Artikel, 2018, *Persiapan Pemekaran Daerah Provinsi/Kota/Kabupaten*, Lembaga Kajian Nasional Otonomi Daerah-Media Kajian dan Riset.

Law no. 23 of 2014, the requirements for establishing regions have changed to requirements for preparatory regions, which are regulated in Article 33 paragraph (3) which now divides the requirements for establishing preparatory regions into basic requirements and administrative requirements.

Regional expansion in its implementation needs to realize the implementation of regional autonomy that is real, dynamic, harmonious, responsible, therefore the principles of regional autonomy are needed, namely¹³:

- a. real, namely a government need for truth in development needs.
- b. dynamic, namely developments in the conditions and behavior of society
- c. harmony, namely harmony in actions in accordance with the direction and policy of the central government
- d. responsibility, namely an act of non-resistance to existing and applicable laws and regulations.

Stated based on PERMENDAGRI No. 1 of 2017 concerning Village Arrangement Article 6 states that the provisions on the village expansion mechanism are outlined in a coherent and clear manner, namely¹⁴:

- (1) Based on Article 2 paragraph (2), it is written in letter a, regarding the formation of a village, that is the act of establishing a new village outside the existing village.
- (2) Based on paragraph (1), regarding the formation of a village, it always takes into account the initiatives of the Village community, origins, customs, socio-cultural conditions of the local community, as well as paying attention to the capabilities and potential that exist in the Village.

The requirements for village formation are contained in Article 7, namely¹⁵:

- (1) Village formation must meet the following requirements:
 - a. within the age limit of the main village of at least 5 (five) years from the time of formation;
 - b. total population, namely:
 - Java region at least 6,000 (six thousand) people or 1,200 (one thousand two hundred) heads of families;
 - c. there is transportation access in the work area;
 - d. the creation of social harmony in social culture;
 - e. has potential that includes natural resources, human resources and supporting economic resources;
 - f. on the Village area boundaries shown in the form of a Village map that has been stipulated in the Regent/Mayor Regulation;
 - g. existence of public services and infrastructure for village government; And;
 - h. For Village government officials, it has been regulated in accordance with statutory provisions that operational funds, fixed income and other allowances will be provided.
 - i. The scope of the Village area consists of hamlets or other names.

Impact of Implementation on Community Welfare After Becoming an Expansion Area

Social welfare or what is usually called community welfare is considered very important in the goals of the state. Community welfare is an implementation of efforts to achieve the goals of the nation as mandated in the 1945 Constitution of the Republic of Indonesia.¹⁶ The fifth principle of Pancasila explains that social justice is for all Indonesian people,¹⁷ and in the preamble to the 1945 Constitution of the Republic of Indonesia, it mandates the state to always protect the entire Indonesian nation and all of Indonesia's blood, then promote general welfare, play a role in making the nation's life intelligent and contribute to the glorification of the universe by always striving for world order based on eternal freedom, peace and supporting social justice.¹⁸

One of them is that the level of welfare of the people of Berugenjang Village is in accordance with

¹³ Ibid, hal.125

¹⁴ PERMENDAGRI No. 1 Tahun 2017, *Bagian Kesatu Pembentukan Desa*, pasal 6.

¹⁵ PERMENDAGRI No. 1 Tahun 2017, *Bagian Kesatu Pembentukan Desa*, pasal 7.

¹⁶ <https://www.kemendagri.go.id>.

¹⁷ <https://bPIP.go.id>.

¹⁸ Muhtar, 2022, *Tujuan Negara Republik Indonesia dan Cara untuk Mencapainya*, UICI.

the predictions of the "Dukuh Beru Genjang" team previously by utilizing the potential of natural and human resources to improve the welfare of the community. village development. Based on data obtained from the central statistical agency of Kudus Regency, the potential of Berugenjang Village to date is as follows:

a. Natural Resource Potential

The land area in Berugenjang village consists of rice fields and non-rice fields. Table 1 shows data recorded by the central statistical agency for Kudus Regency 2023 that in Berugenjang Village the area of rice fields is still much larger compared to the area of dry land. This situation proves that the area of rice fields that can be planted is larger, consisting of 31 Ha of rice fields owned by the village and 152.4 Ha owned by residents. The existing rice fields are used by Berugenjang village to plant rice and the results of this production can be used to support the village.

Table 1.

Subdistrict/Village	Rice Fields	Non-Paddy Land	Amount
Hanging out	183.40 ha	43.35 ha	226.75 ha

Figure 1. Area by land type in Berugenjang village in 2023

Table 2.

Technical Village	Technical	Half Technical	Amount
Hanging out	156.47	26.93	183.40

Figure 2. Area of rice fields according to irrigation type and data in Berugenjang village in 2023

In table 2. most of the rice fields owned are technical fields, so the crop used is rice. According to Kiswo, SE (Village Head) of Berugenjang Village, the reason for choosing rice is because the rice production is quite large and the harvest can be twice a year.¹⁹For this reason, the rice fields in Berugenjang Village and the development of the village can also be seen from the level of economic welfare of the community. From the increased production value, the income of farmers and farm workers also increases. So that daily needs can be met, starting from clothing, food and shelter.

b. Human Resource Potential

Human resources are the potential and abilities contained within humans that can be used or exploited in life on an ongoing basis. This potential plays a very important role in development so that the more people in an area, the more successful development in that area will be.

After the expansion of Lambangan Village and the formation of Berugenjang Village, there was an increase in income for the residents of Berugenjang Village. This was proven in the 2 years before the expansion compared to the 2 years after the expansion. At that time, the daily income 2 years before the expansion (around 2003) was Rp. 12,500.00 and 2 years after expansion around 2007 it was Rp. 27,700.00.²⁰This is also followed by rice production which increases every year so that the correlation is that after the expansion of the village there is an increase in the income received by the residents of Berugenjang Village.

CONCLUSION AND SUGGESTION

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Regional autonomy has become a special attraction that has developed after the issuance of Law no. 32 of 2004 concerning Regional Government (hereinafter referred to as Law No. 23 of 2014). In Indonesia, autonomy has spread into a new spirit, which can be seen from the many new autonomous regions that are expanding and have their own governments. In Law no. 23 of 2014 has regulated regional expansion. This is important in carrying out expansion because in measuring the progress of a country,

¹⁹ 19 Maret 2023, Rumah Bapak Kiswo S.E., Desa Berugenjang. *Note: Mayoritas rakyat kita makan nasi, dan makanan pokok warga Indonesia, oleh karena sebagian besar areal sawah ditanami padi*

²⁰ Data Kuesioner Data Potensi Desa dan Data Tingkat Perkembangan Desa 2008.

one of the benchmarks is the welfare of the community. A prosperous society will feel physically and mentally safe in carrying out its life, this is one of the keys to a government that is successful in running its government system. Berugenjang Village is an independent village, but during the Dutch East Indies era there was a merger of villages. The closest village to Berugenjang Village was Lambangan Village, which at that time had a large area but had a smaller population than Berugenjang Village. The merger at that time was not based on the initiative of Berugenjang residents, but rather because Berugenjang Village during the Dutch East Indies era could not pay income tax, so it was merged with another area, namely Lambangan Village. When it was still affiliated with Lambangan Village, the distribution of village development funds was divided based on RT, at that time Dukuh Beru and Genjang only had 4 RTs and the Lambangan area had 12 RTs. So, with limited funds, the development of Dukuh Beru and Genjang at that time was less developed and became an area that was lagging behind compared to other areas.

Suggestion

It would be better if there was an evaluation from the central government, by entrusting the implementation to the regional government in Kudus district to regions that have expanded, such as Berugenjang Village, so that they can implement the new autonomy well. The evaluation includes regulations governing village expansion regarding the conditions, and the level of community welfare as seen from the community economy, community education, and community welfare. So it can be seen that welfare increases or decreases after expansion.

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