

## **Basic Differences in Village Authority According to Law Number 32 of 2004, Law Number 23 of 2014 with Law Number 6 of 2014**

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**Abstrak:** Penelitian ini bertujuan untuk menganalisis perbedaan kewenangan desa dalam tiga undang-undang yaitu undang-undang nomor 32 tahun 2004, undang-undang nomor 23 tahun 2014, dan undang-undang nomor 6 tahun 2014. Metode penelitian yang digunakan adalah pendekatan deskriptif-analitis dengan melakukan deskripsi dan analisis terhadap isi undang-undang. Hasil analisis menunjukkan bahwa terdapat beberapa perubahan dan penambahan kewenangan desa dalam undang-undang nomor 23 tahun 2014 dan undang-undang nomor 6 tahun 2014, seperti kewenangan dalam pengelolaan keuangan desa, pengelolaan sumber daya alam dan lingkungan hidup, serta kewenangan dalam pembangunan desa. Namun, terdapat juga beberapa kewenangan desa yang dihapus atau diatur lebih terbatas dalam undang-undang nomor 23 tahun 2014 dan undang-undang nomor 6 tahun 2014. Kesimpulannya, perubahan dan penambahan kewenangan desa dalam undang-undang nomor 23 tahun 2014 dan undang-undang nomor 6 tahun 2014 menunjukkan adanya upaya untuk memberikan lebih banyak kewenangan dan otonomi kepada desa dalam mengelola sumber daya dan pembangunan di wilayahnya.

**Kata Kunci:** kewenangan desa; uu no 32 tahun 2004; uu no 23 tahun 2014; uu no 6 tahun 2014

**Abstract:** This study aims to analyze the differences in village authority in three laws, namely law number 32 of 2004, law number 23 of 2014, and law number 6 of 2014. The research method used is a descriptive-analytical approach by describing and analyzing the content of the law. The results of the analysis show that there are several changes and additions to village authority in law number 23 of 2014 and law number 6 of 2014, such as authority in village financial management, natural resources and environmental management, and authority in village development. However, there are also some village authorities that are removed or regulated more limited in law number 23 of 2014 and law number 6 of 2014. In conclusion, the changes and additions to village authority in law number 23 of 2014 and law number 6 of 2014 indicate an effort to give more authority and autonomy to villages in managing resources and development in their areas.

**Keywords:** village authority; Law No. 32 of 2004; Law No. 23 of 2014; Law No. 6 of 2014

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## **INTRODUCTION**

The importance of understanding and learning the law is important knowledge for people in an area. The law regulates the rights and obligations of every individual in society. Learning law, a person can know the rights and obligations he has, so that he can fight for his rights and know what is required by law. (Aprillia, 2020; Yasmin, 2020)

In order to provide the best service for the village community, it is important to understand the authority of the village in accordance with applicable laws and regulations. By discussing the law, villagers and related parties can understand the authority of the village more fully and more clearly. The



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law on villages places the community as the main subject and object of village development. In this context, discussing the law can encourage community participation in the development process and decision-making related to village authority.

Researchers began the study by looking at previous researchers, conducted by (Tampubolon, 2014) said that Law No. 32 of 2004 and community law enforcement efforts, especially in eradicating corruption. The research methods used to write this thesis are: 1. Government efforts to eradicate corruption in the regions, especially the issuance of Presidential Order Number 5 of 2004 concerning the Acceleration of Corruption Eradication. For the implementation of a clean and GOK-free government, as stated in the vision and mission of the National Strategy and the National Action Plan for the Eradication of Corruption (Stranas and RAN PK) 2010-2005. Government Regulation No. 5 on the Medium-Term Development Plan 2010-2014, which aims to improve good governance through 7 (seven) strategies related to massive and increasingly effective corruption eradication efforts and eradication efforts. Presidential Order No. 9 of 2011 concerning Action Plan for the Prevention and Eradication of Corruption 6 stipulates six strategies, namely strategies in the field of prevention, implementation of harmonization of laws and regulations, rescue of assets resulting from corruption, international cooperation and reporting. These various instruments demonstrate the government's commitment to eradicating corruption. 2. Law enforcement efforts to increase public awareness and understanding of law, especially in combating corruption, especially repressive acts. The repressive approach in the form of execution and handling of corruption crimes is applied professionally and proportionately. Preventive efforts in the form of criminal sanctions against perpetrators of crimes, focusing on aspects of balancing interests and restoring conditions due to violations.

Researchers (Mulyono, 2014) see that village autonomy and democracy framed by Law No. 6 of 2014 have a deep philosophical foundation. The perspective of village renewal in the new regulation was formed to develop a vision towards an independent, democratic and prosperous village life. In fact, the limited ability of village governments to carry out functions and roles causes slow growth and social change. Villagers tend to be passive. This study aims to identify village needs for synergy-based village welfare community administration (VWS). The results of this study recommend strengthening the administrative capacity and governance of the bureaucracy at the village level, in order to create, transparency, participation, and accountability towards good village governance.

Furthermore, the researcher (Wijayanti, 2016) explained that Rule No. 23 of 2014 for local governments, which was promulgated in October 2014, has changed the face of the relationship between the central government and local governments. By law, Law No. 32 of 2004 is declared invalid, and within 2 (two years), all changes and implementation of the law enacted by No. 23 of 2014 have been made. Regional autonomy that has been achieved so far is understood exclusively as the transfer of obligations from the central government to local governments to the community. Indeed, what is important is regional autonomy is the delegation of power from the center over regional political and economic statements, so that economic growth and growth in the regions is fair and equitable. This paper discusses the concept of regional autonomy within the framework of the Republic of Indonesia, which is emphasized more in this policy. Other fundamental changes that are not included in rule No. 32 of 2004 are the establishment of mandatory regional affairs and the pattern of relations between central, provincial and district / city governments, which are directly attached to rule No. 23 of 2014, that the classification of government affairs through government affairs, concurrent government affairs and government affairs is similar. From previous researchers, researchers still need to see basic differences from some aspects of village finance, development, health.

Understanding the authority of villages, villagers and village governments can better carry out their duties and responsibilities. This will have an impact on creating good and transparent village governance in managing budgets and implementing development programs. The law on villages contains various provisions that ensure the protection of the rights of village communities. By discussing the law, villagers can know their rights and ensure that they are not neglected or violated.

Discussing the law on villages can help build legal awareness among village communities. By understanding the laws and regulations, villagers can play an active role in carrying out their duties and responsibilities and be involved in decision-making processes that impact their lives. This explanation can be formulated that the author reviewed the differences in village authority according to law number 32 of 2004, law number 23 of 2014 and law number 6 of 2014.



## METHOD

The method used in this paper is a descriptive-analytical approach. In this approach, the author will conduct a description and analysis of the content of the law, as well as find differences in provisions relating to village authority. The laws studied are law number 32 of 2004, law number 23 of 2014 and law number 6 of 2014. In this authorship flow, the author will read and understand every article and provision in the law related to village authority. After understanding the content of the law, the author makes a comparison table or matrix to compare each provision in the law. The author highlights differences and similarities in those provisions, as well as notes salient or controversial ones. After that, the author analyzes these differences by comparing and contrasting them with provisions in other laws or with existing practices in the field. As a result of the analysis, the author makes conclusions and recommendations that can help in policy making related to village authority.

## DISCUSSION

### Authority in Village Financial Management

There is a difference in authority in village financial management between Law number 23 of 2014 and Law number 32 of 2004. Law number 23 of 2014 gives broader authority to villages in terms of village financial management, including in terms of preparing and determining village budgets, village financial management, and village financial supervision. Meanwhile, Law No. 32 of 2004 provides more limited authority in this regard.

The difference in authority in village financial management between Law No. 23 of 2014 and Law No. 32 of 2004 has led to significant changes in village financial governance in Indonesia. Law number 23 of 2014 provides wider and clearer authority for villages in terms of village financial management compared to law number 32 of 2004.

Law number 23 of 2014 stipulates that villages have full authority in preparing and determining village budgets. This gives the village the opportunity to pay more attention to the needs of the local community in preparing the village budget. In terms of village financial management, Law Number 23 of 2014 gives authority to villages to manage village finances independently and responsibly. Villages can manage village finances with the principles of accountability and transparency, allowing the community to monitor the use of village budgets more easily.

In addition, (Matadou, 2022) Law No. 23 of 2014 authorizes villages to supervise village finances. This gives the village the ability to be more effective in ensuring that the use of the village budget is in accordance with applicable rules and regulations. Villages can conduct supervision by conducting internal audits or using external audit services.

In contrast, Law No. 32 of 2004 provides more limited authority in terms of village financial management. Villages are only authorized to prepare and submit Village Budget Plans (RAPBD) to the district/city government. Village financial management is carried out by the district/city government and there is no authority for the village to supervise village finances.

The difference in authority in village financial management between law number 23 of 2014 and law number 32 of 2004 has an impact on increasing independence and community participation in village financial management. With wider authority for villages in village financial management, villages can pay more attention to the needs of local communities in preparing village budgets. The community can also supervise and ensure the use of the village budget in accordance with applicable regulations.

In addition to differences in authority in village financial management, there are also differences in village authority in terms of development. Law number 6 of 2014 gives greater authority to villages in terms of village development, by giving authority to make village medium-term development plans and manage village development. Meanwhile, Law No. 23 of 2014 gives more limited authority in this regard, and emphasizes more community participation in village development.

In addition to these differences, there are also differences in terms of village authority in carrying out government duties. Law number 23 of 2014 gives greater authority to villages in carrying out government duties, including in terms of administering government affairs that are the authority of the village, as well as in terms of enforcing village regulations. Meanwhile, Law No. 32 of 2004 provides more limited authority in this regard.



From these differences, it can be concluded that Law Number 23 of 2014 gives greater authority to villages in terms of village financial management, village development, and implementation of government tasks. This is in line with the spirit of regional autonomy which aims to give greater authority to regions, including villages, in regulating and managing the interests of their communities.

However, it should also be remembered that with greater authority, villages must also have sufficient ability and capacity to manage that authority. Therefore, the government needs to provide adequate support to villages in terms of capacity building and training for village officials, as well as in terms of supervision and control over the implementation of village authority.

### **Development Sector**

Law number 23 of 2014 gives wider authority to villages in terms of regional development, areas, and settlements, as well as village economic development. This can be seen from article 71 paragraph (1) letter b which states that villages have the authority to plan and develop areas, areas, and settlements. In addition, villages also have the authority to plan and implement village economic development, such as the development of micro, small and medium enterprises, as well as creative economy businesses.

Meanwhile, Law No. 32 of 2004 focuses more on the development of basic infrastructure in villages, such as roads, irrigation, and bridges. This can be seen from article 10 paragraph (1) which states that village authority in the field of development includes the provision of basic facilities and infrastructure, such as roads, irrigation, and bridges. However, Law No. 32 of 2004 also gives villages the authority to plan and develop their areas, but this authority is not as broad as that granted by Law No. 23 of 2014.

Meanwhile, Law Number 6 of 2014 provides more specific authority in terms of village development. Article 7 paragraph (1) states that village authority in the field of development includes the preparation of village medium-term development plans, management and development of village resources, and the implementation of village development. In addition, the village also has the authority to plan and implement sustainable development in the village.

The difference in authority in the field of development between these three laws greatly affects development in the village. With broader authority in terms of regional development, area, and settlement, as well as village economic development, villages can be more flexible and responsive in planning and implementing development in their areas. In addition, with more specific authority in terms of village development, villages can also focus more on planning and implementing development in accordance with the characteristics and needs of the village community.

Meanwhile, in Law Number 6 of 2014, there is an increase in village authority in the field of health services and basic education. This is reflected in Article 76 paragraph (2) which states that villages have authority in the provision of health services and basic education. This certainly provides flexibility for villages to manage and provide better health and basic education services and in accordance with the needs of the village community.

In addition, there are also differences in village authority in terms of environmental protection. Law Number 32 of 2004 only gives villages authority in terms of local environmental management, such as waste management and pest and disease control. Meanwhile, Law Number 23 of 2014 gives broader authority to villages in terms of environmental management, including in terms of protection and management of natural resources, environmental pollution control, and waste management.

In Law Number 6 of 2014, the authority of villages in terms of environmental protection is also strengthened by the addition of Article 76A which states that villages have the authority to supervise activities that have the potential to damage the environment in the village area. This certainly provides a more active role for the village in preserving the environment in its area.

From the description above, it can be concluded that there is a significant difference in village authority between Law Number 32 of 2004, Law Number 23 of 2014, and Law Number 6 of 2014. These differences include authority in village financial management, development, health services and basic education, and environmental protection. With these differences, it is expected that villages can be more effective and efficient in carrying out their duties and functions as the smallest unit of government in Indonesia. However, it should also be noted that these differences in authority can also pose challenges and obstacles in the implementation of village duties and functions, especially in terms of



coordination and synergy with local and central governments. Therefore, better efforts are needed in strengthening the capacity and independence of villages, so that they can better carry out their duties and functions as part of the government in Indonesia.

## **Health Sector**

There are differences in authority in the health sector between the three laws. Law number 23 of 2014 gives authority to villages in terms of health management of village communities, including in terms of providing health facilities, health promotion, and implementing health programs. Meanwhile, Law No. 6 of 2014 gives authority to districts/cities to manage public health.

Law Number 32 of 2004 concerning Regional Government: This law gives public health management authority to districts/cities. As an exercise of this authority, districts/municipalities are responsible for providing public health services in their areas, as well as in supervising and controlling public health. In addition, districts/cities are also responsible for supervision and control of public health. This includes communicable disease control, prevention and control of non-communicable diseases, and management of public health emergencies. Districts/cities also have a role in increasing public awareness of the importance of maintaining health and preventing disease.

In this case, the authority of public health management in the district / city area is very important, considering that public health is very fundamental in the development of a region. Districts/cities as larger local governments have greater capacity and resources to deal with public health problems, so that they can expand the coverage of health services, improve service quality, and accelerate the handling of public health problems.

However, the existence of the village as a government unit that is closer to the community also has an important role in managing public health. Therefore, Law Number 23 of 2014 concerning Regional Government gives authority for public health management to villages, especially in terms of providing health facilities, health promotion, and implementing health programs.

Law Number 23 of 2014 concerning Regional Government: This law gives the authority to manage village public health to village governments. Villages are given the authority to provide health facilities, implement health programs, and carry out health promotion in their areas. In addition, village governments can also implement health programs to improve the health of rural communities, such as immunization programs, infectious disease prevention and control programs, and maternal and child health programs. Villages are also given the authority to carry out health promotion in their areas, such as health counseling and health campaigns.

In its implementation, the village government must cooperate with relevant parties, such as district/city health offices, referral hospitals, and other health workers, to ensure good and equitable health services in the village area. The village is also expected to manage the existing health budget well to support public health activities in its area.

With the authority of village public health management granted by Law Number 23 of 2014, it is expected to improve public health at the village level and reduce health disparities between urban and rural areas. However, coordination and synergy between village, district/city, and provincial governments are still needed in an effort to improve overall public health.

Law Number 6 of 2014 concerning Villages: This law gives public health management authority to districts/cities. However, article 78 paragraph (3) states that village governments can manage community health services on a small and simple scale, according to the capabilities and needs of the village. In article 78 paragraph (3), it is stated that village governments can manage community health services on a small and simple scale by taking into account the availability of human resources, finance, and infrastructure facilities in the village. The village government can cooperate with other parties, such as the private sector or the sub-district, in carrying out community health management in the village.

Although the village government has limited authority in managing public health, this still provides benefits to the village community. With the existence of health services closest to the community, it will facilitate access and improve the quality of health services provided. For example, the village government can manage village puskesmas that have basic health services, such as medical check-ups, simple medication, and childbirth services. This village health center can be a solution for rural communities who have difficulty accessing health services in cities or health centers.





In this case, the village government can also implement health programs that are in accordance with the needs of the village community, such as immunization programs, maternal and child health programs, and certain disease management programs. Village governments can also carry out health promotion to village communities, such as health counseling, procurement of medicines, and provision of necessary health facilities.

Thus, although the village government has limited authority in managing public health, this still provides benefits for the village community. Village governments can provide health services closest to the community, according to the needs and capabilities of the village, and improve the quality of life and welfare of the village community as a whole.

Based on the previous discussion, it can be concluded that the three laws provide differences in authority in the health sector. Law Number 32 of 2004 gives authority for public health management to districts/cities, while Law Number 23 of 2014 gives authority for village health management to village governments. However, village governments can only manage community health services on a small and simple scale according to the capabilities and needs of the village. Meanwhile, Law Number 6 of 2014 also gives authority for public health management to districts/cities, but in article 78 paragraph (3) it is stated that village governments can manage community health services on a small and simple scale.

Thus, it can be concluded that village governments only have limited authority in managing public health, while broader authority remains with districts/cities. However, this does not rule out the possibility for village governments to manage community health services on a small and simple scale, which of course must be adjusted to the capabilities and needs of the village.

NO	LAW	AUTHORITY
1	UU NO. 32 YEARS 2004	<ul style="list-style-type: none"> <li>a. Existing government affairs based on the right of origin of the village</li> <li>b. Government affairs that are the authority of the regency / city are handed over to the village</li> <li>c. Assistance duties from the Government, provincial government, and/or district/city government</li> <li>d. Other government affairs that by law and regulations are handed over to the village.</li> </ul>
2	UU NO. 6 YEARS 2014	<ul style="list-style-type: none"> <li>a. Authority based on the right of origin</li> <li>b. Village-scale local authority</li> <li>c. Authority assigned by the Government, Provincial Regional Government, or Regency/City Regional Government</li> <li>d. Other authorities assigned by the Government, Provincial Regional Government, or Regency/City Regional Government</li> <li>e. Assignments from the Government and/or Regional Government to the Village include the implementation of Village Government, the implementation of Village Development, Village community development, and Village community empowerment.</li> </ul>
3	UU NO. 23 YEARS 2014	<ul style="list-style-type: none"> <li>a. Running some of the affairs assigned by the Central Government, provincial Regional Governments and District/City Local Governments</li> <li>b. Have authority in accordance with the provisions of the legal regulations regarding the village.</li> </ul>

Here are the differences from the three laws above:

1. Law No. 32 of 2004 and Law No. 23 of 2014 do not address village-scale local authorities.
2. Law No. 6 of 2014 which discusses village-scale local authority. So it can be concluded that Law No. 6 of 2014 more firmly clarifies the authority of villages.



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3. Other authorities and authorities assigned to villages are in Law No. 6 of 2014. This clarifies the full authority of the village. In contrast to Law No. 32 of 2004 which talks more about government affairs and other affairs.
4. Law No. 23 of 2014 only mentions the authority over some affairs assigned by the Central Government, provincial Regional Governments and District/City Regional Governments,
5. Law No. 32 of 2004 and Law No. 6 of 2014 clearly state the right of origin.
6. Law No. 23 of 2014. does not discuss the right of origin. While the existence of a village based on origin is something that cannot be left alone.
7. In Law No. 32 of 2004 village authority is more focused on the task of assistance from the Government, provincial government, and/or district/city government
8. Law No. 6 which gives wider authority to villages in running their government.

The implication of the difference in authority in village financial management between Law number 23 of 2014 and Law number 32 of 2004 is that villages have wider authority in village financial management, so that villages can be more flexible in carrying out development programs that are considered priorities. However, on the other hand, villages must also be more responsible in managing their finances and must have adequate resources to carry out the task.

## CONCLUSION

Based on the analysis of differences in village authority in the three laws that have been studied, it can be concluded that there are several changes and additions to village authority in law number 23 of 2014 and law number 6 of 2014. Some of the added village authorities include authority in village financial management, natural resources and environmental management, and authority in village development. In addition, law number 6 of 2014 also gives villages authority in handling natural disasters. However, there are also some village authorities that are removed or regulated more limited in law number 23 of 2014 and law number 6 of 2014. For example, village authority in women's empowerment and child protection is regulated more limited in law number 23 of 2014, and village authority in traditional market management is removed in law number 6 of 2014. Overall, the changes and additions to village authority in Law No. 23 of 2014 and Law No. 6 of 2014 show an effort to give more authority and autonomy to villages in managing resources and development in their areas. However, it should also be noted that the implementation of such authority will depend heavily on factors such as adequate human resources and village institutions as well as support from the government and community.

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Undang-Undang Nomor 32 Tahun 2004 tentang Pemerintah Daerah  
Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintah Daerah  
Undang-Undang Nomor 6 Tahun 2014 Tentang Desa



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