



# Harmonization of laws regulating the formation of village government work plan drafting teams

Bagus Surya Dharma<sup>1</sup>, Dicky Eko Prasetyo<sup>1\*</sup>, Muh. Ali Masnun<sup>1</sup>, Putri Diah Lestari<sup>1</sup>

<sup>1</sup> Department of Law, Faculty of Law, Universitas Negeri Surabaya, Surabaya, East Java 60231, Indonesia.

\*Correspondence: dicky.23004@mhs.unesa.ac.id

Received Date: September 4, 2024

Revised Date: October 29, 2024

Accepted Date: January 10, 2025

## ABSTRACT

**Background:** This research aims to analyse the arrangements related to the formation of the Village RKP Compilation Team as stipulated in Permendagri 114/2014 and Permendesa PDTT 21/2020 and to analyse legal harmonisation efforts related to conflicts between Permendagri 114/2014 and Permendesa PDTT 21/2020. **Methods:** This research is a normative legal research that prioritises conceptual and statutory approaches. **Findings:** The results confirm that the authority to form the Village RKP Compilation Team has moved to the Ministry of Villages, Development of Disadvantaged Regions and Transmigration so that regulations from the ministry are prioritised for use. **Conclusion:** The resolution of norm conflicts between Permendagri 114/2014 and Permendesa PDTT 21/2020 regarding the formation of the Village RKP Compilation Team can be done by harmonising regulations using the principle of preference, specifically the principle of *lex superior derogate legi inferiori* in harmonising authority in village development and the principle of *lex posterior derogate legi priori* in harmonising regulations on the formation of the Village RKP Compilation Team. **Novelty/Originality of this article:** Through harmonisation using the principle of preference, the regulation on the formation of the Village RKP Compilation Team regulated by Permendesa PDTT 21/2020 takes precedence over its use.

**KEYWORDS:** legal harmonisation; conflict of rules; village government.

## 1. Introduction

The village is one of the important aspects, so the progress and independence of the village become important aspects to be implemented (Maduwinarti & Taali, 2023). Villages in Indonesia have even historically existed before the existence of the Republic of Indonesia. This suggests that village independence is the most important aspect to ensure that villages can optimally exercise local governance and leadership for their communities. In this context, the village is expected to become a 'small state' that can serve and protect the people in the village (Suryaningsih, 2021).

Village independence is one of the important aspects where Indonesia specifically establishes a principle of sustainable development for villages, which is then known as Village SDGs. Village SDGs are intended so that the goals of sustainable development can be optimally applied within the village scope while also achieving village independence (Iskandar, 2020). The orientation to advance and make villages independent as intended by the establishment of Law No. 6 of 2014 on Villages (Village Law), which was later amended by Law No. 3 of 2024 on Amendments to Law No. 6 of 2014 on Villages (Undang-Undang Desa Perubahan). One important aspect of village progress is the formation of the Village

### Cite This Article:

Dharma, B. S., Prasetyo, D. E., Masnun, M. A., & Lestari, P. D. (2025). Harmonization of laws regulating the formation of village government work plan drafting teams. *Ex Aequo Et Bono Journal of Law*, 2(2), 69-81.  
<https://doi.org/10.61511/eaebjol.v2i2.2025.1092>

**Copyright:** © 2025 by the authors. This article is distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).



Government Work Plan Preparation Team (Village *Rencana Kerja Pemerintah* (RKP) Preparation Team). The Village RKP is intended to coordinate and harmonize efforts related to development and programs at the village level (Suryaningsih, 2021). One of the efforts to form the Village RKP Preparation Team is by regulating the formation of the Village RKP Preparation Team through the Minister of Home Affairs Regulation No. 114 of 2014 concerning Village Development Guidelines (*Peraturan Menteri Dalam Negeri* (Permendagri) 114/2014), specifically in Article 33 paragraph (2) of Permendagri 114/2014, which mandates that the Chairperson of the Village RKP Preparation Team is the Village Secretary and the Secretary of the Village RKP Preparation Team is the Chairperson of the community empowerment institution. The regulation regarding the formation of the Village RKP Preparation Team is also stipulated in Article 36 paragraph (2) of the Minister of Village, Development of Disadvantaged Regions, and Transmigration Regulation No. 21 of 2020 concerning General Guidelines for Village Development and Community Empowerment (hereinafter referred to as *Peraturan Menteri Desa, Pembangunan Daerah Tertinggal, Dan Transmigrasi* (Permendesa PDTT) 21/2020), which emphasizes that the Chairperson of the Village RKP Preparation Team is elected by consensus and the Secretary of the Village RKP Preparation Team is appointed by the Chairperson of the Village RKP Preparation Team.

There has been a rule conflict between Article 33 paragraph (2) of Permendagri 114/2014 and Article 36 paragraph (2) of Permendesa PDTT 21/2020 with regard to the two regulations pertaining to the Village RKP Preparation Team that were previously discussed. They both govern the same thing, which is the establishment of the Village RKP Preparation Team, but they have different procedures for choosing the team's chairperson and secretary. Legal ambiguity results from this, as it basically causes a contradiction of regulations between Article 33 paragraph (2) of Permendagri 114/2014 and Article 36 paragraph (2) of Permendesa PDTT 21/2020.

The conflict of regulations causes a legal disharmony, leading to legal uncertainty for the village government regarding the guidelines for the election of the Chairperson and Secretary of the Village RKP Preparation Team. The conflict of regulations in forming the Village RKP Preparation Team also causes confusion in legal interpretation by village officials, resulting in legal uncertainty, potential conflicts of interest at the village level, and potential abuse of authority by village officials.

This research aims to analyze the regulations related to the formation of the Village RKP Preparation Team as stipulated in Permendagri 114/2014 and Permendesa PDTT 21/2020, as well as to analyze the legal harmonization efforts related to the rule conflicts between Permendagri 114/2014 and Permendesa PDTT 21/2020. The urgency of this research is to achieve legal harmonization concerning Permendagri 114/2014 and Permendesa PDTT 21/2020, particularly regarding the formation of the Village RKP Preparation Team.

Research discussing the Village Development Planning (RKP Desa) has indeed been conducted by several previous researchers, including the study by Merlinda et al. (2021), which focused on efforts to train in the preparation of RKP Desa (Merlinda et al., 2021). The novelty of the research by Merlinda et al. (2021) is that training efforts in the preparation of RKP Desa are necessary to ensure that RKP Desa is well-prepared and meets the needs of the village. Subsequent research was conducted by Pratama & Ma'ruf (2022) who analyzed the Village Government Work Plan (RKP Desa) in Gading Watu Village, Menganti District, Gresik Regency (Pratama & Ma'ruf, 2023). The novelty of Pratama & Ma'ruf's (2022) research is the need for the preparation of the Village Government Work Plan (RKP Desa) that ensures accountability and transparency. Further research was conducted by Luckytasari & Maulana (2024) focusing on the aspects of the RKP Desa formation process. The novelty of Luckytasari & Maulana's (2024) research is the need for optimal involvement and transparency to ensure community participation in the formation of the RKP Desa. This research, which focuses on the legal harmonization related to Permendagri 114/2014 and Permendesa PDTT 21/2020, specifically regarding the formation of the Village RKP

Preparation Team, is unique among the three earlier studies mentioned above because it has not been thoroughly examined by the other three.

## 2. Methods

This research is a normative legal study that focuses on analysis based on concepts, theories, and legal principles to resolve legal issues (Negara, 2023). As a normative legal study, this research focuses on authoritative legal materials, specifically using legal products in the form of regulations, particularly Permendagri 114/2014 and Permendesa PDTT 21/2020. This research, being a normative legal study, utilizes three types of legal materials: primary, secondary, and non-legal materials (Marzuki, 2024).

Permendesa PDTT 21/2020 and Permendagri 114/2014 serve as the main legal resources used in this study. Books, journal papers, and research findings addressing Village RKP, legal harmonization, and village governance are examples of secondary legal literature. A language dictionary is used in non-legal materials. A conceptual and legislative approach is the method employed. Library research is used to gather legal materials, and inventory is added based on the problem formulation that has to be addressed (Sihombing & Hadita, 2022). To provide legal arguments and remedies pertaining to the stated legal issues, prescriptive analysis of legal materials is carried out (Efendi & Ibrahim, 2022).

## 3. Results and Discussion

### 3.1 Regulation on the formation of the village RKP drafting team in Permendagri 114/2014 with Permendesa PDTT 21/2020

One of the key pillars in achieving the well-being of Indonesian society as a whole is village development (Subagyo & Prasetyo, 2020). According to Moh. Hatta, the village is a crucial point of direction for a nation (Fadlilah et al., 2022). This means that a developed country is one that is able to advance and empower its villages. The state, as emphasized in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, indeed has the obligation to empower villages while also safeguarding and preserving the traditional rights of villages or similar terms. The term village is not specifically mentioned in the 1945 Constitution of the Republic of Indonesia, but the substance that the state is obligated to empower villages is inherently attached to the state along with the state's function to prosper its society (Isharyanto, 2016; Prasetyo, 2024a). The village, as a social and traditional institution of society, naturally develops according to the customs and traditions that evolve in each region. Therefore, the term "village" is not a "singular" term, and the naming or usage of the term depends on each region and its traditions (Mansur et al., 2020). This makes the usage of the term "village" diverse according to the uniqueness of each region, such as nagari in West Sumatra, gampong in Aceh, huta in Batak society (North Sumatra), and so on (Sari et al., 2021; Yunaldi, 2021). Although it may have different names, the essence of a village remains the same, which is as the smallest traditional institution in society.

As part of the government's efforts in village development in Indonesia, there are two government agencies that have authority related to village development. These two agencies are the Ministry of Home Affairs (*Kementerian Dalam Negeri Republik Indonesia*) and the Ministry of Villages, Disadvantaged Regions Development, and Transmigration (*Kementerian Desa, Pembangunan Daerah Tertinggal, Dan Transmigrasi*) (Nurdin et al., 2023). The impact of having two agencies with authority over village development is the emergence of several regulations regarding village development, and the consequence of these regulations is the overlapping authority among the related institutions. Overlapping regulations as an implication of rules made by different agencies are actually a common problem in modern legal states (Chandra et al., 2022). This is because legislation occupies an important and vital aspect in a modern legal state (Prasetyo, 2024a).

The difference in the substance of regulations that causes legal disharmony is partly due to the presence of sectoral ego within an institution (Agustina, 2020). Sectoral ego in the formation of legislation occurs because an institution believes it is the most authoritative and most knowledgeable about the legal needs of a legal aspect that is to be regulated (Hidayat et al., 2022). This condition also occurs in other agencies, so the laws and regulations made by one agency and another with the same substance often conflict in practice, leading to legal disharmony. The impact of legal disharmony is the difficulty in enforcing the regulations, which also causes confusion among the public or the authorities responsible for implementing those rules (Setianingrum & Hawin, 2020).

Regulations related to village development are governed by Permendagri 114/2014 and Permendesa PD TT 21/2020. Both regulations actually contain a dissonance in regulating village development, particularly in the formation of the Village RKP Preparation Team. The formation of the Village RKP Preparation Team regulated by both regulations provides different requirements for the formation of the Village RKP Preparation Team, leading to normative conflicts and legal uncertainty. The regulation regarding the team leader as stipulated by Permendagri 114/2014 states that the head of the Village RKP Preparation Team is the Village Secretary and the secretary of the Village RKP Preparation Team is the Head of the Community Empowerment Institution. Permendagri 114/2014 also limits the number of members in both teams to a maximum of 11 members. (sebelas orang).

Permendesa PD TT 21/2020 provides different requirements for the formation of the Village RKP Preparation Team. According to Permendesa PD TT 21/2020, the Village RKP Preparation Team's head is selected by consensus, taking into account their skills and experience, and the team's secretary is picked by the team leader. The number of members in the Village RKP Preparation Team is not limited by Permendesa PD TT 21/2020, in contrast to Permendagri 114/2014; nonetheless, the team must consist of at least seven people. Permendesa PD TT 21/2020 and Permendagri 114/2014 are implementing rules or derivatives of government regulations. Regulations that manage the technical aspects of higher regulations are known as implementing regulations, and they must not clash with the higher regulations (Prianto, 2023; Sulaksono et al., 2023). Permendagri 114/2014 is an implementing regulation whose directive is governed by Article 131 of Government Regulation No. 43 of 2014 concerning the Implementation of Law No. 6 of 2014 concerning Villages (hereinafter referred to as PP 43/2014). However, this government regulation was amended by Government Regulation No. 47 of 2015 concerning Amendments to Government Regulation No. 43 of 2014 concerning the Implementation of Law No. 6 of 2014 concerning Villages (hereinafter referred to as PP 47/2015), and Article 131 in PP 43/2014 was amended and later became the directive to create Permendesa PD TT 21/2020.

The reason for the discord or regulatory clash between Permendagri 114/2014 and Permendesa PD TT 21/2020 is due to the presence of multiple agencies with overlapping authorities, resulting in regulations on village development being issued by both agencies. Moreover, the new agency's establishment has led to the redistribution of tasks between the old agency and the new agency (Anggono, 2022). Different government agencies overseeing the same issue may result in overlapping authorities (Prasetio, 2024b). This happens because different government agencies following similar policies can lead to overlapping authorities as each agency's authority comes from legislation of the same level of importance (Sulistina et al., 2022).

From a historical perspective, before the establishment of the Ministry of Village, Disadvantaged Regions Development, and Transmigration, the Ministry of Home Affairs was the ministry with authority related to villages. With this position, the Ministry of Home Affairs established general regulations, technical guidelines, and facilitation regarding village governance, village development implementation, village community development, and village community empowerment (Huda, 2015). The regulation of various aspects related to villages by the Ministry of Home Affairs also shows that initially, village governance was considered an integral part of domestic affairs (Muhtadli, 2020). In fact, ideally, regulations related to villages should be managed by a separate ministry considering that villages have traditional characteristics and the authority to govern themselves.

After the establishment of the Ministry of Villages, Disadvantaged Regions Development, and Transmigration, which is tasked with handling village and rural area development, empowering village communities, accelerating the development of disadvantaged regions, and transmigration. With the existence of the Ministry of Villages, Disadvantaged Regions Development, and Transmigration, the Ministry of Home Affairs must share responsibilities so that old regulations regarding village development must be revoked and/or amended immediately to avoid disharmony or regulatory conflicts (Iskandar, 2020). The authority of the Ministry of Home Affairs in handling villages is explained in the General Explanation of the Explanation of Law No. 6 of 2014 concerning Villages (hereinafter referred to as the Village Law), which states that the Minister currently handling Villages is the Minister of Home Affairs. In this position, the Minister of Home Affairs establishes general regulations, technical guidelines, and facilitation regarding the administration of village governance, the implementation of village development, the fostering of village communities, and the empowerment of village communities. The explanation from the Explanation of the Village Law has led some parties to state that the Ministry of Home Affairs is responsible for village development. However, in the implementation of legislation, the Explanation in the Law is not a norm and cannot be used as a legal basis. This is in line with the view of Hamid. S. Attamimi, who stated that the explanation of a regulation does not need to be included in a regulation because with the explanation, the regulation will become static and bind itself (Indrati, 2021). On the other hand, in accordance with existing legal needs, explanations must be included in a regulation because explanations are official information from the lawmaker (Leonita, 2022). However, it should be emphasized that the explanation should not regulate as a legal norm does, but merely explain the provisions of a legal norm (Rokilah & Sulasno, 2021).

From the two views above, a moderate perspective can be drawn that the explanation of a piece of legislation needs to be included, but it should only contain general aspects such as juridical, philosophical, or sociological views on the emergence of the legal product being created (Indrati, 2020). The legal force and role of the explanation of a regulation are also in accordance with the function and role of the explanation of regulations as stipulated in Appendix I of Law No. 12 of 2011. In Appendix I point 176, the explanation of a Law serves as an official interpretation by the lawmaker of certain norms in the body of the law, and the explanation is a means to provide clarification on the norms in the body of the law and is prohibited from causing ambiguity in the intended norms. Continuing in Appendix I point 177, the explanation cannot be used as a legal basis for making further regulations and must not include formulations that contain norms. Furthermore, in Appendix I point 186, the formulation of the explanation for each article must not contradict the main material regulated in the body of the law and must not expand, narrow, or add to the understanding of the norms in the body of the law (Elcaputera et al., 2022).

It is also explained in Appendix II of Law No. 12 of 2011 that there are several definitions related to the strengthening of the function of Explanations as the official interpretation of the legislative drafters on certain norms in the body of the law. The explanation of a law is divided into two, namely general explanation and article-by-article explanation. The general explanation contains a systematic description of the background of the thought process, the intent, and the purpose of drafting the legislation, which has been briefly stated in the recitals, as well as the principles, objectives, or main materials contained in the body of the legislation. The article-by-article explanation is a formulation of the article-by-article explanation that, in its writing, has several requirements, including: (i) not contradicting the substance of the main material in the body of a regulation, (ii) not expanding, adding, and/or narrowing the substance contained in the body, (iii) not causing redundancy or repetition of material that is already contained in the body, and (iv) not regulating or containing matters related to delegation.

Based on the explanation above, regarding the authority of the Ministry of Home Affairs to handle all aspects of the village, which is only explained in the General Explanation of the Village Law, it cannot be used as a legal basis because the explanation of legislation is not a norm and therefore not binding. The existence of the General Explanation in the Explanation

of the Village Law gives the Ministry of Home Affairs the authority to handle all aspects of the village because a ministry specifically for village affairs has not yet been established. For now, the authority of the Ministry of Home Affairs in handling villages is the development of village governance in accordance with Article 5 of Presidential Regulation No. 114 of 2021 concerning the Ministry of Home Affairs. According to Presidential Regulation No. 12 of 2015, the Ministry of Village, Development of Disadvantaged Regions, and Transmigration was created, but this was later cancelled by Presidential Regulation No. 25 of 2020. The rules specify the responsibilities of the Ministry of Village, Development of Disadvantaged Regions, and Transmigration, such as overseeing village and rural development, empowering village communities, speeding up development in disadvantaged areas, and overseeing transmigration.

When it comes to the disagreement or regulatory clash between Permendagri 114/2014 and Permendesa PDTT 21/2020, it is important to determine the primary authority for managing village development and the oversight of the Village RKP Preparation Team. This falls under the jurisdiction of either the village government, controlled by the Ministry of Home Affairs, or village development, overseen by the Ministry of Village, Development of Disadvantaged Regions, and Transmigration. There are no specific regulations stating if the Village RKP Preparation Team operates under the Ministry of Home Affairs or the Ministry of Village, Development of Disadvantaged Regions, and Transmigration. Nevertheless, forming the Village RKP Preparation Team is integral to the progression of village and rural area development.

Prior to the revisions in *Peraturan Pemerintah* (PP) 43/2014, the Ministry of Home Affairs was responsible for overseeing village development guidelines. As per Article 131 paragraph (1) of PP 43/2014, Ministers in charge of national development planning are responsible for setting guidelines on village development, rural area development, village community empowerment, and village assistance. This authority is granted based on Article 1 number 14 of PP 43/2014, designating the Minister of Home Affairs as the minister overseeing villages. Therefore, due to the presence of Article 131 paragraph (1), the Ministry of Home Affairs released Permendagri 114/2014 regarding Village Development Guidelines.

Following the changes made to PP 43/2014 and further amended by PP 47/2015, the Ministry of Villages, Development of Disadvantaged Regions and Transmigration is now responsible for overseeing village development guidelines to promote the development of villages and rural areas. The amendments in PP 47/2015 involve removing Article 1 number 14, stating "The Minister is responsible for villages," and revising Article 131 paragraph (1) to state "The Minister overseeing government affairs in village development, rural areas, and community empowerment." Villages set out basic rules for village development, rural area improvement, village community empowerment, and village support in collaboration with the domestic government affairs minister and the national development planning minister. Therefore, according to this rule, the Ministry of Villages, Development of Disadvantaged Regions and Transmigration has control over village development.

Article 131 paragraph (1) was used by the Ministry of Villages, Development of Disadvantaged Regions and Transmigration to release Permendesa PDTT 21/2020, which provides General Guidelines for Village Development and Village Community Empowerment in line with its responsibilities. Nevertheless, they must still collaborate with overseeing internal government matters, specifically the Ministry of Home Affairs; and the minister overseeing government matters related to national development planning, specifically the Ministry of National Development Planning/Bappenas. Nonetheless, Permendagri 114/2014 remains applicable in reality and leads to disputes with Permendesa PDTT 21/2020. According to the information provided, Permendesa PDTT 21/2020 needs to be given priority as a legal foundation for village development and for establishing Village RKP Drafting Teams because the responsibility for village development now falls under the Ministry of Villages, Development of Disadvantaged Regions, and Transmigration.

### 3.2. Resolving norm conflicts for the formation of village RKP drafting teams in Permendagri 114/2014 with Permendesa PD TT 21/2020

Rule conflicts are essentially a common phenomenon that occurs in a state governed by law, especially when statutory regulations, which are positive law, become an important aspect of the rule of law (Akmal, 2021). In societal development, the need for various aspects to be regulated through legislation has led to increasing efforts to create laws to regulate matters related to public order and discipline (Hidayat & Arifin, 2019). Efforts to address rule conflicts are through legal harmonization. Legal harmonization is a process of alignment in realizing and enforcing legislation to resolve differences, conflicts, and issues between regulations or among legal regulations (Fahamsyah & Chansrakaeo, 2022). Harmonization is an effort to create harmony and resolve legal differences or conflicts for the unity of the legal system, both for a draft regulation being made and for regulations that are already in effect (Putra et al., 2021).

The opposite of legal harmonization is legal disharmony, which can later lead to conflicts of legal norms (antinomy normen) (Masnun & Pratama, 2020). Legal disharmony occurs due to the existence of a legal norm that conflicts or is not in harmony with another legal norm. Legal disharmony also occurs due to hyper-regulation, which means an increase in the number of regulations, but results in a decrease in the value of legal norms (Agustina, 2020). Legal disharmony is also a side effect of hyper-regulation where the formation of regulations does not consider whether the substance of the regulation is already governed by other regulations, resulting in contradictions within the regulation (Putra et al., 2021). Regarding normative conflicts or disharmony in the formation of the Village RKP Preparation Team, it is necessary to carry out regulatory harmonization to resolve these regulatory conflicts and provide legal certainty in the formation of the Village RKP Preparation Team.

In general, the existence of a rule experiencing legal disharmony can result in differences in interpreting the law in its implementation, the emergence of legal uncertainty, and ineffective and inefficient enforcement of legislation (Kusworo et al., 2022). Regarding the legal disharmony in the regulation of the formation of the Village RKP Preparation Team as stipulated in Permendagri 114/2014 and Permendesa PD TT 21/2020, the disharmony between these two regulations has caused several legal issues, including: (i) causing legal chaos at the district/city level because these ministerial regulations can serve as the basis for district/city level regulations, (ii) the emergence of differing legal interpretations among village officials, potentially leading to a loss of legal certainty for village officials, (iii) The potential for conflicts of interest within the scope of Village Government, and (iv) the potential for abuse of authority by village officials.

As a response to the issue of legal disharmony, one of the efforts that can be made is by using the principle of preference, which includes the principle of *lex superior derogate legi inferiori*, meaning that higher-ranking legislation supersedes lower-ranking legislation (Al-Fatih et al., 2023). Next is the principle of *lex specialis derogate legi generali*, which means that specific legislation supersedes more general legislation (Hiariej, 2021). The next principle is *lex posterior derogat legi priori*, which means that newer legal rules supersede older legal rules, with the new regulations canceling the previous ones (Irfani, 2020).

Regarding the issue of legal disharmony in the regulation of the formation of the Village RKP Drafting Team between Permendagri 114/2014 and Permendesa PD TT 21/2020, the most appropriate principle to use is the principle of *lex superior derogate legi inferiori* because one of the regulations experiencing disharmony has a vertical position, and the principle of *lex posterior derogat legi priori* because the regulations experiencing disharmony have an equal or horizontal position. The issue of disharmony in this research does not allow for the use of *lex specialis derogate legi generali* because this principle can only be used to resolve conflicts between specific and general regulations.

The principle of *lex superior derogat legi inferiori* is applied for resolving conflicts in village development authority between the Ministry of Home Affairs and the Ministry of Village, Disadvantaged Regions Development, and Transmigration, which is the root cause

of disharmony in forming the Village RKP Preparation Team. The concept of *lex superior derogat legi inferiori* states that legislation of higher authority takes precedence over legislation of lower authority. The discrepancy in the criteria for establishing the Village RKP Drafting Team is due to modifications made to Article 131 paragraph (1) of PP 43/2014 by PP 47/2015, affecting Permendagri 114/2014 and Permendesa PD TT 21/2020. PP 47/2015 revised Article 131 paragraph (1) of PP 43/2014, leading to the creation of Permendesa PD TT 21/2020 as instructed. Hence, in accordance with the principle of *lex superior derogat legi inferiori*, Permendagri 114/2014 from the Ministry of Home Affairs should be disregarded, and Permendesa PD TT 21/2020 from the Ministry of Village, Development of Disadvantaged Regions, and Transmigration must be given priority. PP 47/2015, which modifies PP 43/2014, holds more authority than ministerial regulations, particularly in Article 131 (1), thus lower-tier ministerial regulations must align with government regulations.

The inconsistency in rules for village development authority can be addressed through the principle of *lex posterior derogat legi priori*, citing the amendments made in Article 131 paragraph (1) of PP 43/2014 and subsequently revised in PP 47/2015. The responsibility for village development should now be under the Ministry of Village, Development of Disadvantaged Regions, and Transmigration, therefore the guidelines for establishing the Village RKP Preparation Team must adhere to Permendesa PD TT 21/2020. The principle of *lex posterior derogat legi priori* is applied to resolve conflicts in the requirements for the Village RKP Drafting Team formation. The concept of *lex posterior derogat legi priori* states that a more recent law overrides an older law, with the new rule canceling out the old rule. There is a contradiction in the regulations on how to establish the Village RKP Preparation Team between Permendagri 114/2014 and Permendesa PD TT 21/2020, with Permendagri 114/2014 being currently enforced and Permendesa PD TT 21/2020 now handling village development responsibilities previously held by the Ministry of Home Affairs. Hence, the guidelines for the establishment of the Village RKP Drafting Team give importance to following Permendesa PD TT 21/2020 over Permendagri 114/2014. Stipulated in Article 97 of Permendesa PD TT 21/2020 is the requirement that Village Data Collection and Village Development Planning align with the provisions of this regulation within 1 year of its publication.

The Village RKP Preparation Team is formed based on various aspects of Village Development Planning. With the presence of Article 97 of Permendesa PD TT 21/2020 and the principle of *lex posterior derogat legi priori*, the regulations in Permendagri 114/2014 for the formation of the team are replaced by those in Permendesa PD TT 21/2020. Another option to resolve the legal inconsistency in governing the establishment of the Village RKP Preparation Team is to align ministerial regulations under the Ministry of Law and Human Rights. In accordance with Permenkumham 23/2018, legislation designers must harmonize draft ministerial regulations, regulations of non-ministerial government agencies, or regulations from non-structural agencies

In accordance with Article 4 paragraph (1) of Permenkumham 23/2018, the minister has the authority to ask the Ministry of Law and Human Rights to adjust ministerial regulations to be in line with: (i) Pancasila, the 1945 Constitution of Indonesia, superior or equivalent laws, and judicial rulings; and (ii) The methodology of creating laws. The goal of the harmonization is also to achieve consensus on the controlled substance. Therefore, in this situation, Permendagri 114/2014 and Permendesa PD TT 21/2020 can be harmonized with one another.

An alternative method is to modify or repeal one of those rules. One option for resolving conflicts in regulations is to replace the conflicting regulation with one that has the same wording, remove it altogether, or convert it into a guideline. One illustration of regulations from various agencies governing the same issue without conflicting norms is the Minister of Finance Regulation No. 201 of 2022 on Village Fund Management (PMK 201/2022) and the Minister of Village, Development of Disadvantaged Regions, and Transmigration Regulation No. 8 of 2022 on Village Fund Use Priorities in 2023 (Permendesa PD TT 8/2022). Both rules control the utilization of funds in the village. Nonetheless, *Peraturan*



*Menteri Keuangan* (PMK) 201/2022 contains a clause specifying that village funds must adhere to the guidelines outlined by the Ministry of Village, Development of Disadvantaged Regions, and Transmigration, specifically *Permendesa PDTT* 8/2022. The inclusion of this clause in PMK 201/2022 avoids any inconsistencies or clashes of rules between the two regulations.

Only the ministry that issued a specific regulation or a higher authority can make changes or cancel ministerial regulations. This is due to the fact that ministerial regulations are not part of the hierarchy of legislation specified in Article 7 paragraph (1) of Law No. 12 of 2011. Ministerial regulations are considered regulated within the scope of Article 8 paragraphs (1) and (2) of Law No. 12 of 2011. While not considered part of the legislative hierarchy, regulations in Article 8 paragraph (1) of Law No. 12 of 2011 hold legal force if mandated by higher regulations or relevant agency authority. In resolving regulatory conflicts between *Permendagri* 114/2014 and *Permendesa PDTT* 21/2020, local governments, specifically regency/city governments, are expected to align technical guidelines for the Village RKP with the latest regulation, *Permendesa PDTT* 21/2020, for guidance.

#### **4. Conclusion**

The guidelines for establishing the Village RKP Preparation Team are dictated by *Permendagri* 114/2014 and *Permendesa PDTT* 21/2020. Nevertheless, the divergent criteria outlined in the two regulations for establishing the Village RKP Drafting Team create normative clashes and result in confusion and legal ambiguity during their execution. The clash of norms arises from the split of authority concerning village development between the Ministry of Home Affairs and the Ministry of Village, Disadvantaged Regions, and Transmigration. The Ministry of Home Affairs was given the responsibility for village development through the General Explanation of the Village Law and Government Regulation 43/2014, Article 131 paragraph (1). Following the creation of the Department for Village, Disadvantaged Areas, and Transmigration, the responsibility for village development was shifted to this department with the modification of Government Regulation 43/2014 to Government Regulation 47/2015, giving priority to the regulations from the Department for Village, Disadvantaged Areas, and Transmigration in managing village development.

Regulatory harmonization can resolve the normative conflict between *Permendagri* 114/2014 and *Permendesa PDTT* 21/2020 on forming the Village RKP Preparation Team, by applying the principle of preference such as *lex superior derogate legi inferiori* and *lex posterior derogate legi priori* in village development authority and regulations harmonization. By giving priority to the principle of preference, the regulations for establishing the Village RKP Preparation Team outlined in *Permendesa PDTT* 21/2020 are emphasized through harmonization. An alternative option is to request the Ministry of Law and Human Rights to harmonize ministerial regulations or to change conflicting norms or repeal one of the regulations. The suggestion in this study is to conduct harmonization and coordination with different stakeholders when developing laws to prevent legal conflicts.

#### **Acknowledgement**

The authors thank the Universitas Negeri Surabaya, Indonesia, for their support and resources throughout this research.

#### **Author Contribution**

Conceptualization, B.S.D.; Methodology, B.S.D. and M.A.M.; Investigation, B.S.D.; Writing - Original Draft, B.S.D.; Supervision, B.S.D.; Data Collection, M.A.M.; Writing - Review & Editing, M.A.M., P.D.L., and D.E.P.; Formal Analysis, D.E.P.; Resources, D.E.P. and P.D.L.; Data Analysis, P.D.L.

## Funding

This research received no external funding.

## Ethical Review Board Statement

Not available.

## Informed Consent Statement

Not available.

## Data Availability Statement

Not available.

## Conflicts of Interest

The author declares no conflict of interest.

## Open Access

©2025. The author(s). This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license, and indicate if changes were made. The images or other third-party material in this article are included in the article's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this license, visit: <http://creativecommons.org/licenses/by/4.0/>

## References

- Agustina, E. (2020). Juridical Analysis of Disharmonization between Local Leaders and Deputy Local Leaders in Local Government Systems. *Jurnal Bina Praja*, 12(2), 181–192. <https://doi.org/10.21787/jbp.12.2020.181-192>
- Akmal, D. U. (2021). Dinamika Konsep Omnibus Law: Menegaskan Tujuan Hukum Dalam Konstruksi Legislasi Nasional. *Mimbar Yustitia*, 7(1), 2580–0906. <https://doi.org/10.35194/jhmj.v7i1.1176>
- Al-Fatih, S., Sfaat, M. A., Widiarto, A. E., Uyun, D. Al, & Nur, M. (2023). The Hierarchical Model of Delegated Legislation in Indonesia. *Lex Scientia Law Review*, 7(2), 629–658. <https://doi.org/10.15294/lesrev.v7i2.74651>
- Anggono, B. D. (2022). *Pembaruan Penataan Peraturan Perundang-Undangan: Suatu Telaah Kelembagaan* (p. 6). Universitas Jember.
- Chandra, M. J. A., Febrian, F., & Anggono, B. D. (2022). The Urgency of Reharmonization in Construction of The Stage Formation of Law. *Jurnal Penelitian Hukum De Jure*, 22(3), 311. <https://doi.org/10.30641/dejure.2022.v22.311-324>
- Efendi, J., & Ibrahim, J. (2022). *Metode Penelitian Hukum Normatif dan Empiris*. Kencana.
- Elcaputera, A., Wali, A., & Wirya Dinata, A. (2022). Urgensi Harmonisasi Rancangan Peraturan Daerah: Sebuah Analisis Tantangan dan Strategi Pembentukan Peraturan Perundang-undangan Indonesia Dalam Rangka Penguatan Otonomi Daerah. *Jurnal Ilmu Hukum*, 11(1), 121. <https://doi.org/10.30652/jih.v11i1.8236>
- Fadlilah, A., Susanto, E., Wahyuni, W., Amin, M. F., & Khoiruddin, M. (2022). Pembentukan Rintisan Desa Inklusi Desa Tlogoagung Kecamatan Kembangbahu Kabupaten Lamongan. *Jurnal PengaMAS*, 5(2), 170–183. <https://ejournal.unkhair.ac.id/index.php/pengamas/article/view/3558/0>
- Fahamsyah, E., & Chansrakaao, R. (2022). The legal politics harmonization of sustainable agricultural policy. *Fiat Justisia: Jurnal Ilmu Hukum*, 16(2), 171–192. <https://doi.org/10.25041/fiatjustisia.v16no2.2635>

- Hiariej, E. O. S. (2021). Asas Lex Specialis Systematis dan Hukum Pidana Pajak. *De Jure*, 21(1), 5–9. <http://dx.doi.org/10.30641/dejure.2021.V21.1-12>
- Hidayat, A., & Arifin, Z. (2019). Politik Hukum Legislasi Sebagai Socio-Equilibrium Di Indonesia. *Jurnal Ius Constituendum*, 4(2), 147–159. <https://doi.org/10.26623/jic.v4i2.1654>
- Hidayat, T., Luthviati, R. D., & Jenvitchuwong, S. (2022). Disharmonization of Supreme Court Regulations in Material Judicial Rights. *Journal of Human Rights, Culture and Legal System*, 2(3), 149–166. <https://doi.org/10.53955/jhcls.v2i3.34>
- Huda, N. (2015). *Hukum Pemerintahan Desa: Dalam Konstitusi Indonesia Sejak Kemerdekaan Hingga Era Reformasi*. Setara Press.
- Indrati, M. F. (2020). *Ilmu Perundang-Undangan: Jenis, Fungsi, dan Materi Muatan* (Revisi). Kanisius.
- Indrati, M. F. (2021). *A. Hamid S. Attamimi: Gesetzgebungswissenschaft sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-Undangan* (1st ed.). Badan Penerbit Fakultas Hukum Universitas Indonesia.
- Irfani, N. (2020). Asas Lex Superior, Lex Specialis, Dan Lex Pesterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum. *Jurnal Legislasi Indonesia*, 17(3), 305. <https://doi.org/10.54629/jli.v17i3.711>
- Isharyanto, D. E. J. P. (2016). *Hukum Pemerintahan Desa: (Perspektif, Konseptualisasi Dan Konteks Yuridis)* (1st ed.). CV Absolute Media.
- Iskandar, A. H. (2020). *SDGs DESA : Percepatan Pencapaian Tujuan Pembangunan Nasional Berkelanjutan* (1st ed.). Yayasan Pustaka Obor Indonesia.
- Kusworo, D. L., Fauzi, M. N. K., Deviani, E., Nurmayani, N., AT, M. E. P., & Prayoga, S. (2022). Establishment of a National Regulatory Body to Overcome Disharmonization of Natural Resources and Environmental Policies. *International Journal of Multicultural and Multireligious Understanding*, 9(11), 225–235. <http://dx.doi.org/10.18415/ijmmu.v9i11.4184>
- Leonita, D. M. (2022). Politik Pembentukan Undang-Undang Otonomi Khusus Papua Dan Penerapannya Pada Masyarakat Adat Kabupaten Teluk Bintuni. *Otentik's: Jurnal Hukum Kenotariatan*, 4(2), 193. <https://doi.org/10.35814/otentik.v4i2.3738>
- Luckytasari, V. A., & Maulana, A. (2024). Proses Penyusunan Rencana Kerja Pemerintah (Rkp) Di Desa Harjomulyo Kecamatan Silo Kabupaten Jember. *Triwikrama: Jurnal Ilmu Sosial*, 3(12), 1–11. <https://ejurnal.kampusakademik.my.id/index.php/jemba/article/view/501>
- Maduwinarti, A., & Taali, M. (2023). Business Governance and Collaboration in Village-Owned Enterprises (BUMDes) in Efforts to Improve Market Performance in The Madiun Residential. *International Journal of Social and Management Studies*, 4(2), 163–172. <https://doi.org/10.5555/ijosmas.v4i2.304>
- Mansur, T. M., Sulaiman, S., & Ali, H. (2020). Adat Court in Aceh, Indonesia: a Review of Law. *Jurnal Ilmiah Peuradeun*, 8(2), 423. <https://doi.org/10.26811/peuradeun.v8i2.443>
- Marzuki, P. M. (2024). *Penelitian Hukum*. Prenada Media Group.
- Masnun, M. A., & Pratama, R. N. (2020). Disharmoni dalam Pengaturan Kurikulum, Pendidikan Pancasila, dan Pendidikan Kewarganegaraan di Perguruan Tinggi. *Jurnal Supremasi* 4(1), 9-18. <https://doi.org/10.35457/supremasi.v10i2.972>
- Merlinda, S., Yusida, E., & Abbas. (2021). Pelatihan Penyusunan Rencana Kerja Pemerintah Desa (RKPDes). *Caradde: Jurnal Pengabdian Kepada Masyarakat*, 3(3), 453–458. <https://journal.ilininstitute.com/index.php/caradde/article/download/699/417>
- Muhtadli. (2020). Pengakuan Desa Adat Sebagai Penyelenggara Pemerintahan Daerah di Indonesia Berdasarkan Asas Otonomi. *Constitutionale*, 1(1), 1689–1699. <http://dx.doi.org/10.25041/constitutionale.v1i1.2008>
- Negara, T. A. S. (2023). Normative legal research in Indonesia: Its originis and approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1), 1-9. <https://doi.org/10.22219/aclj.v4i1.24855>
- Nurdin, R., Masud, Z., Syam, F., Muqsith, A., & Bakar, A. (2023). Penguatan Kelembagaan dan Pemberdayaan BUMDes Serta UMKM Desa Tonasa. *Abdi: Jurnal Pengabdian Dan*

- Pemberdayaan Masyarakat*, 5(3), 344–349. <https://doi.org/10.24036/abdi.v5i3.400>
- Prasetyo, D. E. (2024a). Perlindungan Dan Pengakuan Hak Ulayat Masyarakat Adat Biak Papua. *Realism: Law Review*, 2(1), 54–82. <https://doi.org/10.71250/rlr.v2i1.25>
- Prasetyo, D. E. (2024b). Politik Hukum Omnibus Law Terkait Cybercrime di Indonesia dalam Perspektif Hukum Progresif. *Indonesian Journal Of Law Studies*, 3(1), 27–41.
- Pratama, D. I. C., & Ma'ruf, M. F. (2023). Analisis Rencana Kerja Pemerintah (RKP) Desa Gading Watu Kecamatan Menganti Kabupaten Gresik Tahun 2022. *Publika*, 11(3), 2243–2256. <https://doi.org/10.26740/publika.v11n3.p2243-2256>
- Prianto, W. (2023). Analisis Hierarki Perundang-Undangan Berdasarkan Teori Norma Hukum Oleh Hans Kelsen dan Hans Nawiasky. *Jurnal Ilmiah Ilmu Sosial Dan Pendidikan*, 2(1), 15–16. <https://jurnal.unusultra.ac.id/index.php/jisdik/article/view/52>
- Putra, V. A., Sulistyowati, E., & Masnun, M. A. (2021). Problematika Pengaturan Mengenai Bentuk Badan Usaha Jasa Penunjang Tenaga Listrik Di Indonesia. *Jurnal Hukum & Pembangunan*, 50(4), 977. <https://doi.org/10.21143/jhp.vol50.no4.2866>
- Rokilah, R., & Sulasno, S. (2021). Penerapan Asas Hukum Dalam Pembentukan Peraturan Perundang-Undangan. *Ajudikasi: Jurnal Ilmu Hukum*, 5(2), 179-190. <https://doi.org/10.30656/ajudikasi.v5i2.3942>
- Sari, N. P. M., Sukadi, B. D. N. R., & Yasintha, P. N. (2021). The effectiveness of Tri Hita Karana based traditional village management in Covid-19 prevention at Bali. *Jurnal Transformative*, 7(1), 56-80. <https://doi.org/10.21776/ub.transformative.2021.007.01.3>
- Setianingrum, R. B., & Hawin, M. (2020). Harmonization of Competition Law: Research on The Transplantability of eu's Law into ASEAN. *Yuridika*, 35(3), 613. <https://doi.org/10.20473/ydk.v35i3.21179>
- Sihombing, E. N. A. M., & Hadita, C (2022). *Penelitian Hukum* (1st ed.). Setara Press.
- Subagyo, R. A., & Prasetyo, D. E. (January 19, 2020). *Berdaya Melalui Desa*. [gangkecil.com](http://gangkecil.com). <https://gangkecil.com/berdaya-melalui-des/>
- Sulaksono, Masnun, M. A., Sulityowati, E., Nugroho, A., & Lovisonya, I. (2023). Arrangement of Internal Regulations at UNESA after Status of a State University with a Legal Entity (PTN-BH). *Proceedings of the International Joint Conference on Arts and Humanities 2023*, 1, 1454–1461. [https://doi.org/10.2991/978-2-38476-152-4\\_148](https://doi.org/10.2991/978-2-38476-152-4_148)
- Sulistina, S., Anggono, B. D., Khanif, A., & Dinh, T. N. (2022). The Pathway of Adopting Omnibus Law in Indonesia's Legislation: Challenges and Opportunities in Legal Reform. *Jurnal Kajian Pembaruan Hukum*, 2(2), 155. <https://doi.org/10.19184/jkph.v2i2.31524>
- Suryaningsih, S. A. (2021). Tumpang Tindih Regulasi Dalam Penyusunan Rencana Kerja Pemerintah Nagari (Rkp Nagari). *Ensiklopedia Social Review*, 3(3), 286–289. <https://doi.org/10.33559/esr.v3i3.1086>
- Yunaldi, W. (2021). *Nagari dan negara: perspektif otentik kesatuan masyarakat hukum adat dalam ketatanegaraan Indonesia*. Portal Bangsa.

### Biographies of Authors

**Bagus Surya Dharma**, Department of Law, Faculty of Law, Universitas Negeri Surabaya, Surabaya, East Java 60231, Indonesia.

- Email: [bagussurya.20007@mhs.unesa.ac.id](mailto:bagussurya.20007@mhs.unesa.ac.id)
- ORCID: N/A
- Web of Science ResearcherID: N/A
- Scopus Author ID: N/A
- Homepage: N/A

**Dicky Eko Prasetyo**, Department of Law, Faculty of Law, Universitas Negeri Surabaya, Surabaya, East Java 60231, Indonesia.

- Email: [dicky.23004@mhs.unesa.ac.id](mailto:dicky.23004@mhs.unesa.ac.id)
- ORCID: 0000-0002-8648-0986
- Web of Science ResearcherID: N/A
- Scopus Author ID: 59304916100
- Homepage: [https://scholar.google.co.id/citations?user=doGG\\_dEAAAAJ&hl=id](https://scholar.google.co.id/citations?user=doGG_dEAAAAJ&hl=id)

**Muh. Ali Masnun**, Department of Law, Faculty of Law, Universitas Negeri Surabaya, Surabaya, East Java 60231, Indonesia.

- Email: [alimasnun@unesa.ac.id](mailto:alimasnun@unesa.ac.id)
- ORCID: 0000-0002-7387-322X
- Web of Science ResearcherID: N/A
- Scopus Author ID: 58202662800
- Homepage: <https://scholar.google.co.id/citations?user=HUbrRgsAAAAJ&hl=en>

**Putri Diah Lestari**, Department of Law, Faculty of Law, Universitas Negeri Surabaya, Surabaya, East Java 60231, Indonesia.

- Email: [putridiah.23012@mhs.unesa.ac.id](mailto:putridiah.23012@mhs.unesa.ac.id)
- ORCID: 0009-0001-5598-8867
- Web of Science ResearcherID: N/A
- Scopus Author ID: N/A
- Homepage: N/A