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Normative Juridical Study on the Second Amendment to Law Number 6 of 2014 on Villages in Law Number 3 of 2024: The Implications for Enhancing Village Independence in Indonesia.

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Abstract: Law Number 6 of 2014 concerning Villages aims to increase village independence. However, changes in Law Number 3 of 2024 raise questions about whether this new regulation strengthens or weakens village independence. This study aims to identify articles that impact village independence and assess their implications through a comparative and logical approach. The analysis was conducted using a normative legal method and responsive legal theory. The study results show that seven articles in Law Number 3 of 2024 affect village independence. Five articles have a negative impact, while two new articles (Articles 72A and 87A) have a positive effect. The decline in village independence occurs due to budget dependence on the central and regional governments (Articles 72 and 74), reduced transparency (Article 86), and external intervention in village development (Articles 67 and 78). In contrast, Article 72A clarifies the use of the village budget, and Article 87A strengthens the role of BUMDes as a pillar of the village economy. Overall, Law Number 3 of 2024 will reduce rather than increase village independence, thus potentially hindering villages from achieving better welfare.

Keyword: Authority, Development, Normative Juridical, Village, Village Autonomy.

INTRODUCTION

Village independence is one of the objectives of Law Number 6 of 2014 concerning Villages (Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, 2014). The section considering this law states that villages need to be protected and empowered to become firm, advanced, independent, and democratic. Independence is one of the 13 principles of village regulation (Article 3). This principle is "a process by the village government and communities to carry out an activity to meet their needs with their abilities."

Independent villages enable the achievement of prosperity (Santoso, 2021), equitable governance and development (Lambiombir et al., 2022), and more optimal utilization of village resources (R. S. Putra et al., 2023). In addition, village independence also has an impact on the allocation of village funds that are more targeted (Hastuti et al., 2023), encourage social cohesion with community involvement (Ridho, 2024), and the development of local community skills (Ahmad et al., 2021), and help in preserving culture and tourism development (Supardal et al., 2022).

The Village Law is unique because it is one of the few laws produced by the initiative of the DPD RI. This historical record shows that the Village Law has a strong spirit of decentralization. Even so, the Village Law still receives some criticism, especially regarding the term of office of the village head through Constitutional Court Decision Number 42/PUU-XIX/2021 (Rahmawati et al., 2023).

Since its creation, this law has been revised twice. The second revision in 2024, Law Number 3 of 2024 (Undang-Undang Nomor 3 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 6 Tahun 2014 Tentang Desa, 2024), brought significant changes. Unlike the first amendment given through Law Number 6 of 2023 (Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja, 2023), which only changed two articles and did not add new articles, Law Number 3 of 2024 changed 18 and seven new articles. The main focus of academics on the village law and its revision, however, is on the issue of extending the term of office of village heads (Adnan & Suhartono, 2024; B. Putra et al., 2024) and the process of drafting village regulations (Indrayani et al., 2024).

On the other hand, few still highlight the aspect of independence, which is one of the critical principles of village law. This lack of attention is because, so far, Law Number 6 of 2014 has been considered sufficient in supporting village independence. If there is a revision, then this revision is assumed to lead to a better direction. However, considering the history of the village law, it is suspicious that the 2024 revision contains problems related to village independence.

The problem of village independence can be seen from the theoretical perspective of responsive legal theory. Responsive legal theory from Philippe Nonet and Philip Selznick (Patittingi et al., 2021). Nonet and Selznick (2009) argue that there are three types of laws in society: regressive, autonomous, and responsive. Regressive law is a law that serves the interests of repressive power (Nonet & Selznik, 2009). Autonomous law is a law that becomes a separate institution that tames repression and protects its integrity. Responsive law is the law that facilitates various responses to the social needs and aspirations of the community. Responsive legal theory sees that only responsive laws promise institutional order and stability. Responsiveness here means serving social needs and interests. Both things are not determined by the government but are defined by society. Responsive law is oriented towards results, namely, goals to be achieved outside the law. Therefore, responsive law cannot move halfway because of the importance of goals for this type of law. Village laws should no longer be seen as formal entities but must be able to interact with other entities to fulfill the interests of the village community. This responsive nature requires it to be flexible with matters outside the law, such as the socio-economic conditions of village communities (Hamzani et al., 2023).

Based on the theoretical and empirical gap problems above, it is necessary to research the responsiveness and authority raised by the revision of the village law. This responsiveness can be interpreted as whether this law guarantees the independence of village communities. This independence has implications for the ability of the new law to accommodate the needs and aspirations of villages in achieving independence, according to the demands of responsive legal theory, which also has implications for granting greater authority to villages instead of the central or regional government. Operationally, this general objective is realized in three questions : (1) what articles in Law Number 3 of 2024 are related to the issue of village independence? (2) are the revised articles better at supporting village independence than Law Number 6 of 2014? and (3) do the added articles support village independence? These objectives divide the articles into revised and added articles because, as an amended law, Law Number 3 of 2024 has two kinds of changes.

METHOD

This research was conducted using a normative legal approach. The normative legal approach is legal research conducted by examining library materials or secondary data as a basis for research by searching for regulations from literature related to the studied problems (Putri et al., 2023). The purpose of normative legal research is to provide clarity and legal certainty, especially when regulations are unclear (Irawan, 2024). It facilitates the identification of gaps in legislation, prompting recommendations for new laws or amendments to existing ones (Royani et al., 2024). The central literature studied is Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages and Law Number 6 2014 concerning Villages.

RESULTS AND DISCUSSION

Articles relating to village independence that were amended or added to Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages

Normative legal analysis of the amendments to Law Number 3 of 2024 reveals that not all articles directly impact village independence. Several articles that have been changed are more administrative, structural, or technical, so although they are essential in implementing village governance, they do not necessarily strengthen village autonomy in financial, economic, or resource management aspects.

For example, Articles 2 and 4 only emphasize the basic principles of village administration based on Pancasila, the 1945 Constitution, and the Republic of Indonesia without providing concrete instruments to increase village independence. Likewise, Article 8, which regulates village expansion and merger mechanisms, is more administrative than strategic in supporting villages to develop independently.

In addition, several articles that regulate village heads and village officials also do not significantly impact village independence. Articles 26 and 27 focus on village heads' duties, authorities, and obligations in running the government. Although village heads have authority in managing village finances, this regulation does not provide for the expansion of rights or new resources that can encourage villages to be more independent. Likewise, Article 33 regulates the requirements for village head candidates, and Article 39 governs the term of office of village heads to eight years with a maximum of two terms. Although these changes impact the stability of the village government, they do not necessarily strengthen the village's capacity to manage its resources.

Furthermore, articles related to the Village Consultative Body (BPD), such as Article 56, Article 57, and Article 62, regulate more about BPD members' membership mechanisms, requirements, and rights. The BPD's supervisory and consultative functions do not necessarily impact increasing the capacity of villages to manage finances and development independently.

Several other articles are also technical and focus more on governance, such as Article 79, which regulates village development planning, and Article 118, which governs the transition of village head and BPD positions based on the new law. These changes are essential in the structure of village governance but do not directly increase the ability of villages to become more independent.

In addition, several additional articles also do not directly impact village independence. Article 5A only applies to villages located in nature reserves and production forests, so its benefits are not universal for all villages in Indonesia. Article 34A regulates the minimum number of village head candidates. In contrast, Articles 50A and 53A only contain provisions regarding the rights of village officials and increasing the accountability of village governments, which are more related to individual welfare than to aspects of collective village autonomy. Article 121A even only regulates the government's obligation to report on the law's implementation to the DPR without direct implications for the authority of villages to manage their resources.

One of the main articles that supports village independence is Article 67, which emphasizes the rights and obligations of villages. Villages are given the authority to regulate and manage the interests of their communities based on the rights of origin, customs, and socio-cultural values developed in the local community. In addition, villages also have the right to establish and manage their institutions and obtain sources of income, which are the primary basis for achieving an independent and empowered village.

Furthermore, Article 72 is an essential basis for ensuring the source of village income. Village income comes from various sources, including original village income, allocation of funds from the APBN, regional tax portions, balancing funds, assistance from the provincial and district/city APBD, grants, and legitimate donations. In this regulation, the government stipulates that the allocation of village funds from the APBN is at least 10% of the district/city balancing funds, which aims to support village operations and strengthen the village's economic capacity independently.

To ensure that village revenue is managed effectively, Article 72A regulates the management of village revenue, emphasizing that the funds obtained must be used for priority development, education, community empowerment, and job creation. It aims to ensure that the village economy can grow sustainably and the welfare of the village community increases.

In terms of expenditure, Article 74 emphasizes that village spending must be prioritized for development, as agreed upon in the Village Deliberation. In addition to physical growth, village spending must also be directed at improving essential services and community empowerment so that villages not only receive policies from the central government but can also formulate and implement policies that follow the needs of their communities.

Furthermore, Article 78 emphasizes that village development aims to create community welfare, reduce socio-economic disparities, and utilize natural resources sustainably. It underscores the importance of local-based development following village characteristics so that villages not only depend on assistance from the central government but can also develop their potential.

Regarding technology and information, Article 86 gives villages the right to access information through a village information system developed by the local government. Villages must utilize data for more effective development planning and resource management while strengthening transparency and accountability in village government management.

In addition, in the economic aspect, Article 87A provides a legal basis for managing Village-Owned Enterprises (BUMDes). In this regulation, BUMDes must be handled professionally. They can cooperate with BUMN, BUMD, cooperatives, and the private sector to improve the welfare of village communities through businesses based on local potential.

From this analysis, it can be concluded that village independence is more influenced by regulations governing village rights, sources of income, and village development policies, as stated in Article 67, Article 72, Article 72A, Article 74, Article 78, Article 86, and Article 87A. These articles provide greater authority for villages to manage assets, finances, and community-based economic development, ultimately becoming the main factor in building independent and empowered villages.

The Impact of Changes to the Contents of Articles relating to village independence as amended by Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages

This comparative analysis only applies to five of the seven articles on village independence that have been identified, namely articles 67, 72, 74, 78, and 86. Articles 72A and 87A are new, so they do not have equivalents in Law Number 6 of 2014 on Villages. This matching is necessary to ensure that the amendments to these articles provide positive changes to village independence. If only that article alone, it could be that the article appears to support independence, but the original article supports greater autonomy. If this happens, comparatively, there has been a decline rather than an increase in village independence.

A comparison of Law Number 6 of 2014 and Law Number 3 of 2024 shows significant changes in village independence, especially in financial management, development planning, and village information systems. Several articles that are the basis for village independence have undergone changes that could reduce village autonomy in regulating and managing their interests.

In Law Number 6 of 2014, villages can regulate and manage community interests based on original rights, customs, and socio-cultural values. In addition, villages are given the authority to determine and manage village institutions and obtain sources of income independently. Law Number 3 of 2024 maintains this provision without significant changes. The difference lies in the change in the wording in paragraph (1) letter a, which changes the wording regarding village rights, namely "regulating and managing community interests based on original rights, customs, and socio-cultural values of the village community" to "regulating and managing the interests of the local community based on original rights, customs, and socio-cultural values of the local community," and paragraph (2) letter e which was initially "providing and improving services to the village community" to "providing and improving services to the local community."

Law Number 3 of 2024 introduces the concept of local communities, replacing the idea of village communities. However, no definition is provided to explain what is meant by local communities and why it replaces village communities. The existence of the concept of "local communities" creates ambiguity that can be highly risky for village independence. Law Number 6 of 2014 consistently uses the idea of village communities; dozens of articles contain the phrase "village communities." However, Law Number 3 of 2024 only revises some of the articles. It leads to significant inconsistencies. For example, Chapter VI reads the Rights and Obligations of Villages and Village Communities, and Article 68 regulates the rights and obligations of Village communities. However, Law Number 3 of 2024 does not change Article 68 to become the rights and obligations of local communities. So, what is the position of local communities and village communities?

Based on Law Number 6 of 2014, village communities refer to administratively registered residents with rights and obligations based on provisions in the village government system. They have the right to participate in village deliberations, utilize village public services, and be involved in village development per policies established through village deliberation mechanisms. Village communities are the main subjects in village development, and all village policies and budget allocations are directed to meet their needs.

On the other hand, local communities are an unclear concept. The explanation of this concept is found not in the village law but in the forestry law. In regulations, local communities are more commonly used to refer to communities concerning forests, not villages. For example, the Job Creation Law explains that local communities are "communities living in and/or around forests which are social community units based on livelihoods that depend on forests, history, ties to residence, and arrangements for living together in an institutional framework." Is the concept of local communities in Law Number 3 of 2024 also comparable to this? If similar, then the idea of local communities can be adapted to "communities living in and/or around villages, which are social community units based on livelihoods that depend on village resources, history, ties to residence, and arrangements for living together in an institutional framework of the village." However, this concept is absurd because it means that the village takes care of non-geographic social community units, even though it is a territorial unit with clear territorial boundaries. If this definition is forced, the village has the right to regulate and manage the community's interests outside its administrative area. It will cause overlapping authority; one citizen will live in another village but be part of the local community. Some people live in the village but are not part of the local community because the unity of the social community determines the definition.

Alternatively, the concept of the local community can refer to many other community members besides the village community, namely people interested in the village. In this case, the local community is broader. They include groups of people who live in and/or around the /village but are not necessarily administratively registered as village residents. They can consist of: (a) migrants who live or work in the village but are not yet administratively registered as village residents, (b) workers from outside the village who earn a living in the village, for example, farm laborers, plantation workers, or infrastructure project workers, (c) investors or business actors who run businesses in the village, and (d) Indigenous communities or other social groups who have historical ties to the village, even though they do not administratively live in the village.

If the accepted definition of local communities is people interested in the village, then village independence will be threatened. The analysis is continued in article 78, which contains the phrase "local community." Furthermore, there are no significant changes in Article 78 concerning village development. The development objectives remain the same: village development aims to improve community welfare, develop the village economy, and utilize natural resources sustainably. However, in Law Number 3 of 2024, there is an additional phrase, "for the lives and livelihoods of local communities."

Previously, in Law Number 6 of 2014, village development was explicitly aimed at improving the welfare of village communities, which includes meeting basic needs, infrastructure development, local economic development, and sustainable utilization of natural resources. However, with this change, the scope of village development has now expanded, oriented to the interests of village residents administratively and to the local community, which has a broader scope and can include various parties around the village.

This difference can potentially change the priorities of village development because the term "local community" can include immigrants, workers from outside the village, investors, business actors operating in the village, and surrounding communities that are not administratively part of the village. As a result, village development programs that were previously entirely oriented towards the interests of village residents must now be more inclusive of the interests of outsiders who have connections with the village.

The first impact of this change is the potential for increased external intervention in village development planning. Suppose the village had previously had complete control in determining priority development programs based on village deliberations. In that case, the village must now consider the interests of outside parties who fall into the category of "local communities." In practice, this can open up space for local governments, investors, and business actors to further influence village development policies because the village is no longer only responsible for its citizens but also the broader community around it.

In addition, the allocation of Village Funds also has the potential to change because, with a broader scope of development, village funds can be directed more towards projects that benefit the local community in general, not just the village community. It can reduce the flexibility of villages in determining the use of the budget according to the real needs of their citizens. For example, funds previously allocated for empowering the economy of village residents, strengthening BUMDes or social programs for village communities can now be allocated for more regional projects, which also serve the interests of immigrants or outsiders.

Another impact that is no less important is the potential exploitation of village resources by outside parties. With this provision, village development can be more directed to support broader economic growth, including industry or businesses run by external parties. If there are no clear boundaries, villages can lose control over managing their natural resources because they have to consider the interests of outside parties operating in the village. It can lead to conditions where the village only becomes a facilitator for more significant economic interests without getting comparable benefits for its citizens.

However, this change can also have potential benefits, especially in improving the cooperative relationship between the village and its surrounding communities. With a broader development scope, the village can establish stronger economic cooperation, both with the surrounding community and the business world. If managed well, this can create new opportunities for the village to develop its economic potential, especially in the trade, tourism, and community-based industry sectors.

Thus, although the addition of the phrase "for the life and livelihood of the local community" in Article 78 of Law Number 3 of 2024 can open up opportunities for broader cooperation, this change also carries significant risks to village independence, such as reducing village control in determining development priorities, increasing local government and outside party intervention in village policies, potentially shifting the use of Village Funds to broader-ranging projects, and increasing the risk of exploitation of village resources. As a result, this change has more potential to reduce village independence than to improve it. Suppose the village has no firm control mechanism in determining the development direction. In that case, the village can become increasingly dependent on the interests of outside parties and lose autonomy in determining its future.

Then, for article 72, in Law Number 6 of 2014, villages obtain income from various sources, including original village income, allocation funds from the APBN, regional tax portions, and non-binding grants and donations. One of the critical points in this law is allocating village funds of at least 10% of the district/city balancing funds that must be given to villages. However, in Law Number 3 of 2024, although the source of income remains the same, the allocation of village funds now depends on national financial conditions, which means that the central government has greater flexibility in adjusting the amount of funds given to villages. It can potentially increase village dependence on the central government, reducing village independence in managing finances independently.

Regarding village spending priorities (Article 74), in Law Number 3 of 2024, there is an additional paragraph, namely that "The priority of development needs as referred to in paragraph (1) includes the provision of incentives for neighborhood units and citizen units under considerations of regional financial capacity." It means there is an additional slot in village spending, namely the provision of incentives for neighborhood and citizen units, which are provided under regional financial capacity. The addition of this paragraph has essential implications for village independence, both in terms of budget management and in relations with the regional government.

Previously, in Law Number 6 of 2014, village spending was prioritized for development needs agreed upon in village deliberations, considering the suitability with the priorities of the district/city government, provincial government, and government. This mechanism provides space for villages to determine their budget allocations according to the conditions and needs of the local community. However, with the addition of this article, villages now have a new obligation to allocate budgets for RT (neighborhood association) and RW (residents association) incentives, which depend on the financial capacity of the region.

The first consequence of this change is the increasing dependence of villages on local governments, especially regarding budget management and development policies. Previously, villages had the freedom to determine development spending, but now village budget allocations must consider incentive policies defined at the regional level. It reduces the flexibility of villages in formulating their priority programs because part of the village funds must be allocated for RT and RW incentives, which are policies beyond the control of the village.

Another implication is the reduced allocation of village funds for other development sectors, which may be more urgent or significantly impact the economy and welfare of village communities. Village funds that could previously be used to develop Village-Owned Enterprises (BUMDes), community skills training, or small-scale infrastructure development must now be divided with this new obligation. Villages with limited budgets will experience tremendous pressure to adjust previously set development priorities.

However, this policy can also positively impact the community, primarily by increasing participation in village governance. With incentives, RT and RW can be more active in coordinating development programs at the neighborhood level, facilitating communication between the community and the village government, and strengthening community institutions. If managed properly, these incentives can increase the role of RT and RW as a bridge between the village government and residents, thus creating a more potent participation mechanism in village development.

However, from the perspective of village independence, adding this verse tends to be more restrictive than strengthening village autonomy. With this provision, village control over the budget is increasingly reduced because it must adjust to the priorities determined by the local government. If the local government has budget constraints or policies that are not in line with the interests of the village, then this incentive for RT and RW could become an additional burden that hinders the village from implementing more strategic and sustainable development programs.

Thus, although this policy can have a positive impact in terms of strengthening community participation, overall village independence has decreased, especially in terms of budget management and development priorities, because they must also consider incentives for RT and RW and the amount of these incentives are related to the regional government budget.

The revision of Article 86 paragraph (5) of Law Number 3 of 2024 brings fundamental changes in the management and accessibility of village information systems, which directly impact village independence. In Law Number 6 of 2014, the village government manages the village information system, which the village community and all stakeholders can access. This provision provides space for various parties, including academics, civil society organizations, investors, and central and regional governments, to access village data to support the development and supervision of village governance.

However, in Law Number 3 of 2024, access to the village information system is limited. Now, the village community can only access the village information system. This change eliminates access for other stakeholders, who previously could use village data for various purposes, such as research, investment, supervision, and data-based policy formulation.

The first impact of this change is increased village control over its local information. With access limited to local villagers, village governments have greater authority to manage and determine what information can be accessed by the public. This restriction can also protect villages from data exploitation by outside parties, primarily if village data is used without permission or for interests not in line with the welfare of the village community.

However, this access restriction can also reduce the transparency and accountability of the village government. In the previous system, openness of information allowed for broader monitoring, both from the general public, the central government, and independent organizations. With this revision, the village community can now only access the village information system so that control over village information becomes more closed. It can potentially increase the risk of abuse of authority because outside access to monitor the use of village budgets and policies becomes more limited.

In addition, these restrictions may also hamper village collaboration with external parties. Previously, information transparency allowed villages to collaborate with universities, research institutions, civil society organizations, and investors, who often needed village data to develop evidence-based development programs. With this revision, external parties may face barriers in accessing the information they need, which could reduce support and investment coming into the village.

Another impact that is no less important is the potential for innovation to be hampered in village management. With more limited access, villages may lose the opportunity to develop more effective data-based solutions as collaboration with external stakeholders becomes more difficult. This risks isolating villages from technological developments and data-based development strategies, which could help villages improve the efficiency of governance and resource management.

The revision of Article 86 paragraph (5) of Law Number 3 of 2024 brings changes that benefit villages in terms of control over information. Still, on the other hand, it also has the potential to reduce transparency, accountability, and opportunities for villages to collaborate with external parties. If not balanced with a strong internal oversight mechanism, this change can be exploited for the interests of particular groups within the village, ultimately reducing village independence in managing resources and sustainable development.

Overall, the analysis of changes to articles in Law Number 3 of 2024 compared to Law Number 6 of 2014 shows that village independence has decreased in several key aspects. Revisions to Articles 67, 72, 74, 78, and 86 show an increase in village dependence on the central and regional governments and a reduction in village flexibility in determining development policies and budget management independently. Changes to Article 72 that make village fund allocations dependent on national financial conditions have the potential to reduce village autonomy in financial management, while the revision of Article 74 that includes incentives for RT and RW as a priority for village spending further narrows the scope of village maneuver in determining the development budget. In addition, the additional phrases in Articles 67 and 78 expand the scope of village development from previously only focusing on village communities to local communities, which can open up opportunities for intervention from outside parties and shift village development priorities. Finally, revising Article 86, which limits access to the village information system only to local communities, can reduce transparency and accountability and hinder village collaboration with external stakeholders. Therefore, although there are some positive opportunities from this change, revising these articles tends to limit village independence rather than increase it, especially regarding budget management, transparency, and control over village development policies.

The Impact of the Addition of Contents of Articles relating to village independence as amended by Law Number 3 of 2024 concerning the Second Amendment to Law Number 6 of 2014 concerning Villages

Articles 72A and 82A have essential meanings for village independence. These articles did not previously exist and are additional to the articles in Law Number 6 of 2014 concerning Villages. Article 72A states, "Village Income, as referred to in Article 72, is managed under the priorities of Village Development, education, community education, community development, and community empowerment to create jobs that improve the economy and welfare of the Village community."

Adding Article 72A in Law Number 3 of 2024 brings essential changes in village financial management, especially in how village income is used to improve development and community welfare. In Law Number 6 of 2014, villages are only regulated regarding their sources of income, but there are no specific provisions on how this income should be managed. With Article 72A, villages now have more explicit guidelines, where village income must be allocated for development priorities, education, community empowerment, and job creation to improve the village's economy and community welfare.

This change has substantial implications for village independence. With this provision, villages now have a more significant legal basis for allocating their budgets strategically, especially in human resource development, strengthening the village economy, and creating community-based businesses, which means that villages have more opportunities to develop independent companies such as BUMDes, community skills training, and investment in sectors supporting the local economy, thereby reducing village dependence on central and regional government assistance.

In addition, with the focus on job creation and economic empowerment, villages can now be more proactive in building an economy based on local potential. It allows villages to empower their citizens to generate income rather than just being beneficiaries of government programs. In this way, villages can be more independent in economic and social aspects and more sustainable in the long term.

However, while this policy provides more precise direction in village financial management, there is the potential that the flexibility of villages in managing income could be reduced. Previously, villages had greater freedom in determining budget use according to the needs that developed in the community. Now, villages must ensure that their budgets follow the priorities set out in Article 72A, which in some cases can hinder the village's ability to respond to urgent needs that are not included in the priority categories.

Overall, Article 72A positively impacts village independence, especially in ensuring that village income is used for operational needs and directed to building a strong village economy, creating jobs, and improving community welfare. However, the challenge for villages is balancing compliance with these provisions with the need for flexibility in managing the budget so that villages can continue to develop according to their communities' characteristics and specific needs.

Article 87A states that "(1) Management of Village-Owned Enterprises as referred to in Article 87 paragraph (2) is carried out professionally to obtain benefits for improving community welfare. (2) Village-owned enterprises, as referred to in paragraph (1), may cooperate with state-owned, regional, and privately-owned enterprises and/or cooperatives. (3) Cooperation of Village-Owned Enterprises, as referred to in paragraph (21), is carried out to form mutually beneficial partnerships between economic actors and strengthen each other to realize economic democracy and national efficiency with high competitiveness. (4) Further provisions regarding the cooperation of Village-Owned Enterprises as referred to in paragraph (3) are regulated in Government Regulation."

Adding Article 87A in Law Number 3 of 2024 impacts village independence, especially regarding economic management through Village-Owned Enterprises (BUMDes). This article emphasizes that BUMDes must be managed professionally to obtain profits that can improve the welfare of village communities. In addition, this article also provides a legal basis for cooperation between BUMDes and various economic entities, such as BUMN, BUMD, cooperatives, and private companies, to form mutually beneficial partnerships and support economic democracy.

The implications of this article for village independence are pretty broad. On the one hand, this regulation strengthens the position of BUMDes as the central pillar of the village economy because it encourages more professional management and allows villages to more optimally utilize local resources to create jobs and increase community income. With the opportunity to collaborate with large companies and cooperatives, villages now have wider access to capital, technology, and business networks, which can increase the competitiveness of BUMDes and encourage more sustainable village economic growth.

However, this collaboration also challenges village independence. One of the main risks is the potential dependence of BUMDes on capital and investment from outside parties, which could reduce the village's control over its own business. If the village does not have sufficient capacity in business negotiations and business management, the profits generated may flow more to business partners than the village community. In addition, the provision that the BUMDes cooperation mechanism will be further regulated in a Government Regulation can also open up opportunities for central government intervention, which has the potential to limit the flexibility of villages in determining the direction of their businesses.

Thus, Article 87A provides an excellent opportunity for villages to be more economically independent. Still, villages must also be careful so that the partnerships built truly benefit the village community, not just outsiders with business interests. If managed well, BUMDes can be the main instrument in realizing village independence in economic, social, and community welfare aspects. However, the success of implementing this article is highly dependent on the village's ability to manage BUMDes professionally, maintain balance in business partnerships, and ensure that government regulations continue supporting village autonomy in developing its economy.

Adding Articles 72A and 87A in Law Number 3 of 2024 brings a new dimension to village independence, especially regarding financial management and strengthening the village economy through BUMDes. In the previous conclusion, changes to the articles in Law Number 3 of 2024 generally reduce village independence, especially in terms of budget management, which is increasingly dependent on the central and regional governments (Articles 72 and 74), reduced transparency (Article 86), and expansion of the scope of development which can increase intervention from outside parties (Article 78). However, with Articles 72A and 87A, new elements provide positive encouragement for village independence, although they still face challenges in their implementation. Article 72A offers a more precise direction in the use of village income, with a focus on development, education, community empowerment, and job creation. Article 87A strengthens the role of BUMDes as the main instrument of the village economy by emphasizing that BUMDes must be managed professionally and can partner with BUMN, BUMD, cooperatives, and the private sector.

Theoretically, the changes to the articles of the Village Law provided by Law Number 3 of 2024 can be categorized as a law closer to being regressive because it tends to reduce village autonomy and increase control from the central government and external actors. On the other hand, the addition of Articles 72A and 87A supports more responsive legal elements because it clarifies the direction of village budget use and strengthens the role of BUMDes in village economic development. However, Law Number 3 of 2024 does not fully reflect responsive law because many provisions still limit the village's room for maneuver in determining development policies that follow the needs of the village community.

CONCLUSION

The conclusion of this study is that of the 18 articles amended by Law Number 3 of 2024, five have implications for village independence, namely Articles 67, 72, 74, 78, and 86. Meanwhile, of the seven newly added articles, two have implications for village independence, namely Articles 72A and 87A. These seven articles have an opposing impact on village independence. The researcher shows that the amended articles reduce village independence in the form of a budget that is increasingly dependent on the central and regional governments (Articles 72 and 74), reduced transparency (Article 86), and an expansion of the scope of development that can increase external intervention (Articles 67 and 78). Meanwhile, the new articles positively impact village independence by providing more precise direction in the use of village income (Article 72A) and strengthening the role of BUMDes as the main instrument of the village economy (Article 87A).

This study suggests that the village government is expected to manage BUMDes seriously and professionally through systematic and transparent supervision. BUMDes needs to be directed not only to generate funds in the short term but also to support the village in the long term so that the village can be more independent as BUMDes develops. Then, it is also expected for the village community to actively participate in village deliberations to ensure that the direction of village development truly represents the interests of all parties without any part of the community being marginalized, including maintaining a balance of partnerships to eliminate the potential for village dependence on capital and investment from outside parties and maintain village control over its own business.

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