

Juridical review and implementation Regional Regulation of Purworejo Regency No 12 of 2022 on appointment and dismissal of village apparatus

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Abstract

Dismissal of Village Apparatus. This Perda is designed to serve as a guideline for village governments to implement the dismissal and appointment of vacant village officials. This research is important because its implementation is often misinterpreted or creates new problems. This study aims to understand how the regulation of filling the position of Village Officials in Purworejo Regency is based on the applicable local regulations. In addition, this study also aims to identify various difficulties that arise during the implementation of the policy. This research uses an empirical juridical method, which is an approach that compares legal norms (Perda) with their implementation practices in the field, through empirical data and experiences from relevant stakeholders. The results of this study found several important things as follows: Firstly, the Perda does not clearly regulate the timing of the start of the selection stage, a problem that may lead to vacant positions. Second, the regulation of the requirements for village apparatus candidates, especially in relation to the domicile of candidates, contradicts the regulation in the Village Law. Third, the Selection Team established under this Perda is less effective because in its implementation most of its functions have been carried out by third parties. The findings provide recommendations for the revision of the Perda, namely: clarify when the selection stage begins so that there are no vacancies, harmonise the regulation of candidate requirements in the Perda with the law, and clarify the function of the Selection Team.

Keywords

Local regulation, Purworejo, Village devices

Introduction

Administratively, Purworejo Regency has 494 villages/kelurahan. Villages and sub-districts in this case are distinguished based on the status of their officials. Villages and Sub-districts are regional units occupied by a number of residents as an entity, what

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distinguishes them is that the Head of the village is directly elected by the local people, while the Head of the Kelurahan or Lurah is a civil servant appointed by the Regent [1].

In accordance with Law No. 6/2014 on Villages (hereinafter referred to as the Village Law), the organiser of village governance is the Village Government, which consists of the Village Head and all village officials [2]. The village apparatus consists of the village secretary, regional executives and technical executives. The Village Law also states in Article 50 paragraph (2) that the Regional Government is given the attribution to further regulate in the form of local regulations. The village government is the frontline unit and government services and community empowerment, as well as being the and community empowerment, as well as being the main milestone for the success of all government programs. Strengthening villages is an effort to accelerate the realization of community welfare [3] [4].

A village must have organization or part that controls the development of a village for the welfare of welfare of the surrounding community. The organization here consists of the village government and the village head and assisted by village officials [5]. In order to organise village officials and at the same time to implement the attributions in the Village Law, especially related to their dismissal and appointment, the Government of Purworejo Regency has issued Regional Regulation No. 12 of 2022 concerning the Appointment and Dismissal of Village Officials (hereinafter referred to as Perda). This Perda explicitly explains that one of its purposes is to replace the previous Perda, namely Perda No. 14 of 2018, which is considered no longer in accordance with the conditions and changing needs of the times. In addition, this Perda is also intended to serve as a guideline for the dismissal and appointment of village officials with better quality and integrity [6].

Furthermore, in more detail, to serve as a guideline for Village Governments in carrying out the dismissal and appointment of Village Apparatus, the Regent of Purworejo has also issued Purworejo Regent Regulation No. 31 of 2023 concerning Regulations on the Implementation of Local Regulations on the Appointment and Dismissal of Village Apparatus (hereinafter referred to as Perbup). This Perda and Perbup are used to select or fill vacant Village Official positions in various places in Purworejo Regency [7].

In 2023, one of the villages that carried out the filling of positions was Kalirejo Village, Bagelen Subdistrict. There are actually 5 vacant village official positions, one of which is the Village Secretary, but in accordance with the rules in the Regional Regulation, filling the vacant position for the Village Secretary takes precedence [8]. In fact, in mid-2023 the Kalirejo Village Government had created an Implementation Team for the selection of this position, but the selection effort failed due to differences in views between the community and the Third Party appointed to conduct the selection. This time the Implementation Team assigned by the Kalirejo Village Head collaborated with the Faculty of Social Sciences of Muhammadiyah Purworejo University to carry out a series of tests which included written, computer and speech tests. This research is based on empirical data and experiences from the implementation of the Perda and Perbup.

The formulation of the problem in this research is: How are the arrangements for filling the position of Village Apparatus in Kalirejo Village, Bagelen Subdistrict, Purworejo Regency, based on the Perda and Perbup. What difficulties arise in the implementation of the Perda and Perbup?

Method

The research method used in this research is empirical juridical. That is, comparing the implementation of the law with the applicable legal norms, namely those contained in the Perda and Perbup. Can these Perda and Perbup be implemented and able to be used to solve any problems that arise during selection or on the contrary, it raises various unexpected problems. The benefit of this research is to obtain evaluation material and input for the Purworejo Regency Government to be able to carry out the filling of Village Apparatus positions in order to be better.

Results and Discussion

There is no synchronisation between the end of term and the selection process.

Positions should not be vacant because it will interfere with the process of service to community members [9]. Even though the status of the Village Apparatus is a supporting element of the main duties of the Village Head, the reduction in the number of personnel, especially the Village Secretary, will reduce the performance of the village. Therefore, the policy that regulates the recruitment of Village Officials must wait for a vacant position is not appropriate. This is regulated in Perda Article 4 paragraph (1), namely, the Village Head reports in writing to the Sub-District Head regarding the vacancy of the position of Village Apparatus and consults on a plan to fill the vacancy no later than 5 days from the date of dismissal of the Village Apparatus. This means that there will be a vacancy from the time the Village Official is dismissed until the new Village Official is elected and inaugurated. Whereas the recruitment of new village officials takes a long time, if the process is fast it can be carried out for approximately 2 months, but if the process is not smooth or raises challenges it can take even longer.

The government of Kabupaten Purworejo could have chosen a more appropriate policy by allowing village governments to recruit village officials. Such proper planning could have prevented the Village Government from being left with a vacant position. In accordance with the Government Regulation on the Implementation of Law No. 6/2014 on Villages, specifically Article 68 paragraph (2), village officials are dismissed after reaching the age of 60 years. Based on this provision, it is possible to know when each Village Official will retire [10].

In the author's opinion, the process of recruiting Village Apparatus does not need to wait until the position is vacant. However, it can be carried out, for example, 6 months in advance, as is the case when the position of the Village Head expires. So, 6 months

before the Village Apparatus personnel retire, the Village Head can submit a notification to the Camat to jointly prepare the selection stage. If this policy is outlined in the Perda, it is actually not in conflict with the regulations above, this is because the Village Law does not regulate in detail when the stages of filling the positions of Village Apparatus begin.

Requirements for village device candidates

The Perda specifically regulates the requirements for candidates for Village Apparatus in Article 13 paragraphs (2) and (3). There are 12 requirements that must be fulfilled for applicants for Village Apparatus to be determined as candidates [6]. Of the 12 requirements, there is one requirement that has the potential to become a polemic and can cause controversy, namely, “willing to reside in the Village concerned during his/her tenure as a Village Official.” This provision is certainly different from what is stated in the Village Law Article 50 paragraph (1) letter c, where one of the requirements states “registered as a Village resident and residing in the Village for at least 1 year before registration” [10].

The proof of the requirements in the Perda and in this Law are of course also much different. “Willing to reside in the Village “is proven only by a “statement letter of willingness to reside in the local Village”. Meanwhile, the requirement in the Law is very clear, namely proven by an ID card or other certificate from the village that shows that the person concerned has lived in the village for more than 1 year. Based on these findings, the regulation in the Perda has actually changed the meaning of what is intended in the Village Law. The willingness to live in the village, as evidenced by a statement letter, means that any citizen living in any district is eligible to apply. Whereas the Village Law is very clear, limiting it to local residents and those who have lived in the village for at least 1 year.

In the legal system, we recognise the principle of legal hierarchy, which means that lower rules must not contradict higher rules [11]. It is true that Local Governments are authorised to elaborate on the appointment and dismissal of Village Apparatus in accordance with the Law, however, local regulations must not deviate from the meaning of the rules above them. Perda are instructed to elaborate on legal norms, but may not change existing norms or add new ones.

Between the implementation team, selection team and third parties

The Perda regulates 3 subjects in carrying out the process of filling the position of Village Apparatus, namely the Implementation Team, Selection Team and Third Party. The Implementation Team is a team formed by the Village Head to carry out the selection stage process, while the Selection Team is a team formed by the Implementation Team, to carry out the Candidate selection process. Meanwhile, a third party is a party appointed by the Implementation Team or Selection Team to carry out the screening [6]. The Perbup explains that third parties are independent and competent institutions

appointed by the Implementation Team or Selection Team to assist the selection process [7].

For the Implementation Team, forming a Selection Team or collaborating with a third party is an alternative. If the Implementation Team decides to form a Selection Team, it will be in accordance with its duties as stipulated in Article 8 paragraph (2) of the Local Regulation, namely: to screen candidates through written selection, computer skills selection and technical skills selection, the results of which will be written in the minutes of the event. However, the Regional Regulation also explains further in Article 8 paragraph (3), that in carrying out its duties the Selection Team can cooperate with Third Parties.

Article 8 Paragraph (3) is ineffective because the tasks of the Selection Team in conducting the screening are ultimately also carried out by Third Parties, whereas in accordance with Article 7 Paragraph (2) the Implementation Team can also directly cooperate with Third Parties. Thus, both the Implementation Team and the Selection Team can cooperate with Third Parties to complete the entire process of screening or recruitment of Village Apparatus. In practice, in Kalirejo Village, the Implementation Team directly cooperates with Third Parties without forming a Selection Team. The next question is, why is it necessary to regulate the Selection Team in the Perda if in the end the Selection Team is not formed and the Implementation Team can directly cooperate with third parties. The author argues that the regulation and existence of the Selection Team in the Perda is ineffective. This is because whether or not a Selection Team is formed, all the tasks of the screening stages of the position will eventually be carried out by third parties.

Interpretation of technical skills of village officials

In order to hold the position of Village Official, a person must fulfil both general and specific requirements. General requirements are all administrative requirements as discussed above, while special requirements are as stipulated in Perda Article 14 paragraph (1), namely, having the ability to operate a computer, and having technical abilities that support the implementation of tasks. The next stage is the written selection stage, computer selection and technical ability selection.

Written selection is regulated in Article 21 with questions covering: Pancasila, 1945 Constitution, other general knowledge and local content. For the computer skills test, the selection is carried out by practicing writing scripts with word processing applications, number processing, and presentation media. Meanwhile, the technical ability test is carried out in the form of speech delivery practices and other technical practices according to the field of duties of the Village Apparatus position concerned.

The written test was clearly organised and easy to administer, as was the computer operations test, but the technical skills test led to a variety of interpretations. Technical ability tests consist of two things, namely speech practice tests and other technical abilities in accordance with their fields, which is quite difficult. The speech test is easy to

do, but the test in accordance with the field of work is not set out in detail, leading to a variety of interpretations.

As is known, the Village Apparatus consists of the Village Secretariat, technical executors and territorial executors [12]. The Village Secretariat consists of the Village Secretary and the Head of General Affairs and the Head of Financial Affairs, while the Section Head can consist of the Head of the Government Section, the Head of the Development Section and the Head of the Welfare Section. The technical ability test in accordance with each field of duty is not further regulated by what kind of method. For example, the test for the Village Secretary is certainly different from that for the Head of the Development Section and so on.

The absence of a technical proficiency test for Village Apparatus candidates led to various debates between the Implementation Team, Third Parties, and the Supervision and Facilitation Team formed by the Kecamatan Government. Even though every time there was a difference of opinion, it could be resolved through deliberation, this process was still ineffective, as deliberations often took quite a long time. To avoid debates arising, this issue should have been resolved by regulating it in the Perbup, because Perbup is supposed to regulate detailed matters. The Implementation Team or Third Parties just need to implement their activities.

Conclusion

Several arrangements in the Perda need further discussion, especially related to when the selection stage begins. The current regulation in the Perda creates a vacancy in the position of Village Apparatus. In addition, the regulation of the Perda related to candidate requirements changes the meaning in accordance with the Village Law, namely related to the domicile status of candidates, in which case the Perda should not conflict with the Law. The existence of the Selection Team regulated in the Perda is also ineffective because all of its functions are more easily completed by Third Parties. Meanwhile, the Perbup needs to regulate in more detail about the technical ability test in accordance with the vacant device field. The Suggestions to improve the quality of Village Apparatus selection, the Perda and Perbup need to be reviewed again. Revisions to several articles are needed to make the Perda and Perbup better, including revising articles that conflict with the law.

References

- [1] N. M. Hantoro, "Perubahan Status Desa Menjadi Keturahan Dalam Sistem Ketatanegaraan," *Kajian*, vol. 18, no. 4, pp. 237–254, 2013.
- [2] Sugiman, "Pemerintahan Desa," *Binamulia Huk.*, vol. 7, no. 1, pp. 82–95, 2018.
- [3] Asrori, "Kapasitas Perangkat Desa Dalam Penyelenggaraan Pemerintahan Desa Di Kabupaten Kudus," *J. Bina Praja*, vol. 6, no. 2, pp. 101–116, 2014.
- [4] W. D. Hikmat and M. H. Candradewini, "Implementasi Pengangkatan Dan Pemberhentian Perangkat Desa Di Di Kecamatan Cikancung Kabupaten Bandung," *Responsive*, vol. 4, no. 3, pp. 115–119, 2021.
- [5] N. A. Syahida, B. Triono, E. W. Dj, and D. S. Kusuma, "Upaya Pemerintah Desa dalam Pemberdayaan Masyarakat Melalui Usaha Air Minum Bali (Banyu Mili) Desa Paringan," *J. Terap. Pemerintah*.

- Minangkabau V, vol. 2, no. 2, pp. 174–178, 2022.
- [6] B. H. P. K. Purworejo, “Peraturan Daerah Nomor 12 Tahun 2022 Tentang Pengangkatan Dan Pemberhentian Perangkat Desa,” Jdih.purworejokab.go.id, 2022. https://jdih.purworejokab.go.id/inventarisasi-hukum/detail/PERDA_12_th_2022
 - [7] B. H. P. K. Purworejo, “Peraturan Bupati Purworejo Nomor 31 Tahun 2023 Tentang Peraturan Pelaksanaan Peraturan Daerah Nomor 12 Tahun 2022 Tentang Pengangkatan Dan Pemberhentian Perangkat Desa,” Jdih.purworejokab.go.id, 2023.
 - [8] Purworejo24, “Dapat Nilai Tertinggi dalam Penjaringan Perangkat Desa, Asriani Jadi Sekdes Kalirejo,” Purworejo24, 2023. <https://www.purworejo24.com/2023/10/24/dapat-nilai-tertingg-dalam-penjaringan-perangkati-asriani-jadi-sekdes-kalirejo/>
 - [9] D. Triwahyuni; and Fuqoha, “Efektivitas Jabatan Pejabat Pelaksana Tugas (Plt.) Dalam Penyelenggaraan Pemerintahan,” J. Adm. Negara, vol. 3, no. 2, pp. 34–44, 2015.
 - [10] “Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 Tentang Desa,” 2014.
 - [11] W. Sri and Z. N. S. S. A. F. Ananda, “Benturan Norma dalam Implementasi Asas Lex Superior Derogate Legi Inferiori pada Surat Edaran dan Undang-Undang,” Reformasi Huk., vol. 28, no. 3, pp. 234–250, 2024.
 - [12] I. Sandika, S. Aini, Y. K. Simbolon, and S. Hadiningrum, “Analisis Sistem Pemerintah Desa Di Indonesia,” TERANG J. Kaji. Ilmu Sos. Polit. dan Huk., vol. 1, no. 1, pp. 212–223, 2024.