



## A CASE STUDY IN LOSARI DISTRICT, BREBES REGENCY: A LEGAL EXAMINATION OF THE AMENDMENT TO VILLAGE LAW NO. 3 OF 2024 ARTICLE 39 ON THE PERFORMANCE OF VILLAGE HEADS AND VILLAGE SECRETARIES

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### ABSTRACT

The amendment to Law Number 6 of 2014 thru Law Number 3 of 2024, particularly Article 39, brings significant changes to the governance of village administration in Indonesia. This revision extends the term of office for the Village Head from six to eight years and strengthens the administrative role of the Village Secretary. This research examines the legal and empirical implications of these changes for village governance in Losari District, Brebes Regency, which is a border area and considered underdeveloped. Using a legal-empirical approach, data was obtained through interviews, observation, and document analysis. The research results indicate that the cooperation between the Village Head and the Village Secretary generally supports administrative order and the improvement of public services. However, there are practical challenges such as limited human resources, a decrease in village funds each year, an administrative burden centered on the Village Secretary, the tendency of the Village Consultative Body (BPD) to be passive, and inconsistent public services. The community also demands greater transparency through information boards and more structured village office management. Despite these challenges, the Village Device Working Team (TIRAKAT) emerged as a local innovation that strengthens adaptive governance. The Village Secretary remains a key figure in maintaining reporting and accountability, with the support of the District Head's oversight function. This research recommends a biennial participatory evaluation, strengthening the capacity of village officials, optimizing the role of TIRAKAT, and digitalization.

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## 1. INTRODUCTION

The amendment of Law Number 6 of 2014 concerning Villages thru Law Number 3 of 2024 has significant implications for village governance in Indonesia. One crucial change is found in Article 39, which regulates the term of office and division of duties between the Village Head and the Village Secretary. This change extends the Village Head's term of office from six to eight years and strengthens the Village Head's role in planning and implementing development [1]. Meanwhile, the Village Secretary is required to provide more optimal administrative and operational support.

With these changes, it's important to examine their impact on the performance of both officials in the field. Jhony Fredy Hahury's research, titled "Implementation of the Village Secretary's Function in Government Administration," discusses the Sekdes's role in assisting the Village Head in government administration [2]. The research indicates an urgent need to study the performance of the Village Head and Village Apparatus due to the extension of the Village Head's term of office. This is because there is a correlation between the performance of village government and the continuity of development and the welfare of village communities [3].

Within the framework of village development, a synergistic working relationship between the Village Head and the Village Secretary is a determining factor for the effectiveness of public services, administrative accountability, and the sustainability of development programs. The successful administration of village government depends on the active role of the Village Secretary as the technical support for the Village Head [4]. However, there have been no empirical studies that specifically assess the impact of changes to Article 39 of the Village Law on the performance of these two strategic positions, particularly in border and underdeveloped areas.

Losari District is one of the areas in Brebes Regency located at the western end of Central Java Province, and directly borders the Cirebon Regency area, West Java Province. Its location on the border between provinces gives Losari complex social, economic, and administrative characteristics. In the context of regional development, such a geographical position often makes Losari a region that receives less attention from the local government (Penda), whether in terms of development policies, public services, or budget allocation.

Losari District, Brebes Regency, was chosen as the case study location because it has unique characteristics: it is located on the border of Central Java and West Java provinces, is categorized as a lagging area according to BPS data (2023), and faces limitations in infrastructure, information access, and institutional support. This condition makes it a region vulnerable to policy implementation gaps [5]. In the context of border villages, the challenges are even more complex due to limited digital infrastructure and low access to information. This results in delays in public services and weak financial transparency mechanisms [6][7]. As a strategy to accelerate the performance of village government, the Losari District Government formed the Village Apparatus Work Team (TIRAKAT) in 2025 thru Losari District Head Decree Number 04 of 2025. TIRAKAT is tasked with assisting the Village Head in accelerating the implementation of government tasks, from planning, execution, administration, to accountability, quickly, accurately, and accountably. This team is led by the Village Secretary in each village and is composed of village officials with high capabilities and loyalty. The existence of TIRAKAT is expected to be an instrument to strengthen the implementation of Article 39 of the Village Law, particularly in the context of adjusting the term of office and optimizing the division of roles between the Village Head and the Village Secretary.

Based on this background, this research focuses on the legal and empirical analysis of the impact of the amendment to Article 39 of Law No. 3 of 2024 on Villages on the performance of Village Heads and Village Secretaries in Losari District. The research questions are: 1. What is the relationship between the performance of the Village Head and the Village Secretary after the amendment of Article 39 of the Village Law, 2. What is the impact on village administrative governance, the quality of public services, and community welfare? 3. How can we build an adaptive village governance model based on Article 39 changes that ensures accountability and community participation in remote border areas?

This research is expected to contribute to the literature on village law and offer practical policy recommendations for local and central governments, particularly for border areas with limited resources.

## 2. RESEARCH METHODS

This research uses a juridical-empirical approach (socio-legal research) that combines the analysis of legal norms with the study of their implementation in the field. This approach was chosen because the changes to Article 39 of Law No. 3 of 2024 on Villages not only require a review of the legal text but also an understanding of its impact on the dynamics of village governance in Losari District [8].

The research type is descriptive-analytical, aiming to describe the current conditions after regulatory changes and analyze the conformity of practices with legal norms. A legal approach is used to examine legal norms and related regulations, while an empirical approach is conducted thru in-depth interviews, field observations, and official document review [9].

Losari District was chosen because of its characteristics as a border area and a lagging region, while also having a local initiative in the form of the Village Apparatus Working Team (TIRAKAT), which was formed thru Losari Sub-District Head Decree Number 04 of 2025. This team is the focus of observation to see its role in strengthening the implementation of Article 39.

Primary data was obtained from the Village Head, Village Secretary, Community Leaders, TIRAKAT members, and sub-district officials, while secondary data came from laws and regulations, local policy documents, and academic literature. The analysis was conducted descriptively-analytically, combining the results of the normative study and field findings to provide a comprehensive overview and relevant policy recommendations. The analysis was conducted descriptively-analytically, linking field findings and good governance theory [10].

### 3. RESULT AND ANALYSIS

#### **Working Relationship between Village Head and Village Secretary**

The interview results indicate that the working relationship between the Village Head (Kades) and the Village Secretary (Sekdes) is generally harmonious, with open communication and intensive coordination. Both positioned themselves as working partners, not just superiors and subordinates. The village head is more focused on development policies, while the village secretary is dominant in administrative aspects [11].

However, in some villages, this relationship shows a passive tendency of the village head toward the village secretary. The secretarial burden is also largely borne by the Village Secretary, leading to an imbalance in the division of tasks. Additionally, disharmony was also found between the Village Head and the Section Head, which has implications for weak internal coordination. This condition indicates that internal harmonization factors still pose a challenge that needs attention in the implementation of Article 39.

#### **Village Administration and Financial Governance**

The collaborative performance of the two village officials has implications for administrative order, including financial and asset management. Most villages are already using the Siskeudes application to improve the accuracy of their financial reports [12]. However, limited internet infrastructure means that some administrative tasks are still done manually [13]. Village assets, such as cash land, are generally managed thru a mechanism of deliberation, although the management standards are not yet uniform [14].

Additionally, the limited human resources (HR) pose a serious problem in administrative governance. Many village officials still lack the adequate capacity to manage financial documents and reports to accountability standards. This problem is further exacerbated by the declining allocation of village funds each year, leading to frequent sub-optimal planning and realization of development programs.

#### **Public Service Performance**

The majority of respondents stated that public services in the village have shown real improvement. Residents can now process population documents directly in the village, with dedicated service areas available, and transparency enhanced thru information boards and social media [15]. Community participation also increased, as evidenced by mutual cooperation in road construction, irrigation channels, and the implementation of labor-intensive programs [16].

However, field findings indicate that public services are not yet fully consistent. The village head and secretary are often not in the office, causing frustration among residents. The community hopes for an information board and a transparency system that explains the whereabouts and activities of the village head and secretary, to ensure better public services.

#### **Perception of the Implementation of Article 39 of Law No. 3**

The understanding of village officials regarding Article 39 still varies. Some understand the substance of extending the village head's term of office to eight years, while others are still unaware of the details of the regulations. The public is also divided: some support it because it is seen as providing enough time to complete the program, while others believe the term is too long and could reduce accountability [17].

Additionally, pressure from the community is increasing, including regarding the possibility of dismissing the village head before their term ends. This highlights the need for clearer and more transparent internal evaluation mechanisms to ensure the accountability of village leadership.

#### **Adaptive Governance Model: Implementing TIRAKAT**

The local innovation of TIRAKAT is considered positive because it strengthens cross-village agency coordination [18]. However, its implementation is not uniform: some villages have successfully made it an effective collaboration forum, while in other places it remains a mere formality.

In this context, the Village Secretary remains the main figure loyal to the village, especially in terms of reporting, guidance, and supervision. The sub-district head and village secretary also play an important role in

inventorying various issues that arise in the implementation of TIRAKAT. This shows that although the village head holds a strategic position, the village secretary remains the main pillar of adaptive governance at the village level.

#### **Reward and Check Mechanism**

The majority of respondents support a performance-based reward system for high-achieving officials, as well as a control mechanism thru the publication of financial reports and village consultations. This approach is seen as effective in maintaining accountability while preventing abuse of power [20].

However, the effectiveness of the checks and balances mechanism is still weak because the role of the Village Consultative Body (BPD) is relatively passive. The BPD is only active in village deliberation forums, while its daily oversight function is not yet operating optimally. Collecting structured data thru questionnaires sent to BPD also did not yield significant results. This indicates a need to strengthen the capacity and role of the Village Consultative Body (BPD) as a representation of the community in the control mechanism.

#### **Analysis of Opportunities and Challenges**

The research findings indicate both opportunities and challenges arising from the eight-year term extension. On the one hand, development continuity is more assured [21]. On the other hand, without periodic evaluation, the risk of abuse of power increases [22][23]. Therefore, periodic evaluations involving the Village Consultative Body (BPD) and the community are key to strengthening accountability.

Additionally, another major challenge is the limited human resources and disharmony in internal relationships between the village head, village secretary, and other village officials. This has implications for weak policy coordination and effectiveness. With the limited village funds decreasing each year, the adaptive governance model based on TIRAKAT and simple digitalization becomes a more realistic solution to strengthen transparency and community participation.

#### **4. CONCLUSION**

The amendment to Article 39 of Law No. 3 presents both opportunities and challenges. Extending the village head's term of office to eight years ensures continuity of development, but risks weakening accountability if not accompanied by periodic evaluation mechanisms. This research found that cooperation between the Village Head and the Village Secretary promotes administrative order and improves public services. However, there are still obstacles in the field such as limited human resources, declining village funds, administrative workloads centered on the village secretary, a passive role for the Village Consultative Body (BPD), and public services that are not yet optimal. In this context, the Village Secretary remains the key figure with the oversight support of the Sub-District Head, while the TIRAKAT innovation emerges as a potential model of adaptive governance. Research recommendations include biennial participatory evaluation, strengthening village apparatus capacity, optimizing TIRAKAT, and phased digitalization with simple technology to enhance transparency and accountability in border villages.

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