



## **Implementation of Rural Area Development Based on the Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration**

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**Abstract:** This study aims to determine how the implementation of rural area development in Bone Bolango Regency is based on Ministerial Regulation Number 5 of 2016. The legal basis of the rural area development policy is Law Number 6 of 2014 concerning Villages. The law has the purpose and function of creating a strong, independent, peaceful, and democratic village that is used to regulate the development of rural areas. The results of this study are; 1). The implementation of rural area development in Bone Bolango Regency based on Ministerial Regulation Number 5 of 2016 can be carried out by forming a Coordination Team for Rural Area Development, planning the preparation of the development plan in question, and cooperation and determination of the village sarasan; 2). Obstacles in the implementation of rural area development in Bone Bolango Regency based on Ministerial Regulation Number 5 of 2016 are the lack of formation of a Rural Area Development Coordination Team (TKPKP), and the lack of maximum implementation of rural area development in Bone Bolango Regency.

**Keywords:** Village; Rural Development; Regional Autonomy.

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## 1. Introduction

Indonesia is the highest agreement of the state formers, although it experienced constitutional tests when the 1945 Constitution was changed to the Constitution of the United States of Indonesia in 1949, even though recognition of areas under the auspices of the State of Indonesia is still recognized.<sup>1</sup> The absolute requirement of state sovereignty is the existence of a society that obeys the Constitution and its government.<sup>2</sup> Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the system of state administration.<sup>3</sup> Therefore, in legal politics, a discovery of law and making new laws to the objectives of the State is a value that must be carried out to achieve legal supervision and justice.<sup>4</sup>

In our daily life, even in society, to make ends meet there are often crimes and offenses committed by certain people and people who threaten some of the members of society, which in legal science is known as criminal acts.<sup>5</sup> Currently, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has grown rapidly in Indonesia. Criminal sanctions are seen as an effective solution to tackling the problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as legal protection efforts for its citizens. This is a logical consequence of the concept of the formation of a state which, according to JJ Rousseau, is based on the agreement of the people. Furthermore, the people agreed to enter into a noble agreement (*modus vivendi*) which was outlined in a basic law in the form of a state constitution.<sup>6</sup> Legal protection is very necessary because of efforts to integrate various needs in the association so that there is no conflict between needs and one can enjoy all the rights provided by law.<sup>7</sup> The state is firmly obliged to strive to fulfill the rights of every citizen.<sup>8</sup>

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<sup>1</sup> Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-121., 110

<sup>2</sup> Mellisa Towadi and Nur Mohamad Kasim, "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55-71., 69

<sup>3</sup> Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791

<sup>4</sup> Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

<sup>5</sup> Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58

<sup>6</sup> Ramdan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Straftrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3

<sup>7</sup> Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197

<sup>8</sup> Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

To implement autonomy, regions will depend heavily on the readiness of the regional government itself in organizing an effective, efficient, transparent, and accountable government system, as well as getting enthusiasm and participation from the community in the administration of its government, as mandated by Law Number 23 of 2014 concerning Regional Government in place of Law Number 32 of 2004 concerning Regional Government, that in implementing regional autonomy must adhere to the principles of good governance *and clean governance* in realizing a desantralistic and democratic region.<sup>9</sup>

The central government has delegated its power to regional governments in organizing regional autonomy, regional autonomy is the right, authority, and obligation of regions to regulate and manage their households by applicable laws and regulations. Even though the central government has given full authority to local governments, local governments themselves must be accountable for the delegation of authority in carrying out their government as stated in the 1945 Constitution.

In principle, the central government, and regional governments together with rural areas run one program, namely national development. National development aims to achieve progress and inner well-being, including security, tranquility, and justice. This development must proceed by the objectives of the Indonesian nation as instructed in the preamble and torso of the 1945 Constitution. Thus national development becomes an important program for a country.<sup>10</sup>

The development of rural areas is part of a combination of development between one village in one sub-district in collaboration with the Kabupaten / city government, intending to build acceleration and improve the quality of services, development, and empowerment of rural communities in rural areas. The prosperity of a country can be seen from the smooth process of economic development. Development is not only centered in districts/cities but in remote rural areas so that rural areas are the center of sustainable development.

Carrying out the development process, planning is the most important part in development. Therefore, local governments are obliged to apply the principles of transparency (openness), and participatory, can be enjoyed by the community, can be accounted for (accountability) and sustainable (*sustainable*) by applying these principles in building, then the end of development gets the desired results.<sup>11</sup>

The legal basis of the rural area development policy is Law Number 6 of 2014 concerning Villages. The law has the purpose and function of creating a strong, independent, peaceful, and democratic village that is used to regulate the

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<sup>9</sup> Nina Angelia Yoga Teja Wiguna, Rosmala Dewi, "Peranan Badan Permusyawaratan Desa Dalam Perencanaan Pembangunan Desa.," *Prespektif* 6, no. 2 (2021): 41–42.

<sup>10</sup> Yeni Yorisca, "Pembangunan Hukum Yang Berkelanjutan: Langkah Penjaminan Hukum Dalam Mencapai Pembangunan Nasional Yang Berkelanjutan," *Jurnal Legalisasi Indonesia* 17, no. 1 (2020): 107.

<sup>11</sup> Hermansyah, "Partisipasi Sosial Dalam Pembangunan Daerah (Sebuah Tinjauan Konsep)," *Partisipasi Sosial Dalam Pembangunan Daerah (Sebuah Tinjauan Konsep)*. 9, no. 1 (2019): 6.

development of rural areas. In Article 83 of Village Law Number 6 of 2014 concerning Villages, states that in the development of rural areas is a combination of development between villages in one sub-district with one district / city, the development of rural areas realizes the speed of serving the community, good economic growth and empowerment for rural communities in a participatory way.<sup>12</sup>

The development of rural areas is the authority of the local government, which is based on the fact that the local government (bupati/mayor) must issue a decision related to the implementation model, as well as the stages within it. Actually, the Law on Villages which contains the concept of rural area development is still in the form of a concept, so it needs to be regulated and followed up in other regulations of a technical nature by an agency authorized for it, in this case the Ministry of Villages, Development of Disadvantaged Areas, and Transmigration of the Republic of Indonesia. Therefore, as an authorized institution, the Minister of Villages, Development of Disadvantaged Regions, and Transmigration of the Republic of Indonesia must issue some kind of regulation in nature to implement what has become the mandate of the above regulation, namely the Law on Villages.

Because of the above, as an institution responsible for implementing what is a provision related to the development of rural areas, the Ministry of Villages, Development of Disadvantaged Areas, and Transmigration must take action by issuing related ministerial regulations as a legal basis by the government below (regional government) to implement programs or concepts related to the development of rural areas. As for now, concepts and ideas related to the development of rural areas have been regulated in the Regulation of the Minister of Villages, Development of Disadvantaged Areas, and Transmigration Number 5 of 2016 concerning the Development of Rural Areas.

Through government policy contained in the Regulation of the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Number 5 of 2016, states in Article 6 Paragraph 3 with the following Sound:

"The determination of rural areas and rural area development plans are determined by the regulation of the Regent / Mayor".

Based on the contents of the Article as above, it is seen that the concept of rural area development in an area must be determined by a regional head regulation, be it a regent regulation or a mayor regulation. Therefore, this also underlies the birth of regent regulations at the regional level, including recent regulations in the Bone Bolango Regency area.

As explained in the regulation above, the Bone Bolango Regency Government made Regent Regulation Number 3 of 2020 concerning Rural Area Development, which is

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<sup>12</sup> Iin Piani, "Proses Collaborative Governance Dalam Pembangunan Kawasan Perdesaan Di Kecamatan Somagede Kabupten Banyumas," *Jurnal Public Policy and Management Inquiry* 4, no. 2 (2020): 134-51.

basically to regulate and design how the implementation and implementation model of rural area development in Bone Bolango Regency.

The Bone Bolango Regent Regulation on Rural Area Development can be understood as an effort by the local government to maximize the potential of villages in the region and as a form of development and equitable development in all villages in Bone Bolango Regency. However, in carrying out the development of rural areas, steps must be prepared for what will be taken, as well as how the institutional model that will be responsible for the implementation of the program in question.

Based on the description and data above, the prospective researcher focuses on a study of what causes cases and criminal acts of neglect entitled **"Implementation of Rural Area Development in Bone Bolango Regency Based on Ministerial Regulation Number 5 of 2016"**.

## **2. Method**

This type of research is this empirical research which is legal research that serves to see the law in a real sense and examine how the law works in the community. Because this study examines people in the law of living in society, empirical legal research can be said to be sociological legal research. It can be said that legal research is taken from facts that exist in a society, legal entity, or government body. Data Type, Prime Data and Secondary Data. The data analysis used is a qualitative approach to primary data and secondary data. The descriptive, including the content and structure of positive law, is an activity carried out by the author to determine the content or meaning of legal rules that are used as references in solving legal problems that are the object of study.<sup>13</sup>

## **3. Analysis And Discussion**

### **3.1. Obstacles in the Implementation of Rural Area Development in Bone Bolango Regency based on Ministerial Regulation Number 5 of 2016**

An obstacle, in general, can be understood as an obstacle that causes something to not work as expected. In the context of rural area development, researchers set benchmarks to assess how the implementation of regulations issued as rules of the game, namely program implementation, and the effectiveness of implementing rural area development programs in Bone Bolango Regency.

As described in the previous sub-chapter, the process of implementing the development of rural areas in the Bone Bolango Regency area is still in the preparatory stage. This can also be used as a reason that the implementation of the Bone Bolango

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<sup>13</sup> Hamdan Tuna, "Peran Penyidik Dalam Mengungkap Peristiwa Tindak Pidana Pencemaran Nama Baik Ditinjau Dari Penegakan Hukum Pidana" (Universitas Negeri Gorontalo, 2015).

Regent Regulation on the Development of Rural Areas in Bone Bolango Regency is still constrained by several reasons which will be described as follows:

### **3.1.1. Nothing Coordination Team for Rural Area Development Has Been Formed (TKPKP)**

According to the results of interviews with respondents represented by the PMD Office of Bone Bolango Regency, his party confirmed that the implementation of the rural area development program has begun to be implemented but is in the preparation stage. In addition, the TKPKP which is the element of suspension for all processes of rural area development in Bone Bolango Regency has not been formed by the local government. However, if you look at it substantively, with the establishment of the crime scene by the local government, it can have long implications for the process of implementing rural area development.

Furthermore, if you look at the formulation and provisions in Perbub Bone Bolango concerning Rural Area Development, the tasks and responsibilities given to the crime scene are so large and diverse that starting with the determination of rural areas to the evaluation stage of the rural area development program in question.<sup>14</sup> Therefore, in this condition, the absence of a crime scene because it has not been formed by the local government, it can be concluded that the implementation of the Perbub Bone Bolango can be hampered completely in terms of stages. In addition, the power vacuum in the institution can also be the initial point of absence of forms of implementation of the program. Simply put, if the crime scene does not exist, then the process of implementing rural area development programs will be hampered step by step.

It should be emphasized that the discussion of the study in this sub-chapter is intended to evaluate the beginning related to the implementation of the Bone Bolango Regent Regulation on Rural Area Development in Bone Bolango Regency. Saifullah and Agam Marsoyo, in a similar study, said that evaluation, in the context of rural area development, is because there is a relationship between output and the goals to be achieved in the policies that have been made.<sup>15</sup> In the study, he then determined several variables that became a benchmark, one of which was the level of quality of the implementation of the program that had been carried out.

Using the example conducted by Saifullah and Agam Marsoyo, this can be used as a reference in comparing how effective the implementation of the Bone Bolango Regency Local Government policy program on rural area development. As a result, taking into account that with the absence of crime scenes in Bone Bolango Regency, it is certain that the development of rural areas in terms of implementation still has serious obstacles that should be carefully considered by the local government.

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<sup>14</sup> Lihat tugas dan tanggungjawab TKPKP dalam Perbub Bolango tentang Pembangunan Kawasan Perdesaan.

<sup>15</sup> Saifullah dan Agam Marsoyo, "Evaluasi Implementasi Program Kawasan Perdesaan Prioritas Nasional (Kppn) Di Kecamatan Sikap-Dalam Kabupaten Empat Lawang," *Geodika: Jurnal Kajian Ilmu Dan Pendidikan Geografi* 6, no. 1 (2022): 39.

### 3.1.2. Ineffective Implementation of Rural Area Development Program

According to the results of the interview as previously described, it is known that the implementation of the program is still in the preparation stage. The PMD Office as the government's representative in the field of community and village empowerment, stated that to carry out the development of rural areas in target villages, it must begin with proposals by the community or interested parties in the village.<sup>16</sup> If you follow what is specified in the Perbub Bone Bolango concerning Rural Area Development, it should first start with how to form TKPKP as an element that will be responsible for the development of rural areas in Bone Bolango Regency.

Furthermore, according to the mandate of Perbub Bone Bolango concerning Rural Area Development, rural area development efforts aim to accelerate the development process in each village in Bone Bolango Regency. On the other hand, according to the provisions of the regulation in question, later the implementation of the program must be evaluated at the end.<sup>17</sup> So, how to evaluate the implementation of the program if the initial implementation does not exist? Even if there is some kind of limitation that has been determined, then at least the local government as much as possible forms and compiles concrete steps to effectuate the implementation process, more specifically in the implementation phase of the rural area development program.

By looking at the existing empirical facts, where the implementation process has not been fully effective because of some of the things described above, it indicates that efforts and enthusiasm to develop rural areas are still very minimal in the area. The development of rural areas aims to give birth to potential villages in the future to support sustainable development initiated by the central government and the regional government itself

Simply put, the development of rural areas initiated by the government aims to improve and accelerate services to rural communities while still paying attention to the concept of development in the village.<sup>18</sup> The development of rural areas must go through several stages, namely proposing, determining, implementing, and evaluating and reporting. Therefore, it is important to reiterate that to measure the extent of the implementation of the effectiveness of Perbub Bone Bolango on Rural Area Development, there must be efforts to organize, be it proposing, determining, planning, to evaluating.

Even if the process of implementing rural area development is still in the stage of a proposal by parties in the village, instead of being in the implementation stage, it is

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<sup>16</sup> Lihat kembali hasil wawancara dengan responden (pihak Dinas PMD Kabupaten Bone Bolango) di awal.

<sup>17</sup> Pasal 12 Perbub Bone Bolango tentang Pembangunan Kawasan Perdesaan.

<sup>18</sup> Lihat pula Pasal 1 Angka 5 Permendes No. 5 Tahun 2016 tentang Pembangunan Kawasan Perdesaan.

certainly too early to conclude that the implementation of rural area development programs has not been effective. However, if you look at the substance of the village government, it may be possible to emphasize related to the time needed for the proposal, and other stages. That way, the overall maintenance process can run well and as it should be

The involvement of the village government together with the community is quite important in ending misconceptions or understanding that the villages that are predicted to be the target villages of development do not yet exist or have not been identified. The real problem lies in institutional conditions that have not been formed because of the things previously described.

In the above description, using the opinion of George C. Edward, there is a kind of ineffectiveness for reasons of bureaucratic conditions that have not yet been formed. In addition, the vacancy of the disposition initiated is also an obstacle in itself. This should be a concern by the local government, considering that the implementation of rural area development is to improve and accelerate development efforts and services to the community in the village.

Overall, from the results of the discussion and analysis of the problems of the implementation of the Perbub Bone Bolango on Rural Area Development, and the obstacles faced related to the implementation of the Perbub in question still stifle various problems in terms of institutional conditions that have not been fully formed. As mentioned earlier, institutions in rural area development are the key that will determine how the implementation of Perbub Bone Bolango on Rural Area Development in the area.

Because of the above, this can certainly be overcome by rebuilding the spirit of rural development in the Bone Bolango Regency area. In addition, in this effort, it is necessary to equalize the perception and harmonization of relations between the government and other parties who are considered authorized and interested in efforts to develop rural areas in Bone Bolango Regency.

The principle is that the Perbub Bone Bolango on Rural Area Development should not only be a mere display that the perbub exists in fact but there is no follow-up to the Regent regulation. Therefore, once again, it is necessary to re-evaluate the existence of the regent regulation to maximize and streamline what is the order of Perbub Bone Bolango concerning Rural Area Development, more specifically the regulations above, namely the Law on Villages and the Amendment on Rural Area Development.

#### **4. Conclusion**

Based on the results of research and analysis that have been stated, obstacles in the implementation of rural area development in Bone Bolango Regency based on Ministerial Regulation Number 5 of 2016 are the lack of formation of the Rural Area Development Coordination Team (TKPKP), and the lack of maximum implementation of rural area development in Bone Bolango Regency.



## References

- Fakultas, Ahmad dan Novendri M. Nggilu. "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, no. 4 (2019): 785-808.
- Hamdan Tuna. "Peran Penyidik Dalam Mengungkap Peristiwa Tindak Pidana Pencemaran Nama Baik Ditinjau Dari Penegakan Hukum Pidana." Universitas Negeri Gorontalo, 2015.
- Hermansyah. "Partisipasi Sosial Dalam Pembangunan Daerah (Sebuah Tinjauan Konsep)." *Partisipasi Sosial Dalam Pembangunan Daerah (Sebuah Tinjauan Konsep)*. 9, no. 1 (2019): 6.
- Iin Piani. "Proses Collaborative Governance Dalam Pembangunan Kawasan Perdesaan Di Kecamatan Somagede Kabupten Banyumas." *Jurnal Public Policy and Management Inquiry* 4, no. 2 (2020): 134-51.
- Ismail, Dian Ekawaty, and Mohamad Taufiq Zulfikar Sarson. "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes." *Jambura Law Review*. 3, no. 1 (2021): 57-76. <https://doi.org/10.33756/jlr.v3i0.10984>.
- Kasim, Ramdan. "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Strafrecht)." *Jambura Law Review* 2, no. 1 (2020): 1-29. <https://doi.org/10.33756/jalrev.v2i1.2402>.
- Mandjo, Julius. "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, no. 02 (2021): 365-77.
- Muhtar, Mohamad Hidayat. "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review* 1, no. 1 (2019): 68-93. <https://doi.org/10.33756/jalrev.v1i1.1988>.
- Nggilu, Novendri M. "TINJAUAN YURIDIS PENGATURAN SANKSI PIDANA DALAM PERATURAN DAERAH PROVINSI GORONTALO." *Lambung Mangkurat Law Journal*. 5, no. 2 (2020): 109-21.
- Puluhulawa, Jufryanto, Mellisa Towadi, and Vifi Swarianata. "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site / Japanese Cargo Wreck Abstract Laut Mempunyai Makna Besar Bagi Indonesia , Sebagaimana Dijelaskan Shanti Dwi Kartika Bahwasannya : " Laut Se." *Jurnal Reformasi Hukum*. 24, no. 2 (2020): 189-208.
- Saifullah dan Agam Marsoyo. "Evaluasi Implementasi Program Kawasan Perdesaan Prioritas Nasional (Kppn) Di Kecamatan Sikap-Dalam Kabupaten Empat Lawang." *Geodika: Jurnal Kajian Ilmu Dan Pendidikan Geografi* 6, no. 1 (2022): 39.

- Towadi, Mellisa, and Nur Mohamad Kasim. "An Indication of China's Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, no. 01 (2021): 55-71.
- Yoga Teja Wiguna, Rosmala Dewi, Nina Angelia. "Peranan Badan Permusyawaratan Desa Dalam Perencanaan Pembangunan Desa." *Prespektif* 6, no. 2 (2021): 41-42.
- Yorisca, Yeni. "Pembangunan Hukum Yang Berkelanjutan: Langkah Penjaminan Hukum Dalam Mencapai Pembangunan Nasional Yang Berkelanjutan." *Jurnal Legalisasi Indonesia* 17, no. 1 (2020): 107.