

REGENT OF GRESIK

EAST JAVA PROVINCE

REGULATION OF THE REGENT OF GRESIK

NUMBER 25 OF 2019

ON

THE LIST OF VILLAGE AUTHORITY BASED ON ORIGINAL RIGHTS

AND VILLAGE-SCALE LOCAL AUTHORITY IN THE REGENCY OF GRESIK

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF GRESIK,

Considering: a. that based on the provisions in Article 37 of Government Regulation Number 43 of 2014 concerning the Implementation Regulation of Law Number 6 of 2014 concerning Villages, as amended several times most recently by Government Regulation Number 11 of 2019 concerning the Second Amendment to Government Regulation Number 43 of 2014 concerning the Implementation Regulation of Law Number 6 of 2014 concerning Villages, and Article 21 of the Regulation of the Minister of Home Affairs Number 44 of 2016 concerning Village Authority, it is necessary to regulate the list of village authorities based on original rights and village-scale local authorities;

b. that based on the considerations referred to in point a, it is necessary to issue a Regional Regulation on the List of Village Authorities Based on Original Rights and Village-Scale Local Authorities in the Regency of Gresik;

Considering: 1. Law Number 12 of 1950 concerning the Formation of Regions within the East Java Province (State Gazette of the Republic of Indonesia of 1950 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2930) as amended by Law Number 2 of 1965 concerning the Change of Boundary Area of Surabaya Municipality and Surabaya Regency (State Gazette of the Republic of Indonesia of 1965 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 2730);

2. Law Number 12 of 2011 concerning the Formation of Legislation (State Gazette of the Republic of

- Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
3. Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495);
 4. Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
 5. Government Regulation Number 43 of 2014 concerning the Implementation Regulation of Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 123, Supplement to the State Gazette of the Republic of Indonesia Number 5539) as amended several times most recently by Government Regulation Number 11 of 2019 concerning the Second Amendment to Government Regulation Number 43 of 2014 concerning the Implementation Regulation of Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2019 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6321);
 6. Government Regulation Number 12 of 2017 concerning Guidance and Supervision of Regional Government Administration (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);
 7. Regulation of the Minister of Home Affairs Number 80 of 2015 concerning the Formation of Regional Legal Products (State News of the Republic of Indonesia of 2015 Number 2036) as amended by Regulation of the Minister of Home Affairs Number 120 of 2018 (State News of the Republic of Indonesia of 2018 Number 157);
 8. Regulation of the Minister of Home Affairs Number 44 of 2016 concerning Village Authority (State News of the Republic of Indonesia of 2016 Number 1037);

DECIDES:

To Enact: THE REGIONAL REGULATION ON THE LIST OF VILLAGE AUTHORITIES BASED ON ORIGINAL RIGHTS AND VILLAGE-SCALE LOCAL AUTHORITIES IN THE REGENCY OF GRESIK.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Gresik.
2. Regional Government means the Regency Government of Gresik.
3. Regent means the Regent of Gresik.
4. Village means villages in the Regency of Gresik.
5. Sub-district Head means sub-district heads in the Regency of Gresik.
6. Village Government means the administration of government affairs by the Village Government and the Village Deliberative Body in regulating and managing the interests of the local community based on local origins and customs that are recognized and respected in the Unitary State Republic of Indonesia government system.
7. Village Government means the Village Head or otherwise assisted by Village Officials as elements of village government administration.
8. Village Deliberative Body, hereinafter abbreviated as BPD, is an institution that carries out government functions whose members are representatives of the Village residents based on regional representation and are appointed democratically.
9. Village Regulation means legislation enacted by the Village Head after being discussed and agreed upon with the BPD.
10. Assignment of Tasks means the assignment from the Central Government to the autonomous region to carry out some of the government affairs that are the authority of the Central Government or from the Provincial Government to the Region to carry out some of the government affairs that

are the authority of the Provincial Government.

11. Assignment means the giving of tasks from the Government, the Government to the Village in carrying out some of the implementation of concurrent government affairs, general government, and in the implementation of assigned tasks.

12. Government Affairs means governmental power that is the authority of the President, the implementation of which is carried out by the State Ministry and the Regional Government administrator to protect, serve, empower, and prosper the community.

13. Concurrent Government Affairs means government affairs that are shared between the Central Government, the Provincial Government, and the Regional Government.

14. General Government Affairs means government affairs that are the authority of the President as head of government.

15. Village Authority means the authority possessed by the village, including authority based on original rights, village-scale local authority, authority assigned by the Central Government, Provincial Government, or Regency Government in accordance with the provisions of legislation.

16. Village Authority Based on Original Rights means rights that are a living legacy and initiatives of the village or village community in accordance with the development of community life.

17. Village-Scale Local Authority means the authority to regulate and manage the interests of the village community that has been carried out by the village or is capable and effectively carried out by the village or that emerges due to village development and village community initiatives.

18. Village Deliberation means a deliberation between the BPD, the Village Government, and community elements organized by the BPD to agree on strategic matters.

19. Village Deliberation Agreement means the result of a village deliberation in the form of an agreement contained in the minutes of the village deliberation agreement signed by the Chairperson of the BPD and the Village Head.

20. Village Regulation means legislation enacted by the Village Head after being discussed and agreed upon with the BPD.

21. Decision of the Village Head means a provision that is concrete, individual, and final.

CHAPTER II

INTENT AND PURPOSE

Article 2

The intent of enacting this Regional Regulation is to increase the effectiveness and accountability of Villages in arranging village authority in accordance with the principles of recognition and subsidiarity (granting authority) and the implementation of assignments from the Central Government, Provincial Government, and Regional Government to Villages.

Article 3

The purpose of enacting this Regional Regulation is to encourage the proportionality of the implementation of Village authority areas, which include:

- a. Village Governance;
- b. Village Development Implementation;
- c. Village Community Development; and
- d. Village Community Empowerment.

CHAPTER III

SCOPE

Article 4

The scope regulated in this Regional Regulation includes:

- a. village authority based on original rights;
- b. village-scale local authority;
- c. the mechanism for implementing village authority;
- d. village levies; and
- e. financing.

CHAPTER IV

VILLAGE AUTHORITY BASED ON ORIGINAL RIGHTS

Article 5

(1) Village authority based on original rights as referred to in Article 4, point a, includes:

- a. community organizational system;
- b. village government organizational system;
- c. community institutional development;
- d. management of village land assets; and
- e. development of the role of the village community.

(2) Village authority based on original rights from identification and inventory is:

- a. management of Village Land Assets, including bengkok/ganjaran land;
- b. recording and inventory of ownership rights to land in the village;
- c. securing the determination of boundaries of community land ownership;
- d. utilization of village lands for the needs of the village community;
- e. development of gotong royong culture;
- f. development of traditional arts and culture and village customs;
- g. restoration of ancestral tombs;
- h. post-harvest thanksgiving;
- i. appointment of tomb caretakers;
- j. maintaining and securing village wealth and assets; and
- k. maintaining and securing village boundaries.

CHAPTER V

VILLAGE-SCALE LOCAL AUTHORITY

Article 6

(1) Village-scale local authority as referred to in Article 4, point b, includes:

- a. management of boat moorings;
- b. management of village markets;

- c. management of public baths;
- d. management of irrigation networks;
- e. management of village community settlements;
- f. community health development and management of integrated service posts;
- g. development and development of art and learning studios;
- h. management of village libraries;
- i. management of village reservoirs;
- j. management of village-scale drinking water; and
- k. construction of village roads between settlements to agricultural areas.

(2) Village-scale local authority from identification and inventory is:

- a. preparation of stakes and documents;
- b. arrangement and formation of hamlets;
- c. development of village administration and information and village archives;
- d. population and village potential data and utilization of village profiles;
- e. management of Village-Owned Enterprises (BUMDes);
- f. determination of inter-village cooperation;
- g. management of village-owned facilities and infrastructure;
- h. establishment of security posts and other preparedness posts according to the needs and social conditions of the village community;
- i. counseling on drug abuse and food additives in the village;
- j. management of Early Childhood Education (PAUD) and Kindergartens (TK) owned by the village;
- k. management and development of TTG;
- l. environmental sanitation management;
- m. management and cultivation of village-owned fisheries, livestock, agriculture, and plantations;
- n. development of village flagship products;
- o. development of village economic centers;
- p. management of floating net cages and fish bagans;
- q. management of village food reserves;
- r. management of village tourism;
- s. management of critical land at the village scale;

- t. management and utilization of natural resources in the village for improving community welfare;
- u. waste management in the village;
- v. fostering peace and order in the village area and community;
- w. fostering harmony among village residents and religious communities;
- x. maintaining peace, handling conflicts and mediating in the village;
- y. facilitation of development of youth organizations and activities;
- z. capacity building of village officials, BPD and other village institutions;
- aa. facilitation and capacity building of community groups;
- bb. counseling on government programs and socialization of various regulations;
- cc. handling of land fires; and
- dd. construction of village-owned roads.

CHAPTER VI

MECHANISM FOR IMPLEMENTING VILLAGE AUTHORITY

Article 7

The mechanism for implementing village authority includes:

- a. The Regent conducts socialization of the results of the identification and inventory of village authority based on original rights and village-scale local authority to the Village Government;
- b. The Village Government declares itself regarding the results of the identification and inventory as referred to in point a, by establishing minutes of agreement of the village government and BPD;
- c. The minutes as referred to in point b, shall be the basis for drafting Village Regulations concerning village authority based on original rights and village-scale local authority; and
- d. The drafting of Village Regulations is guided by applicable legislation.

CHAPTER VII

IMPLEMENTATION OF VILLAGE AUTHORITY

Article 8

(1) Each Village implements the arrangement of Village authority based on the list of details of Village authority that has been stipulated in the Village Regulation.

(2) The implementation of village authority as referred to in section (1) is chosen according to the situation, conditions, needs and local capabilities of the Village based on the scale of priorities.

CHAPTER VIII

FINANCING

Article 9

(1) The financing of the identification and inventory of village authority at the Regency level is the responsibility of the Regency of Gresik Regional Revenue and Expenditure Budget.

(2) Financing for the socialization process, the making of minutes and the drafting of Village Regulations is charged to the Village Revenue and Expenditure Budget.

CHAPTER IX

GUIDANCE AND SUPERVISION

Article 10

(1) The Regional Government provides guidance in managing Village authority.

(2) The guidance referred to in section (1) includes:

- a. providing data and information needed for planning and implementation of authority;
- b. technical guidelines in the form of operational technical instructions for the implementation of authority;
- c. technical assistance by personnel to facilitate, guide, supervise, and technically implement authority; and
- d. other guidance efforts needed for the smooth implementation of village authority.

Article 11

Guidance on village authority as referred to in Article 10, section (2) is carried out by the Regent and can be delegated to the Sub-district Head.

Article 12

(1) Supervision of the management of village authority is carried out by relevant Regional Apparatus and the Internal Government Supervisory Apparatus (APIP).

(2) Supervision by Regional Apparatus as referred to in section (1) aims to ensure that the implementation of village authority is effective and efficient and runs in accordance with the regulations.

(3) Supervision by the Internal Government Supervisory Apparatus (APIP) as referred to in section (1) is carried out in accordance with the provisions of legislation.

(4) Supervision by the Internal Government Supervisory Apparatus (APIP) as referred to in section (1) is coordinated with the Sub-district Head.

Article 13

(1) The Sub-district Head and the relevant Regional Apparatus handling community and village empowerment affairs conduct an evaluation of the determination and implementation of Village authority.

(2) The implementation of the evaluation as referred to in section (1) is carried out at least once a year.

(3) The Village Head must report the realization of the implementation of village authority to the Regent through the Sub-district Head.

(4) The report as referred to in section (3) is made in writing and submitted at least once a year.

CHAPTER X

VILLAGE LEVIES

Article 14

Villages may implement levies in order to increase Original Village Revenue in accordance with Village authority based on legislation.

CHAPTER XI

CLOSING PROVISIONS

Article 15

With the enactment of this Regional Regulation, Gresik Regent Regulation Number 6 of 2016 concerning Guidelines for Regulating Village Authority Based on Original Rights and Village-Scale Local Authority (Gresik Regency Regional News of 2016 Number 293) is declared revoked and no longer valid.

Article 16

This Regional Regulation shall come into force on the date of its enactment.

In order that everyone may be aware of it, the enactment of this Regional Regulation is ordered with its placement in the Gresik Regency Regional News.

Enacted in Gresik

on October 1, 2019

REGENT OF GRESIK,

(signature)

Dr. Ir. H. SAMBARI HALIM RADIANTO, S.T., M.Si.

Promulgated in Gresik

on October 1, 2019

SECRETARY OF REGENCY OF GRESIK

(signature)

ANDHY HENDRO WIJAYA, S.Sos., M.Si.

Senior Main Official

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