

The Legal Politics of Smart Village Formation within the Framework of Village SDGs and Public Policy

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Abstract: The Smart Village programme is a national policy to accelerate digital transformation in Indonesian villages and support the Sustainable Development Goals. Prior studies assessed readiness mainly through technological or economic indicators, neglecting the legal-political dimension of the pre-condition stage. This study examines Jedong Village's readiness to enter the Smart Village pre-condition stage through public policy formulation and legal politics lenses. Using an empirical juridical method with a qualitative approach, data were collected via stakeholder interviews, legislation, policy documents, and literature, triangulated with village planning documents. Findings show Jedong Village has adequate infrastructure, internet, digital applications, and government commitment, but has not met mandatory pre-conditions under Ministerial Decree No. 55 of 2024: establishing Smart Village Cadres and a Village Digital Community Space. Applying Sahya Anggara's policy-formulation framework reveals incomplete translation of national policy into local planning instruments; legal-politics framework and norm hierarchy show the absence of a Village Regulation to anchor the programme in binding local law. This study's novelty lies in combining these theoretical lenses at the pre-condition stage, concluding that readiness alone is insufficient; coherent policy formulation and a dedicated Village Regulation are essential for legal certainty and sustainability, with recommendations offered for Jedong Village authorities.

1. Introduction

The Sustainable Development Goals (SDGs) represent a global commitment to the sustainability of human life, the planet, and the wellbeing of the world's population, and require accurate translation into national and sub-national policy. At the global level this commitment is codified in Transforming Our World: The 2030 Agenda for Sustainable Development, which sets out the goals, targets and indicators that Indonesia has, in turn, translated into a long-term national development framework¹. In the Indonesian context, the normative ideal of how development ought to

¹ Armida Salsiah Alisjahbana and Endah Murniningtyas, Tujuan Pembangunan Berkelanjutan di Indonesia: Konsep, Target, dan Strategi Implementasi (Bandung: Unpad Press, 2018), chap. 1.

be organized, requires that the SDGs be pursued not only at the national and regional levels but also within the smallest unit of governance, the village.

This ideal has been operationalised through the Village SDGs (SDGs Desa), a micro-scale elaboration of the Village Development Index designed to make development targets measurable at the level of individual families and hamlets². Village SDGs are conceived as an integrated effort to accelerate the achievement of sustainable development goals within the village sphere³, and their success depends on the availability of accurate, name-and-address microdata collected directly from villages⁴. Article 78 of Law No. 6 of 2014 concerning Villages gives this ideal a normative structure of three levels, norms, objectives and methods, in which togetherness, kinship, mutual cooperation and social justice constitute the abstract norms; welfare, quality of human life and poverty alleviation constitute the objectives; and the fulfilment of basic needs, infrastructure development and sustainable use of local resources constitute the methods⁵.

Digital transformation has been positioned by the national government as one of the principal methods for realising this normative structure, most directly through SDG 9 (Industry, Innovation and Infrastructure), SDG 17 (Partnerships for the Goals), and SDG 18 (Dynamic Village Institutions and Adaptive Village Culture, an Indonesia-specific addition to the SDGs framework). Because a village is a bounded and demographically manageable unit of the national bureaucracy, it offers an unusually favourable setting in which the SDGs can be pursued in a total, yet controllable, manner⁶. The Ministry of Villages, Development of Disadvantaged Regions, and Transmigration formalised this ambition in the Decree of the Minister of Villages Number 55 of 2024 concerning General Guidelines for Smart Village Development, which sequences implementation into three stages: pre-condition, preparation, and implementation⁷. Therefore requires that a village intending to become a Smart Village first satisfy the pre-condition stage, comprising the formation of Smart Village Cadres and a Village Digital Community Space (Ruang Komunitas Digital Desa, RKDD), before proceeding to substantive digital transformation.

Recent scholarship on smart and digital villages has grown rapidly, though its centre of gravity remains predominantly technological, economic or organisational rather than legal-political. Comparative international studies illustrate this tendency: research on digital village development in Gansu Province, China, models readiness through a geographic information system and identifies infrastructure, human capital and institutional coordination as the principal drivers of digitalisation performance⁸, while a parallel study of Guangxi Province develops an evolution model of the factors influencing digital villages using similarly quantitative indicators⁹. A Smart Village In-

² Abdul Halim Iskandar and Roy Simson, *SDGs Desa: Accelerating the Achievement of National Sustainable Development Goals* (Jakarta: Yayasan Pustaka Obor Indonesia, 2022), 45–48.

³ Rezki Febriani and Samudra, "Implementasi Sustainable Development Goals (SDGs) Desa sebagai Upaya Menuju Kemandirian Desa Kotarindau," *Jurnal Ilmiah Publika* 11, no. 1 (2023): 337–344, 339.

⁴ Lukman Boekoesoe and Tine Sondah Maksum, "Optimalisasi Pembangunan Desa dalam Mewujudkan SDGs Desa," *Jurnal Sibermas (Sinergi Pemberdayaan Masyarakat)* 11, no. 1 (2022): 209–218, <https://doi.org/10.37905/sibermas.v11i1.12103>, 212.

⁵ Republik Indonesia, Undang-Undang Nomor 6 Tahun 2014 tentang Desa, art. 1, 3, 78.

⁶ Iskandar and Simson, *SDGs Desa*, 52.

⁷ Republik Indonesia, Keputusan Menteri Desa, Pembangunan Daerah Tertinggal, dan Transmigrasi Nomor 55 Tahun 2024 tentang Pedoman Umum Pembangunan Desa Cerdas (Smart Village).

⁸ Ping Zhang, Weiwei Li, Kaixu Zhao, Yi Zhao, Hua Chen, and Sidong Zhao, "The Impact Factors and Management Policy of Digital Village Development: A Case Study of Gansu Province, China," *Land* 12, no. 3 (2023): 616, <https://doi.org/10.3390/land12030616>, 3–5.

⁹ Weiwei Li, Ping Zhang, Kaixu Zhao, Hua Chen, and Sidong Zhao, "The Evolution Model of and Factors Influencing Digital Villages: Evidence from Guangxi, China," *Agriculture* 13, no. 3 (2023): 659, <https://doi.org/10.3390/agriculture13030659>, 2–4.

dex recently adapted and tested across ten municipalities in Serbia likewise measures digital readiness, institutional maturity and infrastructural connectivity, but treats governance chiefly as one dimension among six technological indicators rather than as a distinct legal-normative question¹⁰. Comparable work on smart green villages in Hunan Province models the interaction between government, enterprises and villagers through an evolutionary game framework, again privileging simulation over legal analysis¹¹, while the earlier and widely cited study by Zhang and Zhang situates the smart village concept within general systems theory and Chinese strategic planning practice, without addressing the sub-national legal instruments required to bind such planning¹².

Within Indonesia, recent studies show a similar pattern. Research on village government digitisation as a sustainable-development strategy relies on document analysis of village medium-term development plans and identifies budgetary and institutional capacity as the principal obstacles to Smart Village implementation, without examining the regulatory instrument through which such obstacles might be resolved¹³. A systematic review of smart village development in support of smart cities across Indonesian regencies, built on Scopus-indexed literature, finds that implementation remains predominantly top-down and recommends community, technological, institutional and resource-based dimensions for a more locally appropriate model, but again stops short of analysing the legal basis of that model at the village level¹⁴. Studies of apparatus readiness and smart-government effectiveness¹⁵ and of the acceleration of digital transformation in tourism villages¹⁶ similarly foreground institutional and service-delivery indicators rather than the question of legal certainty.

This body of literature reveals a research gap: while the technological, institutional and economic readiness of villages for digital transformation has been extensively mapped, comparatively little attention has been paid to the legal-political architecture required to sustain that readiness once the pre-condition stage of a national smart-village policy, such as Indonesia's Kepmendes No. 55 of 2024, has been formally instituted. Existing Indonesian legal-political scholarship on village regulation, meanwhile, addresses the general position of Peraturan Desa within the hierarchy of legislation¹⁷ or the mechanics of village-regulation drafting¹⁸, but has not been applied specifically to the Smart Village agenda.

¹⁰ Tamara Gajić, Ivana Blešić, Dragan Vukolić, Milan Ivkov, Milan M. Radovanović, Slavica Malinović-Milićević, and Olgica Miljković, "Adapting the Smart Village Index as a Technological Tool for Rural Digitalization and Tourism Development in Emerging Economies," *Technologies* 13, no. 11 (2025): 513, <https://doi.org/10.3390/technologies13110513>, 3–6.

¹¹ Wei Wang, Manman Cheng, and Bin Zhang, "Ecological Enhancement through Smart Green Village Development: Strategic Options, Key Influencing Factors, and Simulation Evidence from Hunan Province, China," *Sustainability* 17, no. 13 (2025): 6041, <https://doi.org/10.3390/su17136041>, 4–8.

¹² Xiaojuan Zhang and Zhengang Zhang, "How Do Smart Villages Become a Way to Achieve Sustainable Development in Rural Areas? Smart Village Planning and Practices in China," *Sustainability* 12, no. 24 (2020): 10510, <https://doi.org/10.3390/su122410510>, 2–5.

¹³ Ahmad Geohansa, Fajar Nugraha, and Rani Puspita, "Digitization of Village Government as a Sustainable Development Strategy towards the Realization of Smart Villages," *Jurnal Polisi* 6, no. 1 (2025): 1–14, 6–9.

¹⁴ Anindya Puteri, Bakti Setiawan, and Deva Fosterharoldas Swasto, "Analysis of Smart Village Development in Supporting Smart City in Indonesia: A Systematic Review," *Forum Geografi* 38, no. 1 (2024): 55–70, 60–65.

¹⁵ Muhammad Aldi Fauzani, Ayu Wahyuningsih, and Dini Fitria Nur Rahman, "Efektivitas Smart Government dan Kesiapan Aparat Desa," *Jurnal Administrasi Pemerintahan Desa* 4, no. 1 (2025): 22–35, 25–29.

¹⁶ Dedi Iswanto and Miskan, "From Smart City to Smart Village: Digital Transformation Acceleration in Public Service Optimization in Desa Kapatihan, Gresik," *Contemporary Public Administration Review (CoPAR)* 2, no. 2 (2025): 170–186, 176–180.

¹⁷ Putera Astomo, "Kedudukan dan Pengujian Konstitusionalitas Peraturan Desa dalam Peraturan Perundang-undangan," *Jurnal Konstitusi* 15, no. 2 (2018): 282, <https://doi.org/10.31078/jk1523>, 285–289.

¹⁸ Marza Rahayu Nabila, Ahmad Hambra, Bagus Makayasa, Angga Restu Pratama, Muhammad Ahmad, and Umar Amri Insan Kamil, "Analisis Pembentukan Peraturan Desa dan Kedudukannya dalam Sistem Hukum Indonesia," *Jurnal Media Akademik (JMA)* 2, no. 11 (2024): 3031–5220, 3035.

The novelty of the present study lies in bridging these two strands: it examines, for the first time in the context of Kepmendes No. 55 of 2024, how public-policy-formulation theory (Sahya Anggara) and legal-politics theory grounded in Hans Kelsen's hierarchy of norms (Mahfud MD) can jointly explain why a village that is technologically ready may nonetheless remain legally unready to be recognised as a Smart Village. This dual-theoretical, pre-condition-stage focus distinguishes the study from the predominantly technological or single-theory approaches reviewed above.

Das sein, the empirical reality on the ground, presents a more complicated picture than the normative ideal suggests. The Jedong Village Government, as a Pancasila Village Partner of Tribhuwana Tunggaladewi University, has achieved a comparatively strong technological baseline, adequate infrastructure, internet connectivity and digital service applications, yet has not established Smart Village Cadres or the RKDD required by Kepmendes No. 55 of 2024, and has not yet enacted a Village Regulation to give the programme legal certainty. This gap between the normative mandate and the empirical condition of Jedong Village constitutes the urgency of this study: Jedong Village is analytically informative precisely because its comparatively favourable technological starting position makes the persistence of legal-political gaps more visible, and because its institutional partnership with Tribhuwana Tunggaladewi University creates a realistic pathway for the study's recommendations to be adopted in practice.

Grand theory in this study draws on legal politics and public policy. Legal politics is used to analyse the sequence of events leading to the issuance of a legal product by a public organ¹⁹, while public-policy theory analyses the process by which such a product is formulated, referred to as policy formulation. Legal politics, in Sahya Anggara's formulation, denotes official state policy on which laws will or will not be enforced to achieve state objectives; its core proposition is that political configuration determines the character of legal products²⁰. Taken together, these two theories imply that the formation of a legal instrument such as a Village Regulation on Smart Villages requires both an adequate policy-formulation process and a coherent legal-political direction.

Based on the foregoing background, this study addresses two research questions. First, to what extent has the Smart Village policy in Jedong Village, Malang Regency, been formulated and translated into village planning instruments, and what factors explain the gap between technological readiness and programme prioritisation? Second, how should the legal politics of Smart Village formation in Jedong Village be understood within Indonesia's hierarchy of legal norms, and what legal instrument is required to give the programme binding force and legal certainty? Accordingly, this study aims to map the pre-condition-stage readiness of Jedong Village from a policy-formulation perspective, and to analyse the legal-political requirements for a Village Regulation on Smart Villages consistent with the hierarchy of legislation.

2. Method

This study employs an empirical juridical method with a qualitative approach. Empirical juridical research examines the application of legal norms directly within society, combining analysis

¹⁹ Moh. Mahfud MD, *Politik Hukum di Indonesia* (Jakarta: Rajawali Pers, 2026), 12–15.

²⁰ Sahya Anggara, *Kebijakan Publik* (Bandung: Pustaka Setia, 2014), 20–24.

of statutory regulation (the juridical dimension) with observation of factual behaviour in the field (the empirical dimension) in order to resolve a concrete legal problem²¹. In this study, the juridical dimension consists of Law No. 6 of 2014 concerning Villages, Law No. 12 of 2011 concerning the Establishment of Legislation as amended, Government Regulation No. 43 of 2014, Minister of Home Affairs Regulation No. 111 of 2014, and Kepmendes No. 55 of 2024; the empirical dimension consists of Jedong Village's actual planning practice, infrastructure and institutional readiness as reported by stakeholders.

The research was conducted in Jedong Village, Wagir District, Malang Regency, selected purposively as a Pancasila Village Partner of Tribhuwana Tunggadewi University and as a locus directly relevant to SDG 9 and the Smart Village pre-condition stage. Primary data were obtained through in-depth, semi-structured interviews with purposively selected key informants representing the Village Government (the Village Head and officials responsible for administrative digitalisation), the Village Consultative Body (Badan Permusyawaratan Desa, BPD), and community-based economic actors (representatives of village-owned enterprises and micro, small and medium enterprises). Secondary data were drawn from primary legal materials (legislation and ministerial regulations) and secondary legal materials (village planning documents, official reports and relevant academic literature).

Data validity was strengthened through methodological triangulation: information obtained from interviews was cross-checked against Jedong Village's Medium-Term Development Plan (RPJMDes), village budget documents, and the applicable legislation, so that claims regarding infrastructure readiness and policy prioritisation could be verified against documentary evidence rather than relying on informant testimony alone. Data analysis followed a qualitative technique comprising conceptualisation, categorisation, identification of relationships between categories, and explanation, in order to arrive at a comprehensive picture of Jedong Village's actual condition relative to the normative requirements of Kepmendes No. 55 of 2024.

3. Policy Formulation and Smart Village Readiness in Jedong Village

This section addresses the first research question by examining, from a policy-formulation perspective, the extent to which Smart Village policy has been translated into Jedong Village's planning instruments and the factors that explain the persistent gap between technological readiness and programme prioritisation.

3.1. Planning Policy Analysis in the Medium-Term Development Plan (RPJMDes)

Jedong Village, situated within Malang Regency, aligns its own vision, 'A Sustainably Advanced, Prosperous, and Intelligent Village', with the Regency's broader vision of being advanced, prosperous, competitive and sustainable. The addition of the word 'intelligent' signals an aspiration toward Smart Village status that is, at present, only partially reflected in the village's planning priorities. Analysis of Jedong Village's planning and policy documents over the past five years identifies five recurring priority areas, summarised in Table 1.

²¹ Bambang Waluyo, *Penelitian Hukum dalam Praktek* (Jakarta: Sinar Grafika, 2002), 34–36.

Table 1. Jedong Village Annual Priority Scale

Scope	Policy Analysis
Infrastructure	Remains a top priority because it supports community economic accessibility.
Agriculture	Focused on increasing land productivity and irrigation.
Community Empowerment	Strengthening village-owned enterprises (BUMDes), MSMEs, and skills training.
Public Services	Digitising village administration and improving service quality.
Social	Social assistance, healthcare, and community education.

Source: Secondary data, village planning documents, authors' analysis, 2026.

None of these five priorities is framed, in the RPJMDes, as the establishment of Smart Village Cadres or the RKDD required by Kepmendes No. 55 of 2024. Digitisation of village administration appears only as a sub-component of the 'Public Services' priority under SDG 9, which signals an intention consistent with Smart Village status but does not, by itself, satisfy the specific institutional pre-conditions the Decree requires. Because Smart Village Cadres and the RKDD have not yet been formed through a village deliberative forum, Jedong Village cannot presently be categorised as having completed the pre-condition stage, notwithstanding its favourable technological baseline.

Consistent with the study's focus on the pre-condition stage, this study finds that Jedong Village is comparatively well prepared in terms of physical infrastructure: technology, internet connectivity and digital service applications are reported by informants to be already available. This finding echoes comparative evidence from digital-village studies elsewhere, where infrastructural and connectivity indicators are frequently found to precede institutional and governance readiness²² and where a similarly staged pattern of technological leaders and institutional laggards has been documented across rural municipalities²³. The principal obstacle identified in Jedong Village is not infrastructural but cultural: community members continue to prefer conventional, face-to-face services over digital alternatives. This preference does not indicate technological backwardness so much as the persistence of a strong culture of direct interpersonal engagement that has not yet been actively channelled toward digital participation.

3.2. Policy Formulation Aspects

During the Village Development Planning Meeting (Musyawarah Perencanaan Pembangunan Desa, Musrenbangdes), priority areas remained concentrated on infrastructure, agriculture, community empowerment, public services and social development; the Smart Village agenda was rarely, if ever, raised as an independent priority. A partial exception is found among traders and MSME actors, who have already adopted elements of digital marketing, though largely through third-party commercial platforms whose market reach extends beyond the village. The Village Government has responded through recurring training in digital branding and marketing, frequently delivered in partnership with community-service programmes, which represents a latent institutional resource that could, if formalised, support the future establishment of Smart Village Cadres.

According to Sahya Anggara, policy formulation is the stage of the public-policy process in which alternative solutions are developed on the basis of community needs, empirical analysis

²² Zhang et al., "Impact Factors and Management Policy", 8–10.

²³ Gajić et al., "Adapting the Smart Village Index", 5–7.

and desired objectives; it requires not merely problem identification but the specification of objectives, strategies, instruments and implementation mechanisms that will guide subsequent implementation²⁴. Read through this lens, the Smart Village programme is a policy response to concrete governance problems, low digital literacy, constrained public-service quality, limited human-resource capacity and under-utilised information technology²⁵ – and its formulation at the national level has been operationalised through concrete instruments, including the Decree of the Head of the Village, Disadvantaged Regions, and Transmigration Development and Information Agency Number 155 of 2022 on the placement of Digital Ambassadors²⁶ and Kepmendes No. 55 of 2024 itself, both of which specify not only programme objectives but also implementing actors, mentoring mechanisms and capacity-building strategies²⁷.

At the village level, however, this national policy formulation has been only partially translated into local planning instruments. Jedong Village's own capacity-building programmes, digital literacy training, digital marketing and the strengthening of village officials' technical competence, constitute genuine, if incomplete, implementation of the national policy's alternatives. Comparable Indonesian evidence corroborates this pattern of partial translation: a study of village-government digitisation in Citengah Village found that budgetary constraints and cross-sector coordination gaps limited the institutional embedding of Smart Village policy despite active digitisation programmes²⁸, while a systematic review of Indonesian smart-village implementation found the pattern to be predominantly top-down, with insufficient adaptation to local institutional capacity²⁹. The quality of policy formulation is, moreover, properly assessed not only by the existence of instruments but by the extent to which the process is participatory³⁰, involving village government, community members, business actors, academics and village facilitators in identifying local needs³¹. On this participatory measure, Jedong Village's process remains centred on infrastructure and social priorities inherited from earlier RPJMDes cycles, and has not yet been re-oriented, through a dedicated participatory forum, toward the specific institutional requirements, Smart Village Cadres and the RKDD, that Kepmendes No. 55 of 2024 makes a pre-condition for Smart Village status.

Overall, from Sahya Anggara's perspective, the Smart Village programme in Jedong Village can be understood as the product of a public-policy-formulation process that has succeeded at the level of technological and human-capacity inputs but has not yet been fully institutionalised at the level of programme prioritisation and formal village decision-making. This answers the first research question: Jedong Village's Smart Village policy has been substantively, but not institutionally, formulated a distinction that carries direct implications for the legal-political analysis developed in the following section.

²⁴ Anggara, *Kebijakan Publik*, 45–49.

²⁵ Dody Setyawan, *Pengantar Kebijakan Publik* (Yogyakarta: Intelegensia Media, 2017), 60–63.

²⁶ Republik Indonesia, Keputusan Kepala Badan Pengembangan dan Informasi Desa, Daerah Tertinggal, dan Transmigrasi Nomor 155 Tahun 2022 tentang Penempatan Duta Digital pada Lokus Smart Village.

²⁷ James E. Anderson, *Public Policymaking*, 9th ed. (Boston: Cengage Learning, 2020), 112–115.

²⁸ Geohansa, Nugraha, and Puspita, "Digitization of Village Government", 7–9.

²⁹ Puteri, Setiawan, and Swasto, "Analysis of Smart Village Development", 62–64.

³⁰ Thomas R. Dye, *Understanding Public Policy*, 16th ed. (New York: Pearson, 2023), 88–91.

³¹ Paul A. Sabatier and Christopher M. Weible, eds., *Theories of the Policy Process*, 5th ed. (New York: Routledge, 2023), 134–137.

4. Legal Politics of Smart Village Formation in Jedong Village

This section addresses the second research question by analysing, through Mahfud MD's legal-politics framework and Hans Kelsen's hierarchy of norms, the legal instrument required to give Jedong Village's Smart Village programme binding force and legal certainty.

4.1. Legal Politics and the Direction of Smart Village Policy

The Head of Jedong Village has expressed openness and commitment to advancing the village toward Smart Village status. Turning intention into durable practice, however, requires a legal instrument capable of engineering the social and institutional change that Smart Village status demands. In Mahfud MD's legal-political perspective, the Smart Village programme can be understood as a manifestation of the state's legal-policy direction to achieve national development goals through information-technology-based village governance transformation; although Mahfud MD does not address the Smart Village concept specifically, his legal-politics theory offers an appropriate analytical tool for explaining how such policies are formed, directed and implemented³².

Mahfud MD defines legal politics as the legal policy that the government has implemented, or intends to implement, to achieve state objectives; it encompasses the direction of legal formation, the substantive content of the norms to be enforced, and the strategies for realising the constitutional ideals set out in the Preamble to the 1945 Constitution. Every public policy embodied in legislation is, in this sense, a manifestation of the state's legal politics³³. In the Smart Village context, this legal-political direction is expressed through Kep. Kaban No. 155 of 2022 and Kepmendes No. 55 of 2024, both of which demonstrate a deliberate governmental choice of a digital approach as the legal and policy instrument for improving public-service quality, official capacity, community empowerment and village economic development.

4.2. Legal Politics and Legal Drafting of Smart Village Planning

Legal politics requires that policy direction ultimately be realised in a legal product. This analysis situates Mahfud MD's legal-politics theory within Hans Kelsen's account of the hierarchy of legal norms. For Kelsen, a basic norm (*Grundnorm*) is the ultimate foundation determining the validity of every subordinate norm within a legal system, ensuring that all norms remain interconnected and internally coherent; where a conflict arises between norms, the lower-ranking norm must conform to the higher³⁴, so that the validity of any given norm always depends on the norm ranked immediately above it³⁵. This basic-norm concept developed into the *Stufentheorie*, or theory of the hierarchy of legal norms, which understands law as a hierarchical system in which norm formation proceeds from the general to the concrete; Kelsen's Pure Theory of Law deliberately

³² Mahfud MD, *Politik Hukum di Indonesia*, 30–33.

³³ Anggi Fitriani Purwaningrum and Enggar Wijayanto, "Legisme dan Overregulation di Indonesia: Tinjauan Pancasila terhadap Politik Hukum Omnibus," *Journal de Facto* 11, no. 1 (2024): 109–120, <https://doi.org/10.36277/jurnaldefacto.v11i1.201.112-115>.

³⁴ Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley: University of California Press, 1967), 195–201.

³⁵ Muhammad Iskandar, Ade Putra Tradesa, and Tantri, "Hans Kelsen's Pure Theory of Law as a Theoretical Pillar in the Dynamics of the Modern Legal System in Indonesia," *Louis: Jurnal Hukum dan Humaniora* 1, no. 3 (2025): 35–48, <https://doi.org/10.1234/JPHGALUNGGUNG.V1I3.34>, 38–40.

separates legal analysis from metaphysical conceptions of justice, focusing instead on applicable positive norms³⁶.

The Pure Theory of Law treats law as a social technique grounded in human experience rather than as an expression of supernatural will, and for that reason rejects grounding legal validity in principles external to law itself (metajuridical principles); instead, validity rests on a juridical hypothesis in the form of a basic norm logically constructed from the internal method of legal science³⁷. This construction responds to Kelsen's broader critique that legal science in the nineteenth and twentieth centuries had not yet achieved genuine disciplinary autonomy, remaining entangled with psychology, sociology, ethics and political theory; Kelsen insisted that legal science should stand as an autonomous discipline whose object is limited to legal norms as such³⁸.

Village governments derive their authority to establish Village Regulations from Law No. 6 of 2014 concerning Villages, under which a Village Regulation is established by the Village Head after deliberation with, and agreement of, the Village Consultative Body³⁹. The precise position of Village Regulations within the broader hierarchy of legislation, however, requires careful statement in light of subsequent legislative amendment. Article 7(1) of Law No. 12 of 2011 concerning the Establishment of Legislation, as amended by Law No. 15 of 2019 and, most recently, Law No. 13 of 2022, enumerates the hierarchy of legislation as: the 1945 Constitution; Decrees of the People's Consultative Assembly (Tap MPR); Laws and Government Regulations in Lieu of Law; Government Regulations; Presidential Regulations; Provincial Regulations; and Regency/City Regulations⁴⁰. Village Regulations do not appear within this formal hierarchy, either in the 2011 text or in its 2019 and 2022 amendments, a point on which the present study corrects and updates the original manuscript's account, which cited only the unamended 2011 provision⁴¹.

This exclusion from the Article 7(1) hierarchy does not, however, deprive Village Regulations of legal status. Article 8 of Law No. 12 of 2011, unaffected in substance by the subsequent amendments, recognises a second category of legislation established by bodies including the MPR, DPR, DPD, the Supreme Court, the Constitutional Court, ministries, provincial and regency legislative councils, regional heads, and the Village Head or officials of equivalent standing; such instruments are recognised and binding to the extent that they are mandated by a higher-ranking regulation or are issued pursuant to attributed authority⁴². The Elucidation of Article 8(2) clarifies that 'based on authority' refers to the exercise of specific governmental affairs in accordance with statutory provision, meaning that a Village Regulation is validly established by the Village Head exercising the authority attributed to that office by Law No. 6 of 2014, rather than by virtue of any position within Article 7(1)'s hierarchy⁴³.

³⁶ Tiara Oktavia Namira Daud, Erman I. Rahim, and Suwitno Yutye Imran, "Reconstruction of Regional Government Authority in Mining Management Post Law No. 23 of 2014: Legal Review Based on Hans Kelsen's Theory," *International Journal of Law, Crime and Justice* 2, no. 2 (2025): 197–206, <https://doi.org/10.62951/ijlcj.v2i2.620>, 199–202.

³⁷ Sinta Raja Sembiring, Permana Putra, Yola Dwi Kartika, Yudistira Gustiadi, and Dadan Durahman, "The Development of Law in Indonesia Is Linked to Hans Kelsen's Positivism Theory," *Rechtsvinding* 4, no. 1 (2026): 249–256, <https://doi.org/10.59525/rechtsvinding.1431>, 251–253.

³⁸ Iskandar, Tradesa, and Tantri, "Hans Kelsen's Pure Theory of Law", 41–43.

³⁹ UU No. 6 Tahun 2014 tentang Desa, art. 1(7).

⁴⁰ Republik Indonesia, Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan, sebagaimana telah diubah dengan Undang-Undang Nomor 15 Tahun 2019 dan Undang-Undang Nomor 13 Tahun 2022, art. 7(1).

⁴¹ Astomo, "Kedudukan dan Pengujian Konstitusionalitas Peraturan Desa", 286–288.

⁴² Nabila et al., "Analisis Pembentukan Peraturan Desa", 3032–3034.

⁴³ UU No. 12 Tahun 2011 j.o. UU No. 15 Tahun 2019 dan UU No. 13 Tahun 2022, art. 8(2) and its Elucidation.

Oversight of such norms may also be exercised by administrative institutions performing bestuur functions within the executive branch: an agency directly delegated authority to implement a given regulation may itself initiate evaluation, and where necessary propose amendment, of that regulation, subject to applicable procedure. This constitutes one recognised form of internal administrative control over subordinate legal instruments.

Referring to Minister of Home Affairs Regulation No. 111 of 2014 concerning Technical Guidelines for Village Regulations, the process of enacting a Village Regulation comprises, at minimum, planning determined jointly by the Village Head and the BPD within the Village Government work plan, informed by community input – and drafting, undertaken by the BPD and the Village Head⁴⁴. A Village Regulation on Smart Villages would follow this same mechanism, situated within Law No. 6 of 2014 and its amendments, Government Regulation No. 43 of 2014 as amended, and Permendagri No. 111 of 2014⁴⁵. From a policy-formulation perspective, drafting such a Perdes should also observe the participatory stages discussed in Result and Analysis 1, to ensure that its substance reflects both community needs and the specific institutional requirements of Kepmendes No. 55 of 2024: principally, (1) the establishment of Smart Village Cadres, and (2) the establishment of the Village Digital Community Space (RKDD). Substantively, such a Perdes would typically be structured to include general provisions, principles and objectives, the duties and functions of Smart Village Cadres, and the governance of the RKDD; because Village Regulations, unlike regional regulations and national laws, are not required by law to be accompanied by an academic paper (naskah akademik), the drafting burden is comparatively lighter, though no less legally consequential.

International comparison sharpens the significance of this legal-political gap. Constitutional and legal analysis of rural digital transformation in the Russian Federation similarly finds that legal regulation of local self-government frequently lags behind the technological ambition of digitalisation policy, and calls for a dedicated strategic-planning instrument at the municipal level to close that gap⁴⁶. This pattern technological ambition outpacing binding local regulation, mirrors precisely the condition identified in Jedong Village, reinforcing the conclusion that legal-political attention, and not merely technological investment, is the binding constraint on Smart Village realisation.

In sum, this answers the second research question: the legal politics of Smart Village formation in Jedong Village requires the enactment of a Village Regulation grounded in the attributive authority conferred by Law No. 6 of 2014, positioned consistently with Article 8 of Law No. 12 of 2011 as amended, and drafted through the participatory mechanism of Permendagri No. 111 of 2014, so as to furnish the legal certainty that technological readiness alone cannot provide.

5. Conclusion

Based on the analysis presented above, this study concludes that the implementation of Smart Village in Jedong Village, Malang Regency, has achieved meaningful readiness in infrastructure,

⁴⁴ Republik Indonesia, Peraturan Menteri Dalam Negeri Nomor 111 Tahun 2014 tentang Pedoman Teknis Peraturan di Desa.

⁴⁵ Republik Indonesia, Peraturan Pemerintah Nomor 43 Tahun 2014 tentang Peraturan Pelaksanaan Undang-Undang Nomor 6 Tahun 2014 tentang Desa, beserta perubahannya.

⁴⁶ Wang, Cheng, and Zhang, "Ecological Enhancement", 10–12.

technology availability, internet connectivity and government commitment, expressed through digital-literacy training, digital marketing and the strengthening of village officials' competence; however, this readiness cannot yet be categorised as fulfilling Smart Village status, because the mandatory pre-conditions of Kepmendes No. 55 of 2024, the formation of Smart Village Cadres and the Village Digital Community Space remain unmet, and because the community's continuing preference for face-to-face services has kept digital-technology use below its potential. Viewed through Sahya Anggara's policy-formulation lens, Smart Village development in Jedong Village is the outcome of a national policy-formulation process that has been substantively, but not yet institutionally, translated into local planning priorities, which continue to be dominated by infrastructure, agriculture, community empowerment, public services and social development. Viewed through Mahfud MD's legal-politics lens and Kelsen's Stufentheorie, Smart Village development is a manifestation of the state's legal-policy direction toward information-technology-based village governance, whose sustainability and legal certainty at the village level depend on the enactment of a Village Regulation grounded in the attributive authority of Law No. 6 of 2014 and consistent with Article 8 of Law No. 12 of 2011 as amended by Law No. 15 of 2019 and Law No. 13 of 2022. Taken together, these findings indicate that the success of Smart Village implementation in Jedong Village depends not only on technological and infrastructural readiness but equally on the quality of policy formulation, the enactment of appropriate village-level legal instruments, and the active participation of all stakeholders, a synergy that is essential to realising a smart, sustainable village capable of improving public services, economic empowerment and community welfare.

For Jedong Village's authorities, this study recommends that the Village Head and the Village Consultative Body immediately convene a village deliberative forum to establish Smart Village Cadres and the Village Digital Community Space, and thereafter initiate the drafting of a Village Regulation on Smart Villages following the procedure set out in Permendagri No. 111 of 2014, so that the village's existing technological and human-capacity readiness is matched by the necessary legal instrument. For theoretical development, this study suggests that future work integrate policy-formulation theory and legal-politics theory more systematically into a single analytical framework for assessing sub-national digital-governance readiness, building on the dual-theoretical approach developed here. For future research, this study recommends comparative studies examining Smart Village pre-condition readiness across multiple villages within Malang Regency or comparable regencies, in order to test whether the policy-formulation and legal-political gaps identified in Jedong Village represent a localised condition or a broader pattern in the implementation of Kepmendes No. 55 of 2024 nationally.

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