

# A BRIEF REVIEW OF SIYASAH SYAR'IYYAH'S PRINCIPLES ON REASONS FOR THE AMENDMENT OF SINJAI REGENT REGULATION NUMBER 60 OF 2023 CONCERNING THE PARTICIPATION OF VILLAGE HEADS AND VILLAGE OFFICIALS IN THE BPJS HEALTH INSURANCE PROGRAM

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Received: 10-12-2025

Revised: 15-01-2026

Accepted: 28-01-2026

## Info Artikel

## Abstract

**Keywords:** *Regent Regulation of Sinjai, BPJS Health, Village Officials, Siyasah Syar'iyah*

This study aims to discuss a brief review based on the principles of syar'iyah politics regarding the reasons for the amendment to Sinjai Regent Regulation Number 60 of 2023 concerning BPJS Health membership for village heads and village officials. This study is a qualitative study. The research design is field research. The supporting informants in this study consisted of the Head, Secretary, and Staff of Bonto Village, Sinjai Tengah District, Sinjai Regency, the Head of the Village Administration Division of the Sinjai Regency Community and Village Empowerment Office, and the Head of the Legal and Human Rights Division of the Sinjai Regency Secretariat. The results of this study show that the legal, philosophical, and sociological reasons for the amendment of Sinjai Regent Regulation No. 19 of 2021 to No. 60 of 2023 are in line with the principles of siyasah syar'iyah. Among the reasons considered to be in line with these principles is the simplification of administration, which previously caused difficulties for village officials and even resulted in delays in the payment of BPJS Health contributions for village officials, ultimately leading to some village officials not receiving health services from BPJS. However, the implications of this regulation still show inconsistencies with the principles of Siyasah Syar'iyah. For example, there is a discrepancy with the principle of public interest, because if one village is late in uploading data, other villages are also affected, namely the system immediately experiences congestion. Health services for all village officials are also

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hampered. This also shows a discrepancy with the principle of justice, because there is unfair treatment of village officials who upload data on time.

### **Abstrak.**

Penelitian ini bertujuan membahas suatu brief Refiew berdasarkan prinsip-prinsip siyasah syar'iyah terhadap alasan perubahan peraturan bupati Sinjai Nomor 60 Tahun 2023 tentang kepesertaan BPJS Kesehatan bagi Kepala Desa dan Perangkat Desa. Penelitian ini adalah penelitian kualitatif. Desain penelitian ini adalah penelitian lapangan. Informan penunjang dalam penelitian ini terdiri dari Kepala, Sekretaris, dan Staf Desa Bonto Kecamatan Sinjai Tengah Kabupaten Sinjai, Kepala Bidang Pemerintahan Desa Dinas Pemberdayaan Masyarakat dan Desa Kabupaten Sinjai, dan Kepala Bagian Hukum Dan Ham Setda Kabupaten Sinjai. Hasil penelitian ini menunjukkan bahwa; Alasan Yuridis, Filosofis, dan Sosiologis Perubahan Peraturan Bupati Sinjai Nomor 19 Tahun 2021 menjadi Nomor 60 Tahun 2023 menunjukkan adanya kesejajaran dengan prinsip-prinsip siyasah syar'iyah. Diantara yang dianggap sejalan misalnya alasan perubahan tersebut adalah untuk penyederhanaan administrasi yang sebelumnya merepotkan perangkat desa dan bahkan berimplikasi pada tertundanya pembayaran iuran BPJS Kesehatan perangkat desa hingga akhirnya perangkat desa ada yang tidak mendapatkan pelayanan kesehatan oleh BPJS. Namun, implikasi peraturan tersebut masih menunjukkan adanya ketidaksejajaran dengan prinsip-prinsip Siyasah Syar'iyah. Misalnya terdapat ketidaksejajaran dengan prinsip kemaslahatan publik, karena apabila satu desa telat mengunggah data, desa lainnya ikut terkena imbas, yaitu sistemnya langsung mengalami kemacetan. Pelayanan kesehatan bagi seluruh perangkat desa ikut terhambat. Hal tersebut juga menunjukkan adanya ketidaksejajaran dengan prinsip keadilan, karena adanya perlakuan yang tidak layak bagi perangkat desa yang mengunggah data tepat waktu.

**Kata Kunci:** *Peraturan Bupati Sinjai, BPJS Kesehatan, Perangkat Desa, Siyasah Syar'iyah*

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## **A. INTRODUCTION**

The role of local government as an entrepreneur is that local government can encourage the growth of entrepreneurs through small business or small industry policies. Policies for small businesses include providing assistance and training to individual businesses to improve their operations.<sup>1</sup>

The Sinjai Regency Government, as one of the regions in South Sulawesi, demonstrates the practical implementation of decentralization through the issuance of various regional policies aimed at improving the welfare of rural communities. One such policy is the issuance of Sinjai Regent Regulation No. 19 of 2021 concerning BPJS membership for village

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<sup>1</sup> A. Soares, R. Nurpratiwi, and M. Makmur, 'Peranan Pemerintah Daerah', *Jurnal Ilmu Sosial Dan Ilmu Politik Universitas Tribhuvana Tunggaladewi*, 4.2 (2015), 42401.

heads and village officials, which was later amended to Sinjai Regent Regulation No. 60 of 2023.<sup>2</sup>

The regulation was created as a form of commitment by the local government to improve the welfare of village officials through health insurance. However, during its implementation, various problems arose in the field, particularly related to the contribution mechanism and salary deductions for village officials. Many village officials claimed that they did not understand the regulation due to a lack of socialization from the local government. This caused confusion and dissatisfaction with a policy that was supposed to provide protection.

As part of efforts to expand social security coverage, the Sinjai district government received recognition from BPJS Kesehatan for its success in registering all village officials in the National Health Insurance (JKN-KIS) program. Regent Andi Seto Asapa accepted the award as a form of recognition for the local government's commitment to supporting national programs in the health sector.<sup>3</sup> This fact shows that despite administrative challenges, the policy is essentially aimed at ensuring the overall welfare of village officials.

These regulatory changes were made in response to social and administrative dynamics in the field, as well as an effort to align regional policies with national provisions regarding the National Health Insurance (JKN) program. However, in practice, these new regulations have caused a number of problems, such as a lack of socialization to village officials, an opaque salary deduction system, and a double burden due to the payment of BPJS Health and Employment contributions. These problems indicate that there is still a lack of policy communication and coordination between local governments and implementing agencies at the village level.<sup>4</sup> In response to these developments, the local government issued Sinjai Regent Regulation No. 60 of 2023 on September 11, 2023, as an amendment to the previous regulation.<sup>5</sup>

According to an official report by RRI Bone, as of the third quarter of 2024, BPJS Kesehatan membership in Sinjai Regency has reached more than 97 percent of the total

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<sup>2</sup> Pemerintah Kabupaten Sinjai, *Peraturan Bupati Sinjai Nomor 60 Tahun 2023 Tentang Perubahan Atas Peraturan Bupati Nomor 19 Tahun 2021 Tentang Kepesertaan Bpjs Kesehatan Bagi Kepala Desa Dan Perangkat Desa*, 2023.

<sup>3</sup> Fajar Sulsel, 'Perangkat Desa Terdaftar Jkn-Kis, Bupati Asa Dapat Apresiasi Dari Bpjs Kesehatan', 2022.

<sup>4</sup> Sudirman, 'Wawancara Kepala Desa Bonto, Kecamatan Sinjai Tengah, 26 Maret 2025', 2025; B Ihwan, 'Wawancara Kepala Seksi Pemerintahan Desa Bonto, Kecamatan Sinjai Tengah, 8 April 2025', 2025; Safrillah, 'Wawancara Sekretariat Desa Bonto, Kecamatan Sinjai Tengah, 26 Maret 2025', 2025.

<sup>5</sup> Meridian Hukum, 'Materi Pokok Peraturan Bupati Sinjai Nomor 60 Tahun 2023', 2023.

population<sup>6</sup> In the new regulatory document, it is stated that the local government sets BPJS Healthcare contributions at four percent of village officials' income, with three percent borne by the local government and two percent by participants.<sup>7</sup> According to official reports from the Sinjai protocol website, the local government is attempting to reconcile BPJS contribution data for village officials to ensure that regulations are implemented in accordance with the provisions.<sup>8</sup>

In constitutional law theory, a regulation is not only measured by its conformity with legal norms, but also by its ability to be applied and understood by the community or officials who are subject to it.<sup>9</sup> The lack of participation by village officials in the regulatory formation process may be the reason why this policy has not been effectively implemented.

This situation is interesting to study because it shows that changes in regional regulations not only have an impact on administrative aspects, but also have broad social and legal implications. In the context of regional government, the effectiveness of a policy is not only measured by compliance with formal legal procedures, but also by the extent to which the policy benefits the community.<sup>10</sup>

Legislation is drafted and enacted to ensure that it is complied with and adequate to achieve its objectives and targets. Three aspects of implementation, namely philosophical, sociological, and judicial, significantly influence the effectiveness of legislation. The philosophical aspect indicates that laws and regulations must follow the intellectual values that exist in society. Meanwhile, the sociological aspect states that society recognizes every rule and regulation and meets the needs and developments of society. The judicial aspect indicates that the competent authorities must ensure that the laws and regulations drafted have appropriate content. The form of the law does not conflict with higher rules, and lawmakers draft it through predetermined procedures.<sup>11</sup> In the context of drafting regulations and decisions at the regional level, including regional head decisions, it is not always explicitly required for every regent decision to include philosophical, sociological, and juridical foundations. However,

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<sup>6</sup> R R I Bone, 'Kepesertaan Bpjs Kesehatan Sinjai Capai 97 Persen Lebih', 2024.

<sup>7</sup> "Materi Pokok Peraturan Bupati Sinjai Nomor 60 Tahun 2023," Meridian Hukum, Diakses Melalui <https://meridianhukum.com/peraturan/perbup-kab-sinjai-no-60-tahun-2023>.

<sup>8</sup> Pemerintah Kabupaten Sinjai, 'Hadiri Rekonsiliasi Iuran Bpjs Kesehatan Segmen Aparatur Daerah Dan Pemerintah Daerah Triwulan Iii 2024' (Protokol Sinjai, 2024).

<sup>9</sup> S Rahardjo, *Hukum Dan Masyarakat* (Bandung: Angkasa, 1980).

<sup>10</sup> J Asshiddiqie, *Demokrasi Dan Konstitusi Di Indonesia* (Jakarta: Lp3es, 2008).

<sup>11</sup> Yohanes Hartono, Elisabeth Sundari, and Anny Retnowati, 'The Urgency of Philosophical, Sociological and Juridical Applicability in Legislation', *International Journal of Social Science and Human Research*, 5.10 (2022) <<https://ijsshr.in/v5i10/Doc/45.pdf>>.

these principles are highly recommended and often applied in practice to ensure the quality and legitimacy of such decisions.<sup>12</sup>

With the majority of Indonesia's population being Muslim, Islamic law is considered part of the Law of Life, which is strongly related to the percentage of Muslims who constitute the majority. Therefore, *siyasah syar'iyah* is a part of Islamic law. *Siyasah syar'iyah* as government action on a matter in order to achieve a benefit.<sup>13</sup> Thus, A Brief Review of *Siyasah Syar'iyah's* Principles on Reasons for the Amendment of Sinjai Regent Regulation Number 60 of 2023 concerning the Participation of Village Heads and Village Officials in the BPJS Health Insurance Program is considered compatible in detecting the public interest in an action taken by the authorities.

*Siyasah Syar'iyah* in the sense of science is a field of study that examines the regulation of society and the state through all forms of laws, rules, and policies made by state authorities in accordance with the spirit and basic principles of Islamic law to achieve the welfare of society.<sup>14</sup>

The novelty of this research can be seen through the literature review, namely the results of previous relevant studies. Yohanes Hartono, et al. highlight the urgency of philosophical, sociological and juridical applicability in legislation.<sup>15</sup> Lisa Ira highlight the urgency of using philosophical, sociological, and legal foundations in regional head decisions.<sup>16</sup> Meanwhile, Yuli Sinta Nur Amalia et al. focused on examining essence of determining tapera savings contributions based on government regulation number 21 of 2024 concerning amendments to government regulation number 25 of 2020 concerning the implementation of TAPERA.<sup>17</sup> On the other hand, Irma Tasmawati and Sofiatun focused on examining the Enforcement of Local Regulation No. 8 of 2020 concerning Amendments to Local Regulation

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<sup>12</sup> Lisa Ira, 'Urgensi Penggunaan Landasan Filosofis, Sosiologis, Dan Yuridis Dalam Keputusan Kepala Daerah', *Jurnal Res Justitia: Jurnal Ilmu Hukum*, 4.2 (2024), 480–90.

<sup>13</sup> Mahmood Zuhdi Abd Majid, 'SIYASAH SYAR'ITYAH DALAM PELAKSANAAN UNDANG-UNDANG JENAYAH ISLAM', *Jurnal Syariah*, 12.1 (2004), 89–100.

<sup>14</sup> Hasan, 'Tinjauan *Siyasah Syar'iyah* Terhadap Pelayanan Publik Dalam Penerbitan Dokumen Kartu Tanda Penduduk (KTP) Dan Kartu Keluarga (KK)(Studi DISDUKCAPIL Kabupaten Polewali Mandar)' (IAIN Parepare, 2024).

<sup>15</sup> Hartono, Sundari, and Retnowati.

<sup>16</sup> Ira.

<sup>17</sup> Yuli Sinta Nur Amalia, Gunawan Hadi Purwanto, and M Yasir, 'ESENSI PENETAPAN IURAN SIMPANAN TAPERA BERDASARKAN PERATURAN PEMERINTAH NOMOR 21 TAHUN 2024 TENTANG PERUBAHAN ATAS PERATURAN PEMERINTAH NOMOR 25 TAHUN 2020 TENTANG PENYELENGGARAAN TAPERA', *Judge: Jurnal Hukum*, 6.01 (2025), 101–8.

No. 8 of 2014 on Beggars and Sanctions for Those Who Give to Them in Purworejo Regency.<sup>18</sup>

The fundamental difference from previous studies is that this study specifically focuses on highlighting A Brief Review of Siyasaḥ Syar'iyah's Principles on Reasons for the Amendment of Sinjai Regent Regulation Number 60 of 2023 concerning the Participation of Village Heads and Village Officials in the BPJS Health Insurance Program. Based on this novel approach, the results of this study can contribute to the realization on the Legal, Philosophical, and Sociological Reasons for the Amendment of Sinjai Regent Regulation Number 60 of 2023 concerning the Participation of Village Heads and Village Officials in the BPJS Health Insurance Program based on a brief review of Siyasaḥ Syar'iyah's Principles.

## **B. RESEARCH METHOD**

This research is qualitative research. The research design is field research. The supporting informants in this research consist of the Head, Secretary, and Staff of Bonto Village, Sinjai Tengah District, Sinjai Regency, the Head of the Village Administration Division of the Sinjai Regency Community and Village Empowerment Office, and the Head of the Legal and Human Rights Section of the Sinjai Regency Secretariat.

This study focuses on discussing a brief review based on the principles of Siyasaḥ Syar'iyah's Principles regarding the reasons for the amendment to Sinjai Regent Regulation Number 60 of 2023 concerning BPJS Kesehatan membership for village heads and village officials.

## **C. RESULTS AND DISCUSSION**

### **C.1. A Brief Review of the Principles of Siyasaḥ Syar'iyah on the Legal, Philosophical, and Sociological Reasons for the Amendment of Sinjai Regent Regulation Number 19 of 2021 to Number 60 of 2023**

The perspective of Siyasaḥ Syar'iyah (Islamic political law) to assess its compatibility with the principles of justice, deliberation (shura), and public interest (maslahah). (Maryam et al., 2025) Sinjai Regent Regulation No. 19 of 2021 was issued as a form of implementation of the local government's obligation to guarantee the welfare of village government officials through participation in the Social Security Administration

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<sup>18</sup> Irma Tasmawati and Sofiatun, 'Analisis Penegakan Peraturan Daerah No. 8 Tahun 2020 Tentang Perubahan Atas Perda No. 8 Tahun 2014 Mengenai Pengemis Dan Sanksi Pemberi Di Kabupaten Purworejo', *Suara Edukasi Hukum*, 1.1 (2025).

Agency (BPJS) Health program.<sup>19</sup> This policy is an implementation of Law No. 23 of 2014 on Regional Government, which stipulates that village officials are entitled to social security as part of their fixed income.<sup>20</sup> With this regulation, local governments are striving to assert their responsibility to ensure that every village official receives adequate health protection.

In essence, Regent Regulation No. 19 of 2021 regulates the mechanism for village heads and village officials to participate in the Health Social Security Agency (BPJS Kesehatan) through monthly contributions sourced from the Village Fund Allocation (ADD).<sup>21</sup> However, in practice, this regulation has caused a number of technical problems in the field. For example, several village officials in Sinjai Regency admitted that they did not fully understand the provisions on contribution payments and the administrative mechanisms.<sup>22</sup> In addition, there have been complaints about salary deductions being made without clear communication, leading to negative perceptions of a policy that is actually intended to provide social protection. This situation shows that a policy that looks good on paper may not necessarily be effective without careful communication planning.

In response to these developments, the Sinjai district government subsequently issued Sinjai Regent Regulation No. 60 of 2023 as an amendment to Regent Regulation No. 19 of 2021. This regulation contains important adjustments, including an amendment to Article 10 paragraph (1), which now states that “the payment of BPJS Healthcare contributions amounting to four percent shall be made by the regional expenditure treasurer.”<sup>23</sup>

In addition, Article 12 paragraph (1) in the new regulation has also been amended to stipulate that contributions must be paid monthly, no later than the tenth day of the following month.<sup>24</sup> This provision sets a clear deadline and aims to avoid delays in reporting and payment, which previously occurred frequently. In the author's view, technical changes such as this seem simple, but they have a major impact on administrative order at the district and village levels.

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<sup>19</sup> Meridian Hukum, “Materi Pokok Peraturan Bupati Sinjai Nomor 60 Tahun 2023,” Diakses Melalui <https://meridianhukum.com/Peraturan/Perbup-Kab-Sinjai-No-60-Tahun-2023>.

<sup>20</sup> *Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*, 2014.

<sup>21</sup> Ni'matul Huda, ‘Desentralisasi Dan Otonomi Daerah’, *Uii Press*, 2015, 17.

<sup>22</sup> Sudirman; Ihwan; Safrillah, ‘Wawancara Sekretariat Desa Bonto, Kecamatan Sinjai Tengah, 26 Maret 2025’.

<sup>23</sup> Sinjai, *Peraturan Bupati Sinjai Nomor 60 Tahun 2023 Tentang Perubahan Atas Peraturan Bupati Nomor 19 Tahun 2021 Tentang Kepesertaan Bpjs Kesehatan Bagi Kepala Desa Dan Perangkat Desa*.

<sup>24</sup> “Materi Pokok Peraturan Bupati Sinjai Nomor 60 Tahun 2023,” *Meridian Hukum*, diakses melalui <https://meridianhukum.com/peraturan/perbup-kab-sinjai-no-60-tahun-2023>.

Regent Regulation No. 60 of 2023 also strengthens the role of the regional expenditure treasurer as the party responsible for the smooth payment of contributions. Thus, the administrative burden on village officials is reduced.<sup>25</sup> In the author's view, the change from Local Regulation No. 19 of 2021 to Local Regulation No. 60 of 2023 demonstrates the local government's good intentions to improve the social security system for village officials.

From a legal, philosophical, and sociological perspective, this change is interesting to examine more deeply because it reflects the relationship between legal policy, the value of justice, and the needs of society.

### 1. Legal Reasons

Normatively, Regent Regulations are a form of legislation recognized in the national legal system. This is confirmed in Article 8 paragraph (1) of Law Number 12 of 2022 concerning the Formation of Legislation, which states that other types of legislation, including regent regulations, can be established based on the authority granted by higher regulations.<sup>26</sup> Thus, the legal position of a Perbup is delegative and derives from higher regulations, such as Regional Regulations and Ministerial Regulations. In the context of regional autonomy, a Perbup is an important instrument for regional heads to carry out regulatory functions in accordance with their authority.

In the context of Perbup No. 60 of 2023, the main legal basis of reference is Permendagri No. 199 of 2019 concerning Data Updates and Guidance on the Implementation of Employment Social Security for Village Heads and Village Officials. This regulation emphasizes the responsibility of local governments in ensuring that village heads and their officials receive adequate social security.<sup>27</sup> In the context of Perbup No. 60 of 2023, the main legal basis of reference is Permendagri No. 199 of 2019 concerning Data Updates and Guidance on the Implementation of Employment Social Security for Village Heads and Village Officials. This regulation emphasizes the responsibility of local governments in ensuring that village heads and their officials receive adequate social security.<sup>28</sup>

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<sup>25</sup> Bagir Manan, *Hubungan Pusat Dan Daerah Dalam Negara Kesatuan*, (Jakarta: Ui Press, 2005), H. 45.

<sup>26</sup> *Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan*, 2011.

<sup>27</sup> *Peraturan Menteri Dalam Negeri Nomor 119 Tahun 2019 Tentang Pemutakhiran Data Dan Pembinaan Penyelenggaraan Jaminan Sosial Bagi Kepala Desa Dan Perangkat Desa*, 2019.

<sup>28</sup> *Undang-Undang Nomor 6 Tahun 2014 Tentang Desa*.

Based on an interview with Aniwati Amir, Head of the Village Administration Division of the Sinjai District PMD Office, the drafting of Perbup No. 60 of 2023 is a limited revision of Perbup No. 19 of 2021. The main focus of this change is to accelerate services and simplify administrative matters, particularly regarding social security for village heads and village officials. In an interview, Aniwati Amir, Head of the Village Administration Division of the Sinjai Regency PMD Office, stated that:

"Regent Regulation No. 60 of 2023 does not necessarily replace the entire contents of Regent Regulation No. 19 of 2021. We have only amended some articles, particularly those that are considered ineffective or cause technical obstacles in their implementation in the field. The goal is simple: we want to speed up the service process and simplify administrative matters, especially in terms of social security for village heads and village officials. But of course, we are doing all of this without compromising the principles of accountability and administrative order. So this is more of a refinement than a total change."<sup>29</sup>

Based on the results of the interview, it can be understood that Regent Regulation No. 60 of 2023 is not a new regulation that completely replaces the previous regulation (Regent Regulation No. 19 of 2021), but rather an amendment to certain articles. Specifically, those parts that are considered ineffective or that cause technical obstacles in the field. The aim is to accelerate the service process and simplify administrative matters, particularly regarding social security for village heads and village officials. All of this is done while maintaining the principles of accountability and administrative order. Among other things, this can be understood as being in line with the principle of fairness. This is because there is the realization of the local government's obligation through the PMD Office to provide public services that are not cumbersome or minimize technical obstacles in the implementation of BPJS provision for village officials while still referring to the principles of accountability and administrative order.

Sudirman, as the head of Bonto village, stated that;

"To be honest, we were never invited to any meetings or discussions before the regulation was passed. No draft was given to us for review or input. Suddenly, it was finalized and then disseminated to the villages. But the dissemination was only superficial. There was no detailed explanation of the procedures, our rights and

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<sup>29</sup> Aniwati Amir, S.Sus, Kepala Bidang Pemerintahan Desa Kabupaten Sinjai, Wawancara, 8 April 2025, Sinjai Utara, Kabupaten Sinjai.

obligations, and the consequences if technical problems arose in the field. As a result, we work in a state of ignorance, as if we are just being told to follow the rules without really understanding their content. All we know is that there is this BPJS Health insurance, which is covered by the government, and the rest is deducted from our salaries. That's about all I know."<sup>30</sup>

Based on the results of the interview, it can be understood that there was never any notification of a meeting or discussion prior to the enactment of Regent Regulation No. 60 of 2023. No draft was provided for review or input, and according to the information, the regulation was finalized and then disseminated to the villages. However, the dissemination was very general and did not explain in detail the mechanisms or procedures, rights and obligations, or the consequences if there were technical obstacles in the field. As a result, they work in a state of ignorance, as if they were simply instructed to obey the rules without understanding the substance of the regulation. It is known that only a certain amount of BPJS Health is covered by the government, with the rest being covered by salary deductions. Among other things, it is understood that the lack of communication regarding meetings or discussions prior to the regulation's approval indicates a lack of alignment with the principle of shura.

Aniwati Amir, Head of the Village Administration Division of the Sinjai District PMD Office, stated that;

We also sought input from village governments regarding administrative simplification, particularly regarding the completeness of documents that must be submitted to the PMD Office as a requirement for the payment process. Many villages feel that the process is too long and complicated, so we tried to evaluate which parts could be simplified without compromising validity and legal responsibility. The input from these villages is an important consideration in the drafting of Regency Regulation No. 60 of 2023, so that the existing regulations are truly relevant and easy to implement in the field."<sup>31</sup>

Based on the results of the interviews, it can be understood that the PMD office sought input from village governments regarding administrative simplification, particularly regarding the completeness of documents submitted to the PMD office as a requirement

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<sup>30</sup> Sudirman S.Ip, Kepala Desa Bonto Kacamatan Sinjai Tengah, 26 Maret 2025, Sinjai Tengah, Kabupaten Sinjai.

<sup>31</sup> Aniwati Amir, S.Sus, Kepala Bidang Pemerintahan Desa Kabupaten Sinjai, Wawancara, 8 April 2025, Sinjai Utara, Kabupaten Sinjai.

for payment of contributions. Many village officials felt that the process was too complicated. Therefore, the PMD office evaluated the procedure without removing the elements of validity and legal responsibility. The input from these villages was considered important in the drafting of Regent Regulation No. 60 of 2023. This effort was made so that the published regulation would be truly relevant and easy to apply or implement. Among other things, it was understood that there would be administrative simplification in the contribution payment process without removing the elements of validity and legal responsibility. The aim is to ensure relevance and ease of application. This shows alignment with the principle of public interest. In addition, the absorption of input from village officials as an important consideration in the drafting of Sinjai Regent Regulation No. 60 of 2023 is considered to show alignment with the principle of shura.

A. Adis Dharmaningsih Asapa, Head of the Legal and Human Rights Division of the Sinjai Regency Secretariat, explained that their role was limited to the legalization process, not the substance:

“We in the legal department are only tasked with ratifying the regulation so that it has legal force and can be officially enforced. So in this context, our role is more about formal legality. As for the substance of the regulation, the implementation mechanism, and the technicalities in the field, that is entirely the authority of the PMD Office.”<sup>32</sup>

Based on the results of the interview, it can be understood that the Legal Department explains that their task is only to ratify regulations so that they become officially valid, without interfering in determining their content and implementation. The material and technical matters of the regulations are entirely the responsibility of the PMD Office, so that the Legal Department only focuses on the aspect of validity. It can also be understood that there are efforts by the government to enforce formal legality. This shows consistency with the principle of justice, as there are efforts by the government to carry out its obligations in terms of formal legality. In addition, it is considered to be in line with the principle of public interest, as there are efforts to enforce regulations dissertation guarantee security from legal threats.

In line with this view, Sudikno Mertokusumo emphasized that laws must not only be formally valid, but also fair and capable of fulfilling the aspirations of the people.<sup>33</sup>

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<sup>32</sup> A A D Asapa, ‘Wawancara Kepala Bagian Hukum Dan Ham Setda Kabupaten Sinjai, 8 April 2025’, 2025.

<sup>33</sup> Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar*, (Yogyakarta: Liberty, 1996), H. 34.

Therefore, even though this change is legally valid, there is still a lack of social legitimacy due to the lack of involvement of village officials in the formation process.

## 2. Philosophical Reasons

Philosophically, the formulation of regional regulations must be based on the values of fairness, benefit, and legal certainty.<sup>34</sup> These three pillars are the main orientation so that the law is not only present as an administrative instrument, but also as a means to achieve social welfare.

Based on the results of an interview with Aniwati Amir, Head of the Village Administration Division of the Sinjai District PMD Office, she explained:

“The goal is actually simple, namely how to make services to village officials faster and more efficient. If we draft this regional regulation for the sake of service effectiveness, the administrative process will not be too complicated, and the documents that need to be completed will not be burdensome. But of course, this simplification still takes into account the principle of accountability and does not reduce the value of budget accountability.”<sup>35</sup>

Based on the results of the interview, it can be understood that the purpose of amending Sinjai Regent Regulation Number 19 of 2021 to Regent Regulation Number 60 of 2023 is to enable faster and more efficient service delivery to village officials. Effectiveness is a concern, as is the simplification of administrative procedures and the completeness of documents, while maintaining the principles of accountability and not reducing the values of budget responsibility. Among other things, it is understood that the purpose of the amendment is considered to be in line with the principle of fairness, as there are efforts to transform the effectiveness of public services in the provision of BPJS Health for village officials. This is considered an effort by the government to fulfill its obligation to provide public services that do not cause difficulties for the community while maintaining the principle of accountability, one of which is village officials. In addition, this also demonstrates alignment with the principle of public interest, as the effectiveness of services is also considered to benefit the community, one of which is village officials.

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<sup>34</sup> Herianti Herianti, ‘Pemerintahan Indonesia Dalam Perspektif Siyasah Syar’iyah’, *Aqidab-Ta: Jurnal Ilmu Aqidab*, 3.2 (2017), 158–66 <<https://doi.org/10.24252/Aqidahta.V3i2.4533>>.

<sup>35</sup> Aniwati Amir, S.Sus, Kepala Bidang Pemerintahan Desa Kabupaten Sinjai, Wawancara, 8 April 2025, Sinjai Utara, Kabupaten Sinjai.

From the perspective of the Legal Division of the Sinjai Regional Secretariat, this regulation is not considered to be in conflict with legal principles and in fact strengthens administrative order.

“Philosophically, we see no contradiction. In fact, this regulation is considered to strengthen administrative order and support better service. In the legalization process, we also assess that its substance is still within the framework of supporting bureaucratic efficiency, without violating applicable legal principles.”<sup>36</sup>

Based on the results of the interview, it can be understood that philosophically there is no contradiction. This regulation is considered to strengthen administrative order and support better service. In the legislative process, the substance is still within the framework of supporting bureaucratic efficiency, while still referring to applicable legal principles. We assess that the substance is still within the framework of supporting bureaucratic efficiency, without violating applicable legal principles. Among the things that can be understood is that there is alignment with the principle of public interest, because there are government efforts to achieve bureaucratic efficiency while maintaining consistency with applicable legal principles. In addition, it is also considered to be in line with the principle of justice, as it demonstrates the government's efforts to fulfill its obligation to provide public services that are not burdensome through bureaucratic efficiency while still referring to applicable legal principles. However, this cannot be fully guaranteed.

The Head of Bonto Village, Sudirman, revealed that there is a discrepancy between BPJS payment obligations and the benefits received:

“Actually, we are also confused, because our monthly salaries are automatically deducted to pay for BPJS Health Insurance. But when something happens, such as falling off a motorcycle or having an accident on the road, it turns out that it is not covered. Even though these are things that can happen at any time, especially when we are on duty outside the office. It feels strange that we have paid but when we need it, we don't get any protection.”<sup>37</sup>

Based on the results of the interview, it can be understood that there is confusion regarding the guarantees or protection provided by BPJS Kesehatan. Even though salary

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<sup>36</sup> A.Adis Dharmaningsih Asapa, S.H.,M.H, Kepala Bagian Hukum Dan Ham Setda Kabupaten Sinjai, Wawancara, 8 April 2025,Sinjai Utara, Kabupaten Sinjai.

<sup>37</sup> Sudirman S.Ip, Kepala Desa Bonto Kacamatan Sinjai Tengah, 26 Maret 2025, Sinjai Tengah, Kabupaten Sinjai.

deductions for BPJS Kesehatan payments have been implemented, in the event of a motorcycle or road accident, for example, BPJS Kesehatan does not provide coverage. Such incidents can occur at any time. Moreover, if, for example, someone is on a business trip, there is an inconsistency with the completion or payment of BPJS Kesehatan, but when protection from BPJS Kesehatan is needed, it is not available. It can be understood that the negligence of health services by BPJS in motorcycle accident incidents, even though BPJS Kesehatan payments have been made, shows a discrepancy with the principle of public interest. Furthermore, it is also considered inconsistent with the principle of justice, as it shows the government's neglect of its obligation to provide health services to the community, including village officials.

In addition, village officials also bear a double burden due to the obligation to pay for employment social security separately. Sudirman said that:

“Not only that, we also have to pay for BPJS employment separately. So we feel the burden is double. Our salaries have been deducted, but the benefits are not maximized. In addition, we were never involved in the initial explanation of this system.”<sup>38</sup>

Based on the results of the interviews, it can be understood that BPJS Employment and Health are paid separately. This results in a double payment burden. Salaries are deducted to cover BPJS payments, but the benefits of BPJS are considered to be less than optimal. In addition, there is a perceived lack of involvement in explaining the BPJS payment system. It can be understood that the double payment burden with suboptimal benefits and the lack of involvement in the initial explanation of the system indicate a discrepancy with the principle of public interest, because it is considered not to provide adequate benefits to the public, one of which is the village apparatus. In addition, the lack of involvement in the initial explanation of the system is considered to indicate a discrepancy with the principle of shura.

Another criticism came from Safrillah, the secretary of Bonto village, who said that:

“We were never invited to discuss the regulations from the outset. There was no socialization before the regulations were enacted, let alone involvement in the drafting process. Suddenly it became a regulation, and then we were told to just comply.”<sup>39</sup>

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<sup>38</sup> Sudirman S.Ip, Kepala Desa Bonto Kecamatan Sinjai Tengah, 26 Maret 2025, Sinjai Tengah, Kabupaten Sinjai.

<sup>39</sup> Safrillah, ‘Wawancara Sekretariat Desa Bonto, Kecamatan Sinjai Tengah, 26 Maret 2025’.

Based on the results of the interview, it can be understood that there was no communication regarding involvement in the discussion of Regent Regulation No. 60 of 2023 from the outset. In addition, there was no socialization prior to the implementation of the regulation, let alone involvement in the drafting of the regulation. It is considered that the regulation suddenly appeared and instructions were given to comply with it. The government's failure to communicate regarding the discussion of the regulation from the outset and its involvement in the drafting process indicates a lack of alignment with the principle of shura.

Ihwan, a village staff member, highlighted the imbalance in the BPJS digital reporting system, stating that:

"So now we just have to upload a few files as proof of BPJS payment in the app, but if one village is late in uploading the data, other villages can also be affected. So it's not just the village that is late that is affected, but all of them. It's a collective system, yes, it's simpler than in previous years, but this way, those of us who are on time don't get the benefits because other villages are slow in sending the data. So automatically, our BPJS is inactive until all villages send the data."<sup>40</sup>

Based on the interview results, it can be understood that uploading a few files is sufficient to complete the BPJS contribution payment in the application. However, if one village is late in uploading the data, other villages will also be affected because the reporting system is collective. It is acknowledged that the system implemented is simple, unlike the previous one. However, villages that report on time do not receive BPJS benefits because other villages are slow to send data. So, automatically, the BPJS of villages that upload data quickly will be inactive, waiting for all villages to send or upload data. It is understandable that there is a parallel with the principle of public interest, because there is a system that, on the one hand, makes it easier for village officials to upload reporting documents as proof of BPJS Health contribution payments by village officials. However, on the other hand, there is also a discrepancy with the principle of public interest, because if one village is late in uploading data, other villages are also affected, namely the deactivation of the BPJS Health accounts of all village officials. This also shows a discrepancy with the principle of fairness, because there is unfair treatment of village officials who upload data on time.

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<sup>40</sup> Ihwan.

### 3. Sociological Reasons

Aniwati Amir, Head of the Village Government Division, said that the change was based on the aspirations of village officials who experienced difficulties in BPJS administration. In an interview, she said that:

"Actually, this has been a long-standing complaint from our friends in the village, even before the revision of the Perbup was carried out. They often cannot obtain health services from BPJS because their premiums are considered unpaid. But the delay is not intentional, but rather due to the complicated administrative process. Many documents must be completed, and sometimes just one missing document can delay the payment process. In the end, village officials who need health services cannot be served, which is the main reason why we decided to revise this regulation."<sup>41</sup>

Based on the results of the interviews, it can be understood that prior to the revision of the regent's regulation, there were complaints from village officials that they often did not receive health services from BPJS because payments were considered unpaid. These delays were considered unintentional due to administrative processes that were considered rather complicated. The large number of documents that must be completed and the occasional omission of a single document can cause delays in the BPJS payment process. The implication is that village officials do not receive health services. This was a major consideration for the government in revising the previous regent's regulation. Among other things, it can be understood that the government has absorbed the complaints from village officials. This shows alignment with the principle of shura. Efforts have been made to simplify the administration, as previously the complicated administrative process could cause delays in the payment of BPJS Healthcare contributions. This shows alignment with the public interest. In addition, it is also considered to show alignment with the principle of justice. This is because the government has made efforts to provide public services that are not difficult, whereas previously this could even cause delays in BPJS Health contribution payments, which ultimately meant that village officials often did not receive health services. This also shows alignment with the principle of public interest, as the government has made efforts to make it easier for village officials to access BPJS health services.

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<sup>41</sup> Aniwati Amir, S.Sus, Kepala Bidang Pemerintahan Desa Kabupaten Sinjai, Wawancara, 8 April 2025, Sinjai Utara, Kabupaten Sinjai.

A. Adis Dharmaningsih Asapa, Head of the Legal and Human Rights Division of the Sinjai Regional Secretariat, explained that;

"The purpose of this revision is actually simple: we want to ensure that the management of contributions and supporting documents no longer causes difficulties for villages. It is hoped that with the new Regent Regulation, issues such as late payments and the lack of service for village officials by BPJS can be resolved. In essence, this is a simplification so that it is no longer complicated and can address previous issues."<sup>42</sup>

Based on the results of the interview, it can be understood that the purpose of revising the previous regent regulation was the local government's desire to ensure that the administration of BPJS contributions and supporting documents did not cause difficulties for village officials. It is hoped that with the existence of Regent Regulation No. 60 of 2023, the problem of late payments can be resolved. Thus, there will no longer be any problems with the lack of health services provided by BPJS to village officials due to incomplete premium payments. Among other things, it can be understood that the efforts to facilitate the management of BPJS premiums and supporting documents for village officials as a mitigation of late payment problems and the lack of services provided to village officials by BPJS are considered to be in line with the principle of public interest. In addition, it is also considered to demonstrate alignment with the principle of justice. This is because the government's efforts to provide public services that do not cause difficulties, which previously could have led to delays in BPJS Healthcare premium payments, resulting in village officials not receiving healthcare services.

Although this objective appears positive, the results of field interviews show that its implementation has not been fully accepted socially. The secretary of Bonto Village, Safrillah, revealed that the collective payment system has actually created new problems:

"Every month, our salaries are deducted to pay for BPJS, but sometimes we can't use it just because one village is late in uploading data to the application. The system is collective, so if one village is slow, then the other villages can also be blocked. In the end, those of us who need health services cannot use BPJS. The

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<sup>42</sup> A. Adis Dharmaningsih Asapa, S.H., M.H., Kepala Bagian Hukum Dan Ham Setda Kabupaten Sinjai, Wawancara, 8 April 2025, Sinjai Utara, Kabupaten Sinjai.

system should be made per village, so that they are not dependent on each other like this.”<sup>43</sup>

Based on the results of the interviews, it can be understood that village officials who pay BPJS contributions every month are sometimes affected by delays in data uploading by other village officials. The payment system is collective, so if other village officials are slow or late in uploading data, villages that upload data on time may also be blocked. As a result, those who need health services cannot use BPJS health services. It is recommended that the system be set up per village, so that they are not dependent on each other.

One of the village staff said that;

“We are the subjects of the regulation, but we were never consulted. Suddenly it was finalized and immediately enforced. The intention is good, but we don't know what the concept is like. If we had been involved from the beginning, perhaps the implementation would have been smoother.”<sup>44</sup>

Based on the results of the interview, it can be understood that there was a lack of communication regarding public involvement/participation in Regent Regulation No. 60 of 2023. The regulation was finalized and immediately enforced. One of the village staff members was unaware of the concept of the regulation. It is believed that this lack of involvement could have facilitated the implementation of the regulation.

This statement was reinforced by the secretary of Bonto Village, who said that:

“We were never invited to meetings or given drafts. After it was passed, it was socialized, but even then, only in general terms without any details.”<sup>45</sup>

Based on the results of the interview, it can be understood that there was no communication or provision of the draft. Socialization was carried out, but it was only general in nature and did not address the details of the regulation.

From the results of interviews with these two informants, it can be understood that there is a lack of public involvement or participation. This shows a discrepancy with the principle of shura. On the other hand, the existence of socialization shows alignment with

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<sup>43</sup> Safrillah, S.Sos, Sekretariat Desa Bonto Kecamatan Sinjai Tengah, 26 Maret 2025, Sinjai Tengah, Kabupaten Sinjai.

<sup>44</sup> Ihwan.B S.H, Kepala Seksi Pemerintahan Desa Bonto Kecamatan Sinjai Tengah, 8 April 2025, Sinjai Tengah, Kabupaten Sinjai.

<sup>45</sup> Safrillah, ‘Wawancara Sekretaris Desa Bonto, Kecamatan Sinjai Tengah, 26 Maret 2025’, 2025.

the principle of public interest, as it facilitates the public, including village officials, to consult on the regulation. However, there is also a lack of alignment with public interest, as the socialization is general in nature and does not delve into the details of the regulation.

One of the village staff, Ihwan B, explained that;

“If one village is late in uploading data, other villages can also be affected. We have worked on time, but because there are other villages that have not uploaded, the system immediately crashes. In the end, services are also hampered. It feels unfair because those who work properly are also affected.”<sup>46</sup>

Based on the results of the interview, it can be understood that delays by village officials in one village can have an impact on village officials in other villages, causing the system to immediately crash. Ultimately, BPJS health services are also hampered. According to the village staff, this is considered unfair because village officials who are working properly are also affected by the system. It can also be understood that there is a discrepancy with the principle of public interest, because if one village is late in uploading data, other villages are also affected, namely the system immediately experiences a breakdown. Health services for all village officials are also hampered. This also shows a discrepancy with the principle of fairness, because there is unfair treatment of village officials who upload data on time.

#### **D. CONCLUSION**

The legal, philosophical, and sociological reasons for changing Sinjai Regent Regulation No. 19 of 2021 to No. 60 of 2023 show that it is in line with the principles of *siyasah syar'iyah*. Among the reasons considered to be in line with these principles is the simplification of administration, which previously caused difficulties for village officials and even resulted in delays in the payment of BPJS Health contributions for village officials, ultimately leading to some village officials not receiving health services from BPJS. However, the implications of this regulation still show inconsistencies with the principles of *Siyasah Syar'iyah*. For example, there is a discrepancy with the principle of public interest, because if one village is late in uploading data, other villages are also affected, namely the system immediately experiences congestion. Health services for all village officials are also hampered.

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<sup>46</sup> Ihwan.B S.H, Kepala Seksi Pemerintahan Desa Bonto Kecamatan Sinjai Tengah, 8 April 2025, Sinjai Tengah, Kabupaten Sinjai.

This also shows a discrepancy with the principle of justice, because there is unfair treatment of village officials who upload data on time.

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