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[Dynamics of Village Governance based on Law Number 6 Year 2014 Concerning Village Communities](#) Nany Suryawati<sup>1</sup> 1Darma Cendika Catholic University, Surabaya, Indonesia. E-mail: nany.suryawati@ukdc.ac.id [ABSTRACT Villages in Indonesia Sociologically related to the simple and light pattern of village life, economically related to the surrounding natural environment, which gives life to the local community, politically, related to the implementation of village governance. The goal is as a legal community unit which has the power to organize its own government. The authority to take care of oneself has been owned since the legal community unit was formed, without being given by other people / parties. Methods in conducting studies on the dynamics of village governance related to positive law, normative juridical, by examining the position of village government in the constitution. Article 18B paragraph \(2\) and Article 18 paragraph \(7\) include regulations regarding customary law communities. The conclusion of village government that is directly related to the community is to create a government that is sensitive to](#)

# Dynamics Of Village Governance Based On Law Number 6 Year 2014 Concerning Village Communities

*by Nany Suryawati*

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## **Dynamics of Village Governance based on Law Number 6 Year 2014 Concerning Village Communities**

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### **ABSTRACT**

Villages in Indonesia Sociologically related to the simple and light pattern of village life, economically related to the surrounding natural environment, which gives life to the local community, politically, related to the implementation of village governance. The goal is as a legal community unit which has the power to organize its own government. The authority to take care of oneself has been owned since the legal community unit was formed, without being given by other people / parties. Methods in conducting studies on the dynamics of village governance related to positive law, normative juridical, by examining the position of village government in the constitution, Article 18B paragraph (2) and Article 18 paragraph (7) include regulations regarding customary law communities. The conclusion of village government that is directly related to the community is to create a government that is sensitive to changes and developments that occur according to Article 4 of Law Number 6 of 2014. As for the political process, governance and village development no longer originates from central government policies in national development patterns. Provides the authority to keep up with changes and developments by harmonizing customary law with applicable laws, so that the existence of the village is maintained in the dynamics of village governance.

### **KEYWORDS**

Village Government, Law Number6, Village Community.

### **Introduction**

The definition of 'village' has been included in the 1945 Constitution of the Republic of Indonesia (UUD NR) 1945) Article 18B paragraph (2) and Article 18 paragraph (7), as well as Law Number 6 of 2014 concerning Villages Article 4 which states that the regulation of village is to give recognition and respect to the village which already has its own authority to govern the village.(Hariri, 2020; Jean, 2007; Fikawati et al., 2010; Huda, 2015; Nurhakim & Yudianto, 2018; Setyowati, 2015). Before there was the Republic of Indonesia, even villages were the forerunners of Indonesian society. Therefore, the clarity of status and legal certainty for villages in the constitutional system of the Republic of Indonesia, is to create justice and provide insights to villages to be able to keep up with the changes and developments of the times, so that the village can be dynamic without the need to change the village governance arrangements that have been formed with the rules that apply in the village.

This causes the domination of the role of the bureaucracy to experience a shift with the strengthening of the role of traditional institutions in the day-to-day running of village governance, which further emphasizes the spirit of community participation. (Herry, 2015; Yunus & Sani, 2017; Wahyu et al., 2019). The term "village" means a legal community unit that has the authority to regulate and manage its own interests, meaning that the village has the right to autonomy. However, village autonomy is different from the autonomy possessed by regional governments (province, city, district), because village autonomy is limited to origins and customs. Observing this definition of 'village', by positioning the village to be decentralized and having autonomous rights based on origin and traditional customs to manage its own households, and be responsible to the Regent / Mayor. Basically, decentralization is a transfer of power in decision-making, from the central government to local governments or local villages, so that the democratic process is shorter, due to the small size of the area, so that the interaction of various stakeholders becomes more intensive, and provides opportunities for local community groups, to participate directly in policy making.

Article 96 of Law no. 6/2014, states that local governments (provincial, city and district) organize customary law community units, as well as designate a village as a Traditional Village. (Prihatin, 2016; Hariri, 2020; Sartika & Wargadinata, 2020). Whereas Article 97 stipulates the requirements to become a Traditional Village, among others, that the customary community unit with adat is still alive and functioning, and is in accordance with the development of society and which especially does not contradict the principles of the Unitary State of the Republic of Indonesia, even in paragraph (1) it says that the village must have an area in addition to iyu, the community has a shared feeling

in the group, and also the existence of customary government institutions, customary objects and customary legal norms that are not against human rights.

Customary community units that are still alive and in accordance with community development and the principles of the Republic of Indonesia are the center of independent community life (Ra'is, 2018; Safa'at et al., 2018; Wahyuni & Sjaif, 2019). The description of Article 18B of the 1945 Constitution of the Republic of Indonesia, in addition to recognition and respect for the Village, and providing clarity on the status of the Village, also provides the obligation to form a village government that is professional, efficient, effective, open and responsible, and improves public services for village communities so that it can address the gap in national development, because rural communities are the subject of development. The implementation of the Village Government is based on the principles of: legal certainty, orderly governance, orderly public interest, openness, proportionality, accountability, effectiveness and efficiency, local wisdom, diversity, and participation.

## Method

Study on Village Government Dynamics, (Maladi, 2010; Gultom, 2017; Hamzani, 2015). Conducted through literature studies, discussions by observing the prevailing laws and regulations and also by examining various observations of village development in this globalization era, using empirical juridical methods.

By paying attention to local wisdom that has been rooted in the lives of village communities and traditional villages, instruments from the government are needed to be able to create independent and sustainable village communities and become the basis of good governance.

## Discussion

### 4 Position and Authority of Village Government

The position of the Village Government in accordance with legislation has been determined as the village autonomy government. (Sidik, 2015; Eko et al., 2014; Surianingrat, 1980; Suryasa, 2019; Martini, 2020). As for autonomy according to constitutional law, the village has a position as a unit that is inseparable from regional government, so that village autonomy is interpreted as part of regional autonomy (Sumartini&Idawati, 2020; Laka&Suprasto, 2020). This regulation regarding Village has not been able to accommodate all the interests and needs of the Village community which are very many in the territory of the State of Indonesia, with this diversity, gaps arise between regions, because there is no equitable development, so that it can interfere with the integrity of the Unitary State of the Republic of Indonesia.

The authority of the Village Government, which was originally part of the politics of decentralization, with the existence of Law No. 6 of 2014, has changed to the principle of recognition and subsidiarity, which means that there is recognition or recognition of origins (Triyanto, 2018). Then there is subsidiarity with the establishment of local-scale authority and local decision-making for the benefit of the village community, with togetherness in playing an active role and working together based on the principle of mutual respect between institutions at the village level and village elements in building villages, and maintaining the principle of kinship in the decision-making process through deliberations with various interested parties.

In addition, with this authority, the village government must be able to maintain the sustainability of the village in a coordinated, integrated and sustainable manner in planning and implementing village development programs. (Syafrudin & Na'a, 2010; Gaffar, 2009). Existing village institutions include: the Village Consultative Body, which performs government functions with members of representatives from the village population based on democratic regional representation, namely discussing and agreeing on village regulations with the Village Head and existing village elements, taking into account the aspirations of the village community, as well as carrying out supervision of the performance of the Village Head. As stipulated in Article 26 of Law No.6 of 2014, the Village Head is tasked with administering Village Administration, implementing village development, fostering village communities, and empowering village communities, so in carrying out his authority.

The Village Head who leads the implementation of village governance, which includes: appointing and dismissing

village apparatuses, in financial matters, determining the village income and expenditure budget, and exercising other powers in accordance with the provisions of laws and regulations. (Supriadi, 2015; Putri & Wirawati, 2020; Wisudawati & Maheswari, 2018). The Village Head is obliged to report the implementation of village governance to the village community and to the Regent / Mayor, every year and at the end of his term of office. However, in Article 27 of Law no. 6/2014, there is no obligation for the Village Head to be accountable to the Village Consultative Body (BPD), therefore BPD cannot overthrow the Village Head if it is not in line with the BPD's opinion or policies.

### Special Provisions for Traditional Villages

Regarding the administration of the Traditional Village, there are special provisions, because the arrangements for the administration of the customary village are based on the origin and the customs that are still alive and functioning in the customary village community. (Huda, 2015). The determination of the Customary Village must meet the following requirements:

- a. The customary law community unit and its traditional rights are still alive, both territorial, geneological, and functional, meaning that the customary law community owns the territory and at least fulfills one or a combination of the following elements: a) a community whose citizens share common sense in groups, b) customary government institutions, c) customary assets and / or objects, and / or d) customary law norms.
- b. Customary law community units and their traditional rights are deemed in accordance with community development. This means that the customary law community is deemed in accordance with the development of society if: a) its existence has been recognized based on applicable laws as a reflection of the development of values that are considered ideal in today's society, both general and sectoral laws, and b) The substance of these traditional rights is recognized and respected by members of the community concerned and the wider community, and does not conflict with human rights.
- c. Customary law community units and their traditional rights are in accordance with the principles of the Unitary State of the Republic of Indonesia. This means that the customary law community unit is in accordance with the principles of the Unitary State of the Republic of Indonesia if the customary law community unit does not interfere with the existence of the Unitary State of the Republic of Indonesia as a political and legal entity which: a) does not threaten the sovereignty and integration of the Unitary State of the Republic of Indonesia, and b) the substance of legal norms is in accordance with and does not contradict the provisions of laws and regulations.

The authority of a Traditional Village, based on its origin, includes among others: the implementation of governance based on the original composition, as well as the regulation of ulayat or village territory, including the preservation of the culture of the Traditional Village. (Hasyimzoem et al., 2017; Hasjimzoem, 2014; Sumada, 2017). Meanwhile, dispute resolution is carried out based on the customary law that applies in the Traditional Village, by prioritizing deliberative settlement, and if a Traditional Village court is carried out, it is resolved in accordance with statutory regulations, in order to maintain order and peace of the Traditional Village community, and also to provide opportunities for the development of the socio-cultural conditions of the Traditional Village community.

### Rural Area Development Policy

The development of rural areas is participatory, and with careful planning, it is hoped that rural areas will be able to become independent and even compete with urban areas. (Lukman, 2015). The existence of Law no. 6 of 2014 concerning Villages, Article 72 paragraph (1) letter d, states that the allocation of village funds is part of the balance funds received by the city / regency government, while the supervision is carried out by the village community themselves through the BPD which does function as well as oversee the performance of the Village Head. As for the aspects of independence and sovereignty, the policy for developing rural areas is to consider aspects of diversity and sustainability.

Development of rural areas is carried out without eliminating the characteristics of the village, in the form of local wisdom, culture and other unique potentials of the village, in various aspects, for example from the aspects of health and education, rural areas should also have the quality of health and education services as well as the quality of health and education as appropriate urban. (Shohibuddin, 2016; Shoviani & Rodiyah, 2020). UU no. 6 of 2014 also

opens opportunities for the development of Village-Owned Enterprises (BUMD). This institution is a new breakthrough that should be appreciated in the context of empowering and strengthening villages. Article 87 of Law no. 6 of 2014, it was determined that villages could establish BUMDs (11) were managed with a spirit of kinship and mutual cooperation. BUMD conducts business in the economic sector and/or public services in accordance with the provisions of laws and regulations.

The establishment of this BUMD was agreed upon in the Village Deliberation, based on village regulations, however the BUMD management organization is separate from the village government organization. However, BUMD advisors are ex officio held by the Village Head, and the operational executor is individually appointed (16) and dismissed by the Village Head. The village development plan is compiled in a village development document as the basis for the preparation of the Village Income and Expenditure Budget. (Solekhan, 2012). In village development planning deliberations, priorities, programs, activities and village development needs are determined.

(7) Village development is carried out by the village government and village communities (15) with a spirit of mutual cooperation by utilizing local wisdom and village (7) natural resources. Article 79 of Law no. 6 of 2014, it is emphasized that the village government prepares a village development plan based on the authority of the village government, it must refer to the city/district development planning. (Abidin, 2015; Kurniawan & Riharjo, 2019). Therefore, local government programs must be coordinated with the village, and their implementation is carried out in the village area, because the village is one of the sources of input in (7) / Regency development planning. Development of Rural Areas includes, among others: the use of village areas in order to improve the welfare of rural communities, as well as increase the rural economy through infrastructure development and development of appropriate technology, as well as empowerment of rural communities in economic services and activities. Village development includes the planning, implementation and supervision stages.

(9) Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 81 of 2015. (Aziz, 2016; Widjaja, 2003). Regarding the Evaluation of Village and Subdistrict Development, it is hoped that it can optimize the village economy, but it creates confusion for certain areas, for example: Bali; There are concerns that registration of Traditional Villages as Official Villages and guidance for disadvantaged villages can rob them of autonomy in regulating customary and cultural issues in their territory.

The characteristics of the Traditional Village based on local wisdom are very different from the village in general. Therefore, the central government must prepare an instrument for evaluating the development of Traditional Villages which still preserves the local wisdom of its people. (Wijayanti, 2016; Marzuki, 2016). In principle, the Traditional Village is a legacy of local community government organizations which is maintained from generation to generation and is still recognized and preserved and fought for by village leaders and communities in order to function to develop welfare and local socio-cultural identity, so that the development (9) of rural areas needs to be distinguished between Traditional Villages and ordinary Villages. Attachment II of this Regulation of the Minister of Home Affairs of the Republic of Indonesia does not mention the existence of village instruments based on local wisdom, this shows that the government has not prepared a special instrument in assessing the development of Traditional Villages.

## Village Government in Good Governance Perspective

Good Governance according to the State Administration Institute (LAN). (Solekhan, 2012). There are nine (9) characteristics, namely:

- (5) 1. Participation. Every citizen has a voice in decision-making, either directly or through the intermediation of legitimate institutions that represent their interests. Such participation is built on the basis of freedom of association and speech as well as constructive participation.
- (5) 2. Rule of Law. The legal framework must be fair and implemented indiscriminately, especially laws for human rights.
- (8) 3. Transparency. Transparency is built on the basis of the free flow of information. Processes, institutions and information are immediately accessible to those who need them. Information must be understandable and monitorable.
- (8) 4. Responsiveness. Institutions and processes should try to serve each stakeholder.
- (5) 5. Consensus Orientation. Good Governance becomes an intermediary for different interests to obtain the best

choices for a broader interest, both in terms of policies and procedures.

6. Equity. All citizens, both men and women have the opportunity to improve or maintain their welfare.
7. Effectiveness and Efficiency. The processes and institutions produce as best as possible what is outlined using the available resources.
8. Accountability. Decision makers in government, the private sector and civil society are accountable to the public to the public and to "stakeholder" institutions. This accountability depends on the organization and the nature of the decisions made, whether the decision is for the internal or external interests of the organization.
9. Strategic Vision. Leaders and the public must have a broad and far-reaching perspective of good governance and human development in line with those needed for development.

Village government has a significant role in the implementation of social processes in village communities, because the main task of village government is to create a democratic life. (Mulyono, 2018; Mulyono, 2014). So that it can lead the village community to a prosperous, independent and just life.

The importance of good village governance is an effort to improve and increase government performance so that it becomes better. The existence of democratization in the process of implementing village governance can be formed through the expansion of public spaces, activation of social groups and citizen forums as well as networks between groups, as a vehicle for citizen awareness in government affairs at the community level. In good governance, it is no longer government (state), but civil society (civil society) and especially the private sector (private sector) which plays a role in government (governance).

UU no. 6 of 2014 concerning Villages also mandates that Villages can cooperate with other Villages and / or collaborate with third parties. The forms of cooperation include, among others: joint efforts to achieve competitive economic value, as well as empowerment of inter-village communities, and this cooperation is stipulated in a Joint Village Head Regulation. (Maladi, 2010; Aditya, 2019). The application of law in Indonesia uses the mindset of the Indonesian people, in other words using a customary mindset, likewise most Indonesian people still use togetherness or are still communal and religio-magical, even though good law should meet three (3) requirements, namely: philosophical, juridical and sosiological, and even must be rooted and rooted in the nation's own culture, this shows the diversity of laws that apply in Indonesia, which is needed by a pluralistic society.

Observing the 1945 Constitution of the Republic of Indonesia as the written constitution of the Republic of Indonesia, which has been amended by addendum and the principles of democracy are more visible, it is also evident that there is a guarantee of community participation in the process of state decision-making, in this case, governance arrangements in Indigenous Village communities, with mechanisms democratic ones too. A democratic constitution must contain principles regarding the rule of law, separation of power and independence of the judiciary. (Sumanto, 2018; Utomo, 2016; Soekanto, 2015; Aslan, 2019). A democratic constitution aims to facilitate decision-making to adjust laws and public services to advance the interests of citizens by keeping up with changing economic and political conditions. In addition, a democratic constitution addresses classical constitutionalist concerns about protecting the rights of individuals and minorities.

### Imagination of the Village of the Future

Based on the decentralization framework, villages also have special authority, which is theoretically given in two (2) ways, namely:

1. Devolution, namely the granting of higher government authority (district) which is "converted" into the authority of semi-autonomous villages (giving birth to local-self government).
2. Delegation, namely the assignment of affairs / tasks that make the village a local-state government.

It needs to be interpreted that the principle of decentralization of authority aims to further strengthen the position of the village as an autonomous region which is carried out based on an agreement between the village and the regional government, so that the village-government relationship is equal, and this agreement is outlined in the form of regional regulations and village regulations, which are autonomous. This village allows the codification of village laws and village regulations to be excluded from the category of state statutory regulations. (Dharmawan, 2007;

Leibo, 1995; Wahyuni & Sjaif, 2019). Changes in the regulation of villages, which have been carried out by the government, are in line with the spirit of development, because from the beginning of independence, villages have played an important role and are also the center of development itself. Building the basis of modern life on the roots of authentic origins and customs of village communities, becomes the foundation for the establishment of a nation-state structure that is resilient or has resilience in the preservation and sustainability of culture and customs, in an era of globalization that is increasingly evenly distributed to all aspects of life.

Therefore, it is necessary to think deeply about the resilience of the adapt of an Indigenous Village in structuring village reform with developments, responding that these developments and changes are opportunities to improve the welfare of the village community itself.(Gunawan et al., 2013). Environmental sociology is built from several interrelated concepts, namely:

1. Environmental problems and the inability of conventional sociology to discuss these problems are branches of the world view that fail to answer the biophysical basics of social structure and social life.
2. Modern societies are not sustainable (unsustainable), because they live on very limited resources and use the ecosystem services much faster than the ability of ecosystems to renew themselves. And, in the global order, this process is exacerbated by the rapid growth of the population.
3. Society to a greater degree or more or less faced with ecologically resistant conditions.
4. Modern environmental science has documented the severity of these environmental problems and raises the need for a massive solution if environmental crises are to be avoided.
5. The introduction of the dimensions of the environmental crisis which contribute to a paradigm shift in society in general, as happened in the sociology of rejection of the dominant Western world view and acceptance of a new ecological paradigm.
6. Environmental reform and improvement will be born through the expansion of a new ecological paradigm among the public, the masses, and will be accelerated by a comparable paradigm shift between social scientists and natural scientists.

The future of environmental sociology as a discourse on environmental studies must be interpreted as a spirit of fostering environmental conservation in rural areas, especially in the preservation and sustainability of customs and customary norms that exist in indigenous village communities.

## Conclusions and Implications

### Conclusion

Law No.6 of 2014 has provided certainty and strengthening of village governance arrangements, especially Traditional Villages, therefore, village development towards a future village really requires attention from the central government, considering that the history of the existence of the Indonesian State originated from the village, and in fact village is the foundation for the establishment of this Republic of Indonesia.

The amendment of the 1945 Constitution to the 1945 Constitution of the Republic of Indonesia has given recognition (recognition) of the existence of Traditional Villages and Villages with guarantees of the enforcement of customary law, provided that they do not conflict with the principles of the Unitary State of the Republic of Indonesia, and do not interfere with the sovereignty of the Indonesian State, and continue to exist coordination between village governments and local governments, so that the implementation of customary law in a customary community can be harmonized with applicable laws and regulations, as well as providing opportunities for indigenous peoples to play an active role in the preservation and sustainability of customs and culture in these indigenous peoples.

Even in the face of the changing times in this era of globalization, it provides opportunities for the people of Indigenous Villages to improve their welfare while still paying attention to environmental sociology, in order to create resilience in all aspects of life.

### Implications

Recognition from the Central Government that has an impact on local wisdom which is the basis for the enforcement

of customary law in indigenous peoples.

1. Provide opportunities for Village and Traditional Village Government officials who have an impact on the Village / Traditional Village community to play an active role in preserving their customs and their customary law norms.
2. By implementing an equal distribution program for the quality of public services, this will result in the realization of villages and traditional villages in the future, especially in the fields of education and health as in urban areas.

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