

The Role of Community Empowerment Carried out by Village Government in the Regional Autonomy Era

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Abstract : *Realizing prosperity in the community needs to be supported by a good development management. In the governance system, it is necessary to have governance behaviour that is honest, open, responsible and democratic. In the community structure, a mechanism providing opportunities for the community in the decision-making process for public interests needs to be developed. This study discusses the role of the village head in empowering village communities. This study used a community-based approach so that the community knows in detail concerning the role of the village head in the Framework for the Implementation of Village Autonomy based on Law No. 6 of 2014 concerning Village. The results showed that village head must have a fair and wise attitude in carrying out his duties and obligations. Besides, the village head must give an easy access to the community in providing assistances. Yet, the most important thing is that, as a leader, the village head must be able to provide a good example for their subordinates so as to create maximum results and good community environment.*

Keywords: *The Role of Village Governmen; Prosperity; Village Law*

Peran Pemberdayaan Masyarakat yang dilakukan Pemerintah Desa dalam Era Otonomi Daerah

Abstrak : Mewujudkan kesejahteraan di masyarakat, perlu didukung oleh manajemen pembangunan yang baik. Dalam tatanan tata pemerintahan, perlu untuk memiliki perilaku tata kelola yang jujur, terbuka, bertanggung jawab dan demokratis, sementara dalam tatanan masyarakat suatu mekanisme perlu dikembangkan yang memberikan peluang bagi masyarakat dalam proses pengambilan keputusan untuk kepentingan bersama. studi ini membahas bagaimana peran kepala desa dalam memberdayakan masyarakat pedesaan. Penelitian ini menggunakan metode pendekatan kepada masyarakat sehingga masyarakat tahu lebih detail tentang Peran Kepala Desa dalam Kerangka Pelaksanaan Otonomi Desa Menurut Undang-Undang Nomor 6 tahun 2014 tentang Desa. Hasil penelitian ini yaitu dalam melaksanakan tugas dan kewajiban Kepala Desa mereka harus mempunyai tingkah laku yang adil, bijaksana dan tidak mempersulit dalam memberikan layanan kepada semua masyarakat. Namun yang lebih penting lagi bahwa sebagai seorang pemimpin harus bisa memberikan contoh untuk bawahan sehingga mendapatkan hasil yang maksimal dan terciptanya persatuan komunitas yang baik.

Kata Kunci: Peran Pemerintahan Desa, Mensejahterakan; Undang-Undang Desa

INTRODUCTION

Indonesia is a unitary state regulated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia stating that the governance is carried out by providing opportunities and flexibility to regions to implement regional autonomy. Article 18 of the 1945 Constitution of the Republic of Indonesia, among other, states that Indonesian territory is divided into large and small territories with the form and structure of government governed by law.¹ In this explanation, it is stated that "Since Indonesia is *eenheidsstaat*, Indonesia will not have regions in a relatively good environment. Indonesian territory is divided into provinces and a province is divided into smaller

¹ Ali Mufiz, 1995, *Pengantar Administrasi Negara*, Universitas Terbuka.

regions.”² In autonomous regions or *streek en locale recemeenschappen*, all rules is regulated by law. The elucidation to Article 18 of the 4th amendment of the 1945 Constitution of the Republic of Indonesia contains several key points regarding autonomous regions/regional governments, as follows:

1. Large and small territories are approved by the state since these regions form the state
2. Large and small regions are autonomous and some of them are administrative
3. Regions having special rights of origin are autonomous regions and villages that will question the position of regions having this special right.

Followings are the principles of the implementation of regional government after the amendment, especially the principles contained in Article 18:³

1. Principles for the division of hierarchical priority areas (paragraph 1)
2. Principles of autonomy and the task of assistance (paragraph 2)
3. Principles of democracy (paragraphs 3 and 4)
4. Principles of broadest autonomy (paragraph 5)

The provisions of Article 18 of the 1945 Constitution which reflects the implementation of regional governance within the framework of the state are in line with Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which has fully declared the Republic of Indonesia as a unitary state not a federal. This affirmation indicates that there is no state within the state (*staat*) in the territory of the Republic of Indonesia. On January 15, 2014, the government approved Law No. 6 of 2014 concerning Village. The philosophical foundation of the birth of this Law is based on the consideration that village has the rights of origin and traditional rights to regulate and manage the interests of the local community and contribute for realizing the ideals of independence based on the 1945 Constitution. Legally, Law No. 6 of 2014 Article 18B paragraph (2) of the 1945 Constitution states: “The state shall recognize and respect units of traditional society with their traditional rights as long as they live and in accordance with the development of society and the principles of the Republic of Indonesia, that shall be regulated by law.” Village, or as referred to by other names, has been existed before the proclamation of Indonesia.⁴ The elucidation to Article 18 of the 1945 Constitution (before the amendment) states “In the territory of Indonesia, more precisely 250 ‘*Zelfbesturende landschappen*’ and ‘*Volksgemeenschappen*’, for example villages in Java and Bali, Nagari in Minangkabau, hamlets and clans in Palembang, etc., the regions that have original arrangement, hence, can be considered. The Republic of Indonesia will assign a special position to these regions and all state regulations will consider the right of origin of the regions”. Therefore, the birth of Law No. 6 of 2014 is a form of recognition and guarantee of village sustainability by the State in the territory of the Republic of Indonesia.⁵ Based on the background previously described, the problem discussed in this study is; how is the role of the village head in empowering village communities?

RESEARCH METHODS

This study used an empirical legal research approach since the normative approach will not be able to see the reality occurring in the community related to the rule of law.⁶ This approach sees law as a phenomenon as well as real and functional social institutions in the system of social life occurring from the patterned behavior of the community members.

² Atmosudirdjo, Prajudi, 1978, *Dasar-dasar Administrasi*, Balai Aksara, Jakarta .

³ Dedy Supriady Bratakusumadan Dadang Solihin, 2002, *Otonomi Penyelenggaraan Pemerintahan Daerah*, Gramedia Pustaka Utama, Jakarta

⁴Widjaja,HAW. 2003, *PemerintahanDesa/Marga*.PT.RajaGrafindo Persada, Jakarta.

⁵ Hikmat, Harry. 2004. *Strategi Pemberdayaan Masyarakat*. Bandung: Humaniora Utama Press.

⁶ Moleong, L. J. 1992. *Metodologi Kualitatif*. Bandung: PT. Remaja Rosadakarya.

RESULTS AND DISCUSSION

In Law No. 6 of 2014 concerning Village, Article 1 paragraph (2) states that the village administration shall be the implementation of government affairs and public interests in the governance system of the Republic of Indonesia. Then, the Village Consultative Body (BPD) regulates and manages the interests of the local community based on its origin and local customs which are recognized and respected in the Indonesian governance system. Thus, there are two bodies controlling the administration of village governance, namely the Village Government and the Village Consultative Body (BPD). Further, the functions of these two bodies based on Law Number 6 of 2014 are discussed below.⁷ Law No. 6 of 2014 Article 1 paragraph 3 describes that Village Government shall be the Village Head or as referred to by any other names assisted by the Village apparatuses as parts of administrators of the village. Meanwhile, the village apparatuses shall consist of village secretariat, regional executives, and technical implementation agency. The number of the village apparatuses is adjusted to the needs and local socio-cultural conditions. The village apparatuses assisting the village head consist of:⁸

1. The village secretariat which is an element of staff or service led by the village secretary
2. Technical implementation agency is a complementary element of village head who carries out technical matters in the field, such as irrigation, religious affairs, etc.
3. Regional executives are assistant of village head in their working areas, such as hamlet head.
4. As an element of village administration governance, the village government has the task of regulating governance, development and public interests.

Therefore, in terms of its functions, the village government functions to:⁹

- a. Organize community household affairs;
- b. Carry out community development;
- c. Carry out village economic guidance;
- d. Carry out coaching and community self-help;
- e. Realize public order and peace;
- f. Carry out deliberations on solving problems, and so on.

The village consultative body is not placed as administrators of village governance. Members of the village consultative body shall be representatives of the citizen of the village appointed based on regional representation to be elected democratically. Members of village consultative body consist of community head, customs head, professional group, religious leader and other community leaders. The term of service of the village consultative body shall be 6 years from the date taking oath/pledge and may be elected for a membership at most 3 times in a row or not consecutively. The number of BPD members must be at least 5 and at most 11 people, with attention to the region, female population, total population, and the financial capacity of the village. The inauguration of BPD members is determined by a decision of the Regent/Mayor. The BPD leadership shall consist of 1 Chairperson, 1 Vice-Chairperson, and 1 secretary who are directly selected from and by the members of the village consultative body.

The village consultative body regulates village regulations, distributes the aspirations/opinions of the village community, and regulates the implementation of village regulations in order to strengthen the implementation of government affairs. To carry out its functions, the village consultative body has the authority, based on article 55 of Law No. 6 of 2014, to: discuss and agree on draft village regulations along with the village head, supervise the implementation of village regulations and village

⁷ Hikmat, Harry. 2004. *Strategi Pemberdayaan Masyarakat*. Bandung: Humaniora Utama Press.

⁸ Soedarmayanti. 2001. *Sumber Daya Manusia dan Produktivitas Kerja*. Bandung : Mandar Maju.

⁹ Bayu Suryaningrat, 2009, *Desa dan Kelurahan*, Rineka Cipta, Jakarta.

head regulations, propose the appointment and dismissal of village head, establish committees for village head election, absorb, accommodate, collect and follow the aspirations of the village community, and compile rules of the village consultative body¹⁰.

The village consultative body is not placed as administrators of village governance. Members of the village consultative body shall be representatives of the citizen of the village appointed based on regional representation to be elected democratically. Members of village consultative body consist of community head, customs head, professional group, religious leader and other community leaders. To carry out its functions, the village consultative body has the authority, based on article 55 of Law No. 6 of 2014, to:¹¹

1. Discuss and agree on draft village regulation along with the village head;
2. Supervise the implementation of village regulations and village head regulations;
3. Propose the appointment and dismissal of the village head;
4. Establish committees for village head election;
5. Absorb, accommodate, collect and follow the aspirations of the village community, and;
6. Compile rules of the village consultative body.

According to Article 36 PP No. 72 of 2005 concerning rights of the village consultative body, BPD has the rights to: supervise and ask for information about the implementation of village governance from the village government; express opinions about the implementation of village governance, village development, village community development, and village community empowerment; and obtain operational costs to carry out its duties and functions from the village budget.¹² In addition to having the aforementioned rights and authorities, members of the village consultative body, based on Article 63, also have the obligations to:

1. Uphold and practice Pancasila, implement the Constitution of the Republic of Indonesia Year 1945, as well as maintain the integrity of the Republic of Indonesia and Unity in Diversity;
2. Implement gender-equitable democratic life in the village administration;
3. Absorb, accommodate, collect and follow the aspirations of the village community;
4. Put the public interests above personal, groups, and/or group interests;
5. Respect the social-cultural values of the village community; and
6. Maintain norms and ethics in a working relationship with the village community institutions.

In an effort to realize democracy in the implementation of village governance so as to be able to encourage the community to participate in the development and administration of village governance, every decision taken must be based on deliberation. Therefore, the Village Consultative Body has the function to protect local customs, establish village regulations along with the Village Head, accommodate and distribute aspirations of the village community, supervise the implementation of village regulations and Village Head regulations, and propose the appointment and dismissal of the Village Head.¹³ The village consultative body meeting was led by the leadership of the BPD in which the meeting is declared to be valid if it is attended by at least half of the BPD members and the decision is based on a majority of votes.¹⁴

In certain cases (for example, BPD meetings that will discuss and decide on strategic principles and policies for the benefit of the village communities, such as proposals for dismissing village head

¹⁰ Erga Yuhandra, Kewenangan BPD (Badan Permusyawaratan Desa) Dalam Menjalankan Fungsi Legislasi, Jurnal Unifikasi, ISSN 2354-5976 Vol. 3 No. 2 Juli 2016.61-76.

¹¹ *ibid*

¹² Tarsim, Tarsim., & Erga Yuhandra. Implementasi Kewenangan Badan Permusyawaratan Desa (BPD) Dalam Menjalankan Fungsi Pengawasan Terhadap Pemerintah Desa (Studi di Kabuapten Kuningan). UNIFIKASI : Jurnal Ilmu Hukum, 5.1 (2018), 1-14.

¹³ *ibid*

¹⁴ Enny Agustina, 2018, *Legal Malfunctions And Efforts In Reconstructing The Legal System Service: A State Administrative Law Perspective*, Vol 18 No 3, 357-364

and providing loans), BPD meeting is declared valid if it is attended by at least 2/3 of BPD members and decisions are made with approval a minimum of 1/2 plus 1 of the total BPD members present.¹⁵

CONCLUSION

The village head has a crucial role in empowering village communities in the administration of village governance. Referring to Law No. 6 of 2014 concerning Village, in its implementation, the village government is demanded to reflect the original village autonomy, coordination, participation, and contribution as a foundation that supports the village. Village government consists of village head and village apparatuses as the administrators of the village. Meanwhile, the village apparatuses consist of a village secretariat led by the village secretary, technical implementation agency, and regional executives in which its number is adjusted to the needs and local socio-cultural conditions.

SUGGESTION

There must be intensive and periodic supervision to monitor the village head in carrying out his mandate. Therefore, Government Regulation that regulates planning, discussion, ratification, implementation, supervision and accountability of village funds is needed. This monitoring can be done by the village consultative body, the regional government as well as by the village community. It needs to be done to ensure that village funds can be used optimally for the prosperity of the village community.

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