

Village Consultative Institution Status as a Form of Democracy Life in the Village

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Abstract—The village has a strategic position as a spearhead as well as a benchmark in implementing and evaluating the national development integrally. In organizing the village government there is a village device that is one of which is the village consultative Institution (BPD) as an institution that carries out the function of democratic government. This research aims to find clarity about the position of BPD in the implementation of democracy at the village level, and analyzing the implementation of the BPD function in the establishment of village regulation. The study was conducted using a normative juridical method of approach, which prioritizes secondary data as the primary source coupled with primary data as complementary. Data analysis is done qualitatively, which is based on theory of law, concept, doctrine, and legislation. The BPD position is a democratic embodiment in the village, which has joint duty with the village head to plan and establish policies in implementing government and Village development. BPD is also a community representative in this matter can participate in the supervision of development and village governance. BPD as a consultative body derived from the village community, has the function of one of the functions of establishing a village regulation which serves as a representation institution of society. In connection with the function of establishing village regulations, the BPD together with the village head set the village rules in accordance with the aspirations that come from society, but not all aspirations of the community can be set in the form of regulations Villages but have to go through various processes. The main findings of this study suggest that the village's representative body has not fully mastered its function as a legislative body in the Village Therefore, there must be guidance and mentoring for the establishment of village regulations that can accommodate the aspirations of village people.

Keywords: *village consultative institution, rules, aspirations, village governance*

I. INTRODUCTION

In order to run and reach the objectives of the unitary Republic of Indonesia (NKRI). Indonesia as a developing country, it seeks to ask the welfare of society from all fields. It is in line with the purpose of the Indonesian State which is contained in paragraph 4 of the opening of UUD 1945, such as: "Protecting all the spilled blood of Indonesia, advancing the general welfare, promoting the life and participating in the world order according to social justice [1].

"Protecting all the spilled blood of Indonesia, advancing the general welfare, promoting the life and participating in the world order according to social justice. Rural development, an integral part of national development and national development cannot be separated, because of the success of the development implemented in villages. is a measure of the success of national development. This can occur due to that the village is the smallest unit part of the development area.

ACT Number 6 year 2014 about the village giving the village an understanding is "village and indigenous village or called by another name, hereinafter called the village, is the unity of the legal community that has the boundary of the territory authorized to govern and of government, the interests of local communities based on Community initiatives, rights of origin, and the traditional rights recognized and respected in the NKRI system" [2].

From this sense, the village has a strategic position as a spearhead and as a benchmark in implementing and evaluating the national development integrally. In organizing the village government there is a village device that is one of which is the village consultative Agency (BPD) as an institution that carries out the function of democratic government. "The members of the BPD are representatives of the villagers who are stipulated by consensus." Law No 23 years 2014 on local government has given various changes in the direction of improving welfare to society through good service, as well as the performance of the maximum directly and transparently [3]. With the autonomy of this area the local government can pay more attention to remote areas in order to equitable development. Improving welfare in the area is directly conducted by means of equitable development such as the field of education and agriculture, especially in the right village target will grow the level of community participation.

In the village, the rules often arise in deliberations to determine who is the leader of the community involved in the BPD. The rule is an elected appointment to the person who is the leader of the community that is considered close to the village head (Kades). The consequence is the absence of ordinary folk access to participate as BPD members. The BPD function is also eliminated, which only establishes the village Regulation (Perdes) with Kades, accommodates and distribute the aspirations of the community. This is contrary to what is explained in the Invitation (UU) Number 6 year 2014 about the

village that the BPD or called by another name is an institution carrying out governmental functions whose members are representatives of villagers Territorial representation and is democratically established [2].

From this explanation can cause the question that BPD as an institution that conducts government functions cannot perform its role as a representative institution in realizing the formation of Democratic Village Regulation. It is based that to determine who the community leader involved in the BPD determines who the community leader involved in the BPD of the designation mechanism is limited to the extent to which the potential leader is close to the village head. Furthermore, in the Hierarchy of Regulation of the Village (Perdes) not include the hierarchy. On the contrary, Perdes is outside the hierarchy of legislation contained in article 8 LAW No. 12 year 2011 concerning the establishment of legislation [4]. Although the village regulation is outside the hierarchy of regulations, but the existence of the Perdes has a fixed legal force and is recognized in its presence in the legislation. The manufacturing system is at the level of Regent/mayor.

In the implementation of the village government, the BPD has a role in monitoring and requesting information about the implementation of village administration to the village government. The weak community participation and public education in the village is another side of the weak village-level democracy practice. As of now, the village elite has no understanding of village regulations, and village governance.

This is the focal point of this study. Intricately, this study seeks to answer the following research questions:

- What is the country's position in implementing democracy at the village level?
- How can the implementation of village regulation formation function by BPD represent village community aspirations?

The aims of This research is to find clarity on the position of the BPD in the implementation of democracy at the village level, and analyzing the implementation of the BPD function in the establishment of village regulations that can represent the aspirations of village people. This research is different from previous research because in this research is devoted to reviewing the implementation of the function of village regulation, and the BPD initiative in the proposed village regulation draft.

II. METHOD

The study was conducted using a normative juridical method of approach, which prioritizes secondary data as the primary source coupled with primary data as complementary. Data analysis is done qualitatively, which is based on the theory of law, concepts, doctrines and legislation-invitations.

III. RESULTS AND DISCUSSION

A. *The Position of Village Destruction in the Implementation of Democracy at the Village Level*

The Reformation and regional autonomy are actually new hopes for the government and village communities to build their village according to the needs and aspirations of society. The Reformation and regional autonomy are actually new hopes for the government and village communities to build their village according to the needs and aspirations of society [5]. For most village government apparatus, autonomy is a new opportunity that can open the space of creativity for the village apparatus in managing the village, for example all things that will be done by the village government must go through the sub district approval route, for now it is not valid anymore. This obviously makes the village government more accessible in determining the development program to be implemented, and can be adapted to the needs of the village community. In the distribution of development in the village, the government involved the participation of the community to foster awareness that basically the development of the village using the principle is done by society and for society. This public awareness will create a sense of own and a high responsibility in village development.

The development of the village will eventually be felt by the community, so that community participation can lead the village to a better direction by coaching from the local government that will positively impact the development of the village. In Law number 6 year 2014 about the village in section 54, it is explained that the village deliberation is a consultative forum which is followed by the village consultative body, the village government, and the village community element that aims to antagonist Strategic in organizing the village government [2]. In connection with village government organizers and moving communities to participate in the physical development of the village and the implementation of village administration, then every decision taken must be based on the village deliberation to achieve Joint decision.

The village government was instrumental in the development of the village in this case the village head and its ranks were given authority to take care of the territory. In government Regulation (PP) Number 43 year 2014 about implementing Regulation No. 6 year 2014, explained that the village has its own governmental organization, namely the village head and the village device [6]. Village head is the leader of village government that assisted by village device as an element of village head. In Law No. 6 Year 2014 article 61 paragraph 2 BPD is an institution of democratic embodiment in the implementation of the village government that serves to accommodate and distribute the aspirations of society, accommodating the aspirations of the community, BPD performs the task Supervision of a village head performance, and together with the village head discussing and agreeing to the village regulatory Draft (PerDes) [2].

The BPD has a joint task with the village head to plan and establish policies for implementing government and Village development. BPD is also a community representative in this matter can participate in the supervision of development and

village governance. In addition, the BPD is also obliged to facilitate the execution of village head duties. The BPD and the village head need to improve coordination enforcement in order to realize good cooperation in the Village development process.

Law Number 23 of 2014 about local government has provided various changes in the direction of improving welfare to society through good service, as well as the maximum performance in a direct and transparent, with the autonomy of this area the local government can pay more attention to remote areas in order to equitable development [7]. Improving welfare in the area is directly undertaken by means of equitable development such as the field of education and agriculture, especially in the right village target will grow the level of community participation [8]. Therefore, BPD as a consultative body whose members come from the community of the village and elected democratically. Besides performing its function as a connecting place, between the village head and the community. By the existence of the BPD is expected to deliver community aspirations in carrying out supervision tasks of village physical development in accordance with the policy of the village head in the implementation of tasks. In this case the task of the Village consultative Agency is to supervise the physical development of the village managed by the village head as the village government.

There have been so many regulations governing the village consultative Agency (BPD) without a clear implementation to be a motivation to know how the BPD's performance actually is, whether it really helps the village government in Government or just a symbol of democracy without the implementation of. Whether the existence of the BPD raises unnecessary problems, which will only consume the real energy needed by the villagers to escape the poverty and economic crises. Based on preliminary observations and information obtained by researchers that the performance of the Village consultative Agency (BPD) in Kertawangi village has been going well. This is evidenced by the re- election of the Village consultative Agency (BPD) in the previous period in its entirety so that the preliminary conclusions gained by researchers that the basic tasks and functions of the BPD in the village have been well implemented or there are other factors that support the election of BPD in Desa Kertawangi as much as two (2) periods.

B. Village Regulation Formation Function

Under Law No. 6 of 2014 about the village mentioning that, the Village Consultative Agency, hereinafter referred to as BPD, is an institution that is a democratic embodiment in the supervision of village governance as an element from the BPD function that accommodates and distribute community aspirations [2]. The Village consultative Agency is a democracy in the village. Democracy in question is that in order to organize governance and development should pay attention to the aspirations of the society that is articulated and aggregated by the BPD and other community agencies.

The Village consultative Agency (BPD) serves to establish the rules of the village with the head of the village, accommodating and distribute the aspirations of society.

Therefore, BPD as a consultative body originating from the village community, in addition to the function of functioning as a bridge between the head of village with the village community, can also be an institution that serves as the institution of representation from the community.

In connection with the function of establishing village regulations, the BPD together with the village head set the village rules in accordance with the aspirations that come from society, but not all aspirations of the community can be set in the form of regulations Villages but must go through the various processes as follows:

- Articulation is the absorption of community aspirations performed by the BPD,
- Aggression is the process of collecting, reviewing and making the priority aspiration to be formulated into the village regulation.
- Formulation is the process of formulation of village Regulation draft conducted by BPD and/or by village government.
- Consultation is the process of joint dialogue between the village government and the BPD with the community.

Material content of statutory regulations shall contain the decree of Pengayoman, humanitarian, nationality, family, propositions, Bhineka Tunggal Ika, Justice, equality in law and Government, order and legal certainty, and/or Balance, harmony and alignment. BPD as a vehicle to implement democracy based on Pancasila domiciled and become a partner of Desa government. According to Soemartono there are several types of relations between the village government and the village representative body [9]. First, the relationship of domination means in implementing the relationship first party to control the second party. Secondly, the subordinate relationship means in carrying out the relationship of the second party to mastering the first party, or the second party deliberately placing itself subject to the will of the first party. Thirdly, partnership relations means the first and second parties in which they rely on trust, cooperation and mutual respect.

In achieving the aim of the village community, each element of the village government and the BPD can perform its functions by gaining support from the local community. Therefore, by gaining support from local communities. Therefore, a partnership relationship between the BPD and the village government should be based on the philosophy [10].

- There is a parallel position between the partners;
- There is a common interest to achieve;
- The principle of mutual respect;
- Goodwill to help and remind each other.

The village is the front guard of the government system of the Republic of Indonesia whose existence is the spearhead of the implementation of democratic life in the area. The role of village community is actually a mirror of the extent to which

the rules of democracy applied in the village government as well as spearheading the implementation of democratic life for each of its citizens. According to the English dictionary, the etymology of the government is derived from the word "commandment", meaning an individual who has a duty as a command giver. The definition of government is an institution consisting of a group of people who organize a society that has different ways and strategies with the aim of the society to be well organized. Likewise, the existence of a village government that has been known for long in the government order in Indonesia even long before the Indonesian independence.

Meanwhile, in the government system of Indonesia also known as village government in the development of the village then remain known in the governance in Indonesia as the level of governance is the bottom and the spearhead governed by legislation. In addition, there are also many experts who convey the understanding about the village including Roucek and Warren who said about the understanding of the village as a form that is passed between the population and their institutions in the region Place where they live in the scattered fields and kampongs that usually become the center of all activities with the community related to each other, exchanging services, each other or participating in activities Social [11].

By placing the country consultative agency and the village government in the constellation of the village government, it will materialize a political system in the village that is built and agreed from below so that in turn will materialize government an independent and powerful village. In the perspective of district government the strong condition of the village will be very profitable for the successful implementation of regional autonomy. Thus the creation of a working relationship between the village consultative agency and the village government is agency. Between the village chief and the village consultative Agency. The Village consultative Agency is the representative of the people whose function is to control the Government of the village given the importance of the function of the village's consultative body, it should be supported efforts to always remind the quality of Its members so that it can perform its functions in the supervision of maintenance to the fullest.

In relation to the function of establishing village regulation in organizing village governance, there is often a problem that the village chief uses his authority as the head of village designing the Perdes that should be done together with the BPD working Himself and the planning of development he was working on Joint secretariat in a village with a system for both outcomes. LAW No. 6 of 2014 about the village explains that meant by village devices consist of village secretaries, regional implementation, and technical executor [2]. In addition, there is a BPD that has the function of discussing and agreeing with the draft village regulation with the village head. From this, it can be concluded that BPD as an institution that conducts government functions in the village that should cooperate with the village device in the formation of Perdes in a participatory environment by accommodating things that are aspiration Community and village community needs. However, the BPD cannot exercise its role and functions as stipulated in the LAW as it is not involved in the affairs of the village government [12].

Village Governments functioned to conduct policies made by the village head with the BPD. In accordance with the principles of democracy [13], the BPD with the village chief has the obligation to provide reports of village governance to the Regent/mayor [14]. In organizing the smallest government needs to have an institution that is able to create Check and Balance in the development of the village community, namely the institution that has a right to supervise the village government by village head is BPD as stated in Act No. 6 of know what difficulties encountered by the executive to be taken Corrective steps [15].

With supervision, the task of the executive or village head can be tighten because the executor may not be able to see the possible mistakes that have been made in the bustle of the day. Supervision is not to seek error but to correct the mistake. [16]. Village regulation is a form of regulation issued by village government as district makes local regulations. Village regulations are set by the village head with the BPD. The village regulations are set up in order to conduct village governance which is a further description of the higher legislation with regard to the socio-cultural condition of local villagers [14].

The function of this legislation appears in the implementation by the BPD in the following cases:

1) *Formulating village regulations together with village governments:* The processes undertaken by the BPD and the village chief in formulating the village regulations are as follows:

- Village government (village head and device village) invited BPD members to convey the intention of forming village regulations by presenting the proposed village rules.
- BPD first proposed the design of village regulations, as well as the village government that also proposed the design of village regulations.
- BPD provides input or proposal to complement or improve the design of the village regulations.
- The chairman of the BPD conveyed the proposal to the village government to be Scheduled,
- The BPD held a meeting with the village government for approximately one to two times for mutual opportunities

IV. CONCLUSION AND RECOMMENDATION

A. Conclusion

- The BPD position is a democratic embodiment in the village, which has joint duty with the village head to plan and establish policies in implementing government and Village development. BPD is also a community representative in this matter can participate in the supervision of development and village governance. In addition, the BPD is also obliged to facilitate the execution of village head duties.

- BPD as a consultative body derived from the village community, has the function of one of the functions of establishing a village regulation which serves as a representation institution of society. In connection with the function of establishing village regulations, the BPD together with the village head set the village rules in accordance with the aspirations that come from society, but not all aspirations of the community can be set in the form of regulations Villages but have to go through various processes, among others the process of articulation is the absorption of community aspirations conducted by the BPD.

B. Recommendation

- It is hoped that the BPD can exercise its role and functions as stipulated in the ACT, meaning that the village chief must always involve the BPD in the affairs of the village government, and the BPD must be proactive to carry out its functions in order to keep check and balances done.
- BPD has been more proactive in proposing the initiative of village regulation formation that originated in village community. very important and able to create a working partner relationship, not the opposition.

REFERENCES

- [1] Undang – Undang Dasar 1945.
- [2] Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 Tentang Desa.
- [3] Undang-Undang Republik Indonesia Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.
- [4] W. Sasongko, Sejarah Tata Hukum Indonesia, 2013.
- [5] M. Isufaj, “Decentralization and the Increased autonomy in Local Governments,” *Procedia-Social and Behavioral Sciences*, vol. 109, pp. 459-463, 2014.
- [6] Peraturan Pemerintah Nomor 43 Tahun 2014 tentang Peraturan Pelaksana
- [7] Undang-Undang Republik Indonesia Nomor 23 Tahun 2014 tentang Pemerintahan Daerah
- [8] J.H. Armstrong, “Modeling effective local government climate policies that exceed state targets,” *Energy Policy*, vol. 132, pp. 15-26, 2019.
- [9] Sumartono, “Kemitraan Pemerintah Desa dengan Badan Permusyawaratan Desa dalam Penyelenggaraan Pemerintahan Desa,” *Jurnal Ilmiah Administrasi Publik*, 2006.
- [10] S. Wasistiono and M.I. Tahir, *Prospek pengembangan desa. Fokusmedia*, 2006.
- [11] J.S. Roucek, S. Simamora, and R.L. Warren, *Pengantar sosiologi. PT. Bina Aksara, Jakarta*, 1984.
- [12] M. Hapsara, A. Imran, and T. Turner, “Beyond organizational motives of e-government adoption: The case of e-voting initiative in Indonesian villages,” *Procedia Computer Science*, vol. 124, pp. 362-369, 2017.
- [13] M. Colagrossi, D. Rossignoli, and M.A. Maggioni, “Does democracy cause growth? A meta-analysis (of 2000 regressions),” *European Journal of Political Economy*, 101824, 2019,
- [14] H. Nurcholis, *Pertumbuhan & penyelenggaraan pemerintahan desa. Erlangga*, 2011.
- [15] Y.W. Sunindhia, *Praktek Penyelenggaraan Pemerintah di Daerah, Rineka Cipta, Jakarta* 1996,
- [16] J.R. Kaho, L.N. Bayo, U. Parlindungan and U.N.E. Jamson, “Analisis hubungan pemerintah pusat dan daerah di Indonesia,” *Center for Politics and Government (PolGov), Fisipol UGM*, 2012.