

Analysis of the Nagari Government's Readiness Situation in Implementing Local Regulations on Nagari

Artha Dini Akmal^{1(*)}, Hasbullah Malau²

¹ Department of Public Administration, Universitas Negeri Padang, Indonesia

² Department of Public Administration, Universitas Negeri Padang, Indonesia

(*)✉ (e-mail) arthadiniakmal@fis.unp.ac.id

Abstract

From 2007 the guidelines for the implementation of the Nagari government refer to the Regional Regulation of West Sumatra Province Number 2 of 2007 concerning the Principles of Nagari Government. In this regulation, 3 institutions regulate the implementation of the Nagari Government, namely 1. bamus / BPRN (Nagari People's Representative Body), 2. KAN (Nagari Indigenous Density), 3. Nagari Government. For more than 10 years this regulation is the basis of the implementation of the Nagari government. But in 2018 a new regional regulation emerged, namely the Regional Regulation of the Province of West Sumatra number 7 of 2018 concerning Nagari, this regulation emerged with the consideration that the previous regulation was no longer relevant to developments in West Sumatra. The Nagari Traditional Court as a new institution is a judicial institution, this has become an interesting spotlight because it raises the question of whether the Nagari government is ready to implement it. The purpose of this research is to get a picture of the situation that will occur in the Nagari government related to the large changes that occur in the institutions in the Nagari Government itself. And to find out how the preparation and readiness of the Nagari government in implementing Regional Regulation No. 7 of 2018. Based on the results of research that has been carried out in three villages in the Agam Regency and Tanah Datar District, Nagari Regency is not yet ready to implement Regional Regulation No. 7 of 2018. This is because this regulation is still in the stage of socialization and no derivative rules are governing the technical implementation of this regulation in the scope of the Regency. For the internal readiness of the Nagari itself, it still requires very complex preparations, especially in terms of the human resources that will implement this regulation. Thus there are still many preparations that must be made by the Nagari government to prepare themselves to the traditional Nagari as determined by the West Sumatra provincial regulation on the Nagari.

Keywords: *situation analysis, Nagari government, policy implementation*

Introduction

The implementation of the Nagari government is the same as the village administration, but in the institutional administration, the Nagari government adds an adat institution namely KAN (Nagari Adat Density). The implementation of the Nagari Government was guided by the Regional Regulation of West Sumatra Province Number 2 of 2007 concerning the Principles of the Nagari Government. Of the regulations that have been implemented from 2007 in the Nagari government, there are 3 institutions, namely: Nagari Government, BPRN / BAMUS (Nagari people's Consultative Body), KAN (Peraturan Daerah Provinsi Sumatera Barat Nomor 2 Tahun 2007 Tentang Pokok - Pokok Pemerintahan Nagari, 2007).

The Nagari government in Act No. 6 of 2014 concerning villages, explained that the Nagari government had the same position and position as the village government. But in the implementation of the Nagari government organization, it has differences with the village administration. In his article entitled Views on Law No. 6 of 2014 concerning Villages and their Relation to Nagari Mas'oe'd Abidin said, suggestions that need to be considered in the concept of making a Regional Regulation on Nagari

should be emphasized more philosophically (Undang-Undang Nomor 6 Tahun 2014 tentang Desa, 2014).

According to regional regulation number 2 of 2007 concerning the principal of Nagari governance, Nagari is a customary law community unit that has certain territorial boundaries, and has the authority to regulate and manage the interests of local communities based on Minangkabau traditional philosophy (Adat Basandi Syarak, Syaris Basandi Kitabullah) and or based on the origin and local customs in the territory of the Province of West Sumatra (Peraturan Daerah Provinsi Sumatera Barat Nomor 2 Tahun 2007 Tentang Pokok - Pokok Pemerintahan Nagari, 2007). Nagari Government is the administration of Government affairs carried out by the Nagari Government and the Nagari Consultative Body based on the origins of Nagari in the territory of the Province of West Sumatra within the Government of the Unitary State of the Republic of Indonesia.

Whereas according to regional regulation number 7 of 2018 it says that the purpose of stipulating this Regional Regulation is as a guideline for Regencies / Cities in the formation of Nagari as administrators based on Customary Law by statutory regulations (Peraturan Daerah Provinsi Sumatera Barat No 7 Tahun 2018 Tentang Nagari, 2018) . The purpose of the enactment of this Regional Regulation is that Nagari, as a genealogical and historical Customary Community Union, has boundaries in certain territories, has its assets, has the authority to regulate and manage the interests of the local community and elects or appoints its leaders, able to organize government based on rights the origin and customary law. The scope stipulated in this Regional Regulation covers the composition of Nagari's Institution, Filling in Position and the Term of Office of Kapalo Nagari, in the administration of Nagari Government based on Customary Law.

The new regulation emphasizes that the Nagari government must add institutions in its organization with legal institutions to make the Nagari an organization by adat provisions (adat law). Nagari governments everywhere must prepare themselves for these changes so that the objectives of implementing the new regional regulation are achieved.

For more than 10 years this regulation is the basis of the implementation of the Nagari government. These three institutions have also worked by the provisions of the main tasks and functions stipulated in the regulations. This is proven by Artha Dini Akmal, et al's research on public policy formulation, in this research it is seen how these three Nagari institutions work very well together in conducting policy formulation at the Nagari level.

In 2018 a new regional regulation will appear, namely West Sumatra Province Regional Regulation number 7 of 2018 concerning Nagari, this regulation will replace regional regulation number 2 of 2007 and serve as a guideline for the implementation of the new Nagari government. This regulation arises with the consideration that the previous regulation was no longer relevant to developments in West Sumatra, but until now this regulation has not been implemented because it is still waiting for the readiness of the villages in West Sumatra. In Regional Regulation No. 7 of 2018, it still regulates the implementation of the Nagari government and its implementing institutions, but there are changes to the organizing institutions, namely: Nagari Government, Nagari Customary Capacity, Nagari Customary Court (Peraturan Daerah Provinsi Sumatera Barat No 7 Tahun 2018 Tentang Nagari, 2018).

To answer the changes that occurred in West Sumatra, a new institution was formed, namely the Nagari Customary Court, but BPRN / BAMUS was abolished, the institution at the level of education remained three, while the role of BPRN / BAMUS as the legislative body was replaced by KAN. The Adjunct Court of Nagari as a new institution is a judicial institution that has never existed before in the Nagari government, this has become an interesting spotlight because it raises questions as to whether the Nagari government is ready to implement it.

It is this change in implementation guidelines that underlies researchers to further look at the situation analysis of the implementation of this new regional regulation and see how the Nagari

government is prepared to implement this regional regulation. Then several questions emerge from this study, namely: How is the readiness of the Nagari government implementing regional regulation no. What is the picture of the situation that occurred in the Nagari government after regional regulation 7 of 2018 was implemented?

According to Dunn (2003), the situation is a person's perception and interpretation of social factors that occur at certain times. According to Anderson,(1970). Defines the situation as all the main factors for places and

situations that are not according to one's knowledge (intra-individual) and stimulation (choices) and have systematic evidence and influence on the current behavior (Frinaldi & Ali Embi, 2015).

Situation analysis is the stage of data collection taken before designing and planning a program. Situation analysis aims to gather information including types and forms of activities, parties or public involved, actions and strategies to be taken, budget (Totok & Poerwoko Soebiato, 2019).

In the analysis of the situation that the researchers will see relates to the situation that will occur in the Nagari government if the regional regulation of West Sumatra province number 7 of 2018 is implemented. Nagari government is now very comfortable with the rules outlined by local regulation No. 2 of 2017, and now in the new regulation, the Nagari government must adjust its bureaucratic structure to the new rules. The purpose of the implementation of this new regulation is that the Nagari government further enhances the role of adat in the organization by making KAN a legislative institution in the Nagari government.

This situation is what researchers will see in the village today because regional regulation number 7 of 2018 has not yet been implemented. It is feared that this will become an obstacle for the Nagari government, due to the unpreparedness of the Nagari governance both in terms of bureaucracy and in terms of its human resources. The results of this research will give an idea of how the condition of the Nagari after this regulation is implemented so that the obstacles to be faced can be minimized properly.

The process of implementing this policy will later influence the social situation, the implementation of public policies relating to communication of resources, dispositions and bureaucratic structures will certainly bring changes to the Nagari governance situation and this will affect how the village Nagari government goes in the future.

Method

This type of research is qualitative research, according to Sugiyono (2012) qualitative research method is a research method based on the philosophy of post-positivism, used to examine the natural conditions of objects. Qualitative research can be used to uncover and understand something behind a phenomenon (Strauss, A. dan Corbin, 2007) . Holistically and descriptively in the form of words and language, a special natural context and by utilizing various natural methods (Moleong, 2017). This method is used to produce the collected data and the analysis is more qualitative in the form of written and oral words from the parties concerned.

Results and Discussion

The Government of West Sumatra Province appreciates the freedom of regional autonomy granted by the Central Government by regulating its government by the Minangkabau adat. Babaliak Ka Nagari is one of the programs of implementing regional autonomy in West Sumatra, from here the word village was changed to Nagari. Nagari At another level it is the same as the village but the procedure is slightly different. From 2007 the guidelines for the implementation of the Nagari government refer to the Regional Regulation of West Sumatra Province Number 2 of 2007 concerning the Principles of Nagari Government. This regulation regulates how to implement the village government, the institutions that exist in the village government and its main tasks and functions. In this regulation, 3 institutions

regulate the implementation of the Nagari government, namely 1. Bamus / BPRN (Nagari People's Representative Body), 2.KAN (Nagari Indigenous Density), 3. Nagari Government.

For more than 10 years this regulation is the basis of the implementation of the Nagari government. However, in 2018 a new regional regulation emerged, namely the Regional Regulation of the Province of West Sumatra number 7 of 2018 concerning Nagari, this regulation emerged with the consideration that the previous regulation was no longer relevant to developments in West Sumatra, but until now this regulation has not been implemented because it still waiting for the readiness of the villages in West Sumatra. In Regional Regulation No. 7 of 2018, it still regulates the implementation of the Nagari government and its organizing institutions, but there are changes to the organizing institutions, namely 1. Nagari governance, 2. Nagari adat density, 3. Nagari adat court. The Adjunct Court of Nagari as a new institution is a judicial institution that has never existed before in the Nagari government, this has become an interesting spotlight because it raises questions as to whether the Nagari government is ready to implement it. It is this change in implementation guidelines that underlies researchers to further look at the situation analysis of the implementation of this new regional regulation and see how the Nagari government is prepared to implement this regional regulation.

The purpose of this research is to get a picture of the situation that will occur in the Nagari government related to the large changes that occur in the institutions in the Nagari Government itself. And to find out how the preparation and readiness of the Nagari government in implementing Regional Regulation No. 7 of 2018.

Regional regulation of West Sumatra province number 7 of 2018 concerning Nagari has been ratified but not yet implemented. The implementation of this regulation is still waiting for technical regulations from the district. However, this policy communication has been socialized by the provincial government to the district government, and the district government has begun to make derivative or technical rules. From the district government to the Nagari government, socialization about this regulation has also been carried out

The socialization by the regency was carried out in the form of an FGD, and in the FGD the wali Nagari conveyed that, this policy was welcomed by the Nagari in the Agam district including the Pakan Sinayan Nagari. Even in Tanah Datar Districts, they have conducted socialization, but they are still in the form of exposure from the Tanah Tanah district government. From the results of the interview above, we can understand that the policy communication from this regulation has only reached the stage of socialization, although this regulation has been passed since 2018 ago.

Resources in this policy are aspects that are affected if this policy has been implemented because there is a lot of exchange of expertise from the resource itself, there are 2 large institutions that have changed in this regulation namely KAN and Bamus / BPRN. In the new regulation, it said that KAN would be converted into a legislative body and that the Bamus / BPRN would no longer exist. Therefore it can be said that resources are the aspects that are affected in this regulation.

KAN, which has been acting as an institution that regulates adat, will change its function to become a legislative body, and this is a very big change. Also, there will be a new institution, namely the adat court of the Nagari, which also requires qualified human resources in the fields of state and customary law. This is a very difficult job for the Nagari government, being one of the factors the Nagari government is not ready to implement this regulation.

This illustrates that HR is a big job for policymakers in carrying out their policies if HR is not prepared properly it is likely that this policy will fail. This policy does not yet have a derivative policy, which results in this regulation not yet being implemented. Derivative policies or technical policies for the implementation of these policies were proposed by the district government, which would later be implemented by the Nagari government. However, up to the time of the interview, there were no districts that had finished with their technical policies

Considering this policy has been adopted from 2018, it can be said that the policy disposition is too late. The district government and the Nagari government themselves are not yet ready to be a significant obstacle in implementing this policy. This policy should have been implemented shortly after it was ratified.

The bureaucratic structure of the Nagari government which originally consisted of 3 large institutions namely the Nagari Government, KAN and Bamus / BPRN will be replaced by the Nagari Government, KAN (as a Legislative institution), the Nagari Customary Court (Judiciary). In other words, Bamus / BPRS has disappeared or has been deleted. Changes to the structure of the bureaucracy will bring big changes to the Nagari government.

With the loss of BPRN this will have a serious impact, moving resources that are all in BPRN will be difficult work, because so far they have been working at their fields, and now there are new demands on them and this requires increased capacity in the management of the new village government later.

With major changes to the bureaucratic structure in the Nagari government, this will bring about a very fundamental change, that the Nagari government really must use adat in the administration of the Nagari government. Which so far have only exchanged names with the village government, the Nagari government must be able to show its characteristics so that the Nagari administration can truly be said to be a representation of the implementation of the Minangkabau adat.

The new institution that emerges within the Nagari governance structure is the adat court of the Nagari, which does not seem to be a serious problem for the two Nagari that have been investigated because of the Tabek Patah Nagari and Pakan Sinayan both have the traditional judicial institutions that have also been running.

The social situation in this study leads to the readiness of the Nagari government in implementing this policy, many social changes will occur after the implementation of this regulation. This social situation is not only felt by the ranks of the Nagari government but also by the community in general. The community must also understand this regulation and the consequences that will occur if this regulation is implemented. But in this case, it turns out that this policy is a policy of choice, for the Nagari who feel able to run it will use a new policy for those who will not continue using the old rules. As the guardian of Nagari Feed said:

In the socialization that has been carried out by the Government of Agam Regency, said that regulation No. 7 of 2018 concerning Nagari is a regional regulation of choice, that not all Nagari in West Sumatra Province must implement this local regulation. Nagari who feel they are able and willing to implement this regional regulation may be implemented, but for those who have not been able to, they can still use the old regulation as a guideline for the implementation of their government.

In this case, the selection of the Nagari uses the adat Nagari or is not chosen by the respective Nagari, not by the district government, each regency government still provides technical regulations on the implementation of the provincial regulation number 7 of 2018 but the Nagari still has the choice of wanting to use new or old regulations.

The Pakan Sinayan Nagari government itself will decide to adopt a new local regulation and become adat Nagari after seeing the technical local regulation from the regency later. One of the advantages of changing to an adat Nagari is to make the Nagari a more authoritative institution because so far the Nagari is under the district but the Nagari is the smallest executive institution whose leaders are directly elected by the community, while the district is not.

But related to this regulation is that the regulation of choice is unknown to the government of the Tabek Patah village, which considers this rule the rule that must be used by every Nagari. But basically, this rule can be chosen whether to use it or not. It depends on the social situation that exists in each village, it also depends on the HR that will run it.

Many obstacles faced in implementing this regulation include the problem of the formulation of the adat Nagari itself, the purpose of the adat Nagari is still unclear if based on provincial regulations, the technical regulations of the district government will be resolved. The next problem is to use adat institutions as guidelines for implementing the Nagari, this will be very difficult while we have always relied on central regulations, now we are using adat as guidelines for implementing the government, this will create its difficulties. In terms of HR, it still needs a lot of depth and provision in implementing this regulation.

It is planned that by 2020 technical regulations will be finished in Agam reGENCY and will be implemented in the Nagari which will be the pilot project. The implementation of this regulation will also have many Obstacles from the customs that will be used in the Nagari, for example in the traditional Pakan Sinayan between the western and eastern parts of the Nagari, this is a problem for the implementation of this local regulation, whether the customs that will be used dominantly to the west or east. This will be a long debate by the people who will participate in carrying out this regulation.

For preparation, nothing can be prepared by the Nagari because this policy was made top down so the Nagari government will only wait for instructions from the district, if there is order then we will only proceed. The strategy that can be used in implementing this regulation is related to the use of adat based on the rights of origin and local wisdom, by following the local wisdom of the local Nagari it might be easy for the Nagari government to carry out this regulation because the basis is indeed local wisdom.

The thing to note is in interpreting the philosophy in choosing the basis of the customary Nagari that will be created. Capacity building in the area of adat, governance of financial administration and local regulations at the application level is indispensable in implementing these regulations.

Types and types of activities to be taken by the Nagari government are carrying out the choices outlined by the regulations, the Nagari who feel able to carry out this regulation may run it, if they do not feel ready then they can run the Nagari government as before. But in this case, there will be an imbalance in the Nagari in West Sumatra, there is a Nagari that enforces the Nagari regulations with the old and the new rules, this is a new problem faced if these rules are implemented later. It seems that this policy still requires a long time for all Nagari to be ready and able to carry it out, and there needs to be a better approach if this rule is expected to run well.

The parties /publics involved in implementing this policy are all aspects of government and society in the Nagari government, the Nagari government is the one who receives the most influence from the implementation of this policy, therefore the preparations that need to be done well are at the Nagari government level. Nagari government must prepare all possibilities if this rule is applied later. Starting from changing the structure, the main tasks and functions to search and find new resources in the Nagari government. Nagari must pay attention to the new institution that emerges, namely the adat court of the Nagari, of course, people who will be in this institution must be divided into customary law and state law. In practice, customary law and state law are not allowed to clash, and this will certainly cause new problems.

The actions and strategies to be taken by the Nagari government in implementing this policy are to prepare all available resources moreover with their human resources. The changes that occur in the Nagari government are not small, the institutions are overhauled and people who previously will also be overstated in new institutions. The district and provincial governments certainly cannot remain silent if this regulation is implemented later. The reGENCY and provincial government must be prepared with all the coaching that will be carried out to the Nagari government.

The budget is certainly not an issue that must not be considered in implementing a policy. The village/village budget is already available, but the allocation is certainly not only for the implementation of this regulation. The Nagari government budget may need to be better designed so that all Nagari

needs are met, and incentives for Nagari management must also be met. Because now we both know that incentives for village administrators are still far from standard. Moreover, the Nagari government will need professional staff in carrying out this Nagari government.

Conclusions

From the discussion above it can be concluded that of the two Nagari states that they are not ready with the implementation of regulation in West Sumatra Province number 7 of 2018 concerning this Nagari, this is because in the regency of Agam and flat land do not yet have a derivative regulation from the regency government on the technical implementation of the provincial regulations. The provincial regulation only regulates general rules that the Nagari will be held on an adat basis for Nagari who are willing to carry out, and the technical regulations will be regulated in the form of regional regulations at the district level. As mentioned above, this regulation has indeed been socialized by the two regencies to their Nagari, but the formulation of this derivative regulation has not yet been completed and is still in the formulation stage. This obstacle is also caused by the recent political party which has taken up a lot of time of the legislative members, and not a few members of the legislature who have exchanged. This causes delays in formulating the derived rules. It is hoped that after the obstacle is over, it is hoped that the regional level II government will soon complete its derivative regulations so that regional regulation number 7 of 2018 can be implemented. Because according to the rules of implementing the policy implementation, the implementation of this rule is too late, because it should have been passed after the rule was implemented immediately. Customary Nagari as outlined by this regional regulation will change the implementation of the Nagari government which was previously held in line with the central law, and now the Nagari government can carry out its government by the customs of each other's Nagari and local wisdom.

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