

## Law Number 6 Year 2014 Concerning Village; Opportunities for Institutional Strengthening and the Existence of Village Autonomy

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### Abstract

*The regulation of village existence through Law no. 6 of 2014 must be acknowledged as providing opportunities for the growth of village autonomy. A number of pressures in several articles provide discretion that allows village autonomy to grow along with several conditions that must be considered by the village government, village communities. UU no. 6 of 2014 at least encourages its autonomy to make all affairs that have been recognized and respected by the state, plus local scale affairs not just for display, but the accumulation of all assets that allow the village to get richer with the capital it has. This research uses a qualitative approach with case studies as a research strategy. Data were obtained from interviews and Focus Group Discussions (FGD) by presenting key informants and also supporting informants from the village government, community leaders and also traditional and religious leaders in Padangsidempuan City. The concept of village development, known as bottom-up development, places the village as a pillar of national economic development. This concept then forces the village to continue to prepare itself in order to achieve village autonomy and independence. Institutional strengthening can be seen from community institutions being given space in planning and implementing development in the village. This shows that Law no. 6 of 2014 has provided space for the community in determining the direction of village development.*

### Keywords

village autonomy; institutional strengthening; law number 6 of 2014 concerning villages



## I. Introduction

The regulation of village existence through Law no. 6 of 2014 must be acknowledged as providing opportunities for the growth of village autonomy. A number of pressures in several articles provide discretion that allows village autonomy to grow along with several conditions that must be considered by the village government, village communities, regional governments and central government. These conditions are important to be the main concern if you do not want to see the condition of the village getting worse and worse. From the aspect of authority, there is additional village authority in addition to authority based on origin rights as recognized and respected by the state. It appears that the principle of subsidiarity that underlies the village law provides flexibility in determining local-scale authority and making decisions locally for the benefit of village communities.

The authority of the village in Law no. 6 of 2014 has received a large amount of appreciation, which allows the two main principles contained in the Village Law as well as distinguishes it from various previous laws related to village government, namely the principle of recognition and the principle of subsidiarity. Technically, the recognition

principle can be understood as an acknowledgment of the right of origin. Then the principle of subsidiarity is defined as the determination of local-scale authority and local decision-making for the benefit of the village community strategically.

Based on this regulation, it is not surprising that many parties are very optimistic about this new Village Law. Mainly in viewing that the recognition principle in this legislation contains a much broader understanding than state recognition in the discourse of multiculturalism. Village community institutions are tasked with empowering village communities, participating in planning and implementing development, and improving village community services. (Angelia et al, 2020)

On the one hand, this foundation can guarantee the protection of the state for the fairness of the status and position of all identities in the village. However, on the other hand, it still recognizes the diversity and uniqueness of each identity in the village. The principle of empirical recognition includes an understanding of economic redistribution from the state to villages in the form of village fund allocations which are transferred directly from the State Revenue and Expenditure Budget (APBN). As well as the Regional Revenue and Expenditure Budget (APBD) to the village treasury on an ongoing basis from year to year whose budget is adjusted. Furthermore, the Village Law has introduced a very basic aspect of reform for the village autonomy space to regulate government and community affairs itself,

Village-scale local authority is the authority to regulate and manage the interests of village communities that have been carried out by the village or are able and effectively carried out by the village, or that arise due to village developments and village community initiatives, including boat moorings, village markets, public baths, canals, irrigation, environmental sanitation, integrated service posts, art and learning studios, as well as village libraries, village meetings and village roads. The consequence of the increase in authority allows the village to develop its autonomy for the benefit of the local community. The implication is that villages can use financial sources from the state and local governments to develop all existing, emerging, and a number of other authorities that may be assigned from the supra-village. To support the implementation of these powers, villages and village heads have broad authority to develop genuine autonomy through available financial resources. The sterilization of villages from village officials who come from civil servants is a momentum for the village government to develop its autonomy according to the desired plan without fear of being heavily censored by the village secretary.

In addition to authority based on existing rights of origin and local village-scale authority, all additional powers assigned by the regional and central governments are only possible if accompanied by clear financing. In this regard, the village law stipulates that village financial sources generally come from the APBN, APBD, PAD and other legitimate sources. If it is estimated that the government is able to disburse 10% of the total APBN to each village, plus 10% ADD from Taxes/Retribution/DAU/DBH, plus Village Original Income and other legal donations, then each village is likely to manage funds above 1 billion per village by 72,944 villages in Indonesia. With relatively sufficient financial resources compared to the quantity of affairs to be carried out,

This fact at least encourages the autonomy it has to make all affairs that have been recognized and respected by the state, plus local scale affairs not just for display, but the accumulation of all assets that allow the village to get richer with the capital it has. Original sources originating from the village can be used to improve public services so that the community can be more efficiently and effectively served by the village government. The implementation of village government so far illustrates the low support for facilities and infrastructure so that services in the village are not optimal.

## II. Research Methods

This study uses a qualitative approach with case studies as a research strategy. The use of each research method depends on three things, namely: first, the type of research question; second, the control the researcher has over the behavioral events he will study; and the third focus on the phenomenon of his research concerning current phenomena or historical phenomena. Case studies are more suitable if the research question relates to how or why. This research was also conducted by conducting in-depth interviews with several key informants and key informants. In addition, to support objective research results based on factual events occurring in the field, the researcher also conducted a Focus Group Discussion (FGD) by presenting key informants and also supporting informants from the village government, community leaders and also traditional and religious leaders in Padangsidempuan City.

## III. Discussion

In many respects the village must be admitted to be lagging behind in various aspects due to the low support of the Regional Government even in the spirit of autonomy. Meanwhile, financial sources originating from the APBN can be directed to the interests of village development. Of course, in addition to development allocations from the government, villages can accelerate infrastructure development in the long term so that sustainable village development occurs. The reality of the village so far shows that weak economic growth, high poverty and unemployment have reduced the competitiveness of villages compared to cities.

Sources of state finances at least have the opportunity to encourage rural economic growth so that they are not far behind compared to cities. Even so, the allocation of the APBN is not a manifestation of the local state government approach alone, but rather is the responsibility of the state mandated by the constitution. Likewise, the APBD allocation is not a manifestation of the local self-government approach alone, but is an order from local government laws. So, even though the village in this law is a self-governing community, the state and local government are still responsible for recognizing, respecting and maintaining the continuity of government, development and community empowerment in the village.

The form of state recognition of the village can be seen from the recognition of the reality of the diversity of villages in various regions (the principle of recognition). While the concretization of the state's respect for the village is the opening of the faucet for direct state allocation which will be managed by the village (the principle of subsidiarity). Even though the use of these two principles is preceded by constitutional recognition of the diversity and boundaries of villages in a general sense (village, traditional village and or other names), at least they become a concrete foothold in further village regulation at the respective regional level.

Regarding the organizational posture of the village government, the boundaries of village government consist of the village head and village officials only without the position of the Village Consultative Body (BPD). These limits are different when compared to the regulation in PP No. 72 of 2005, where the village government consists of the village head and the BPD.

The separation of the position of the village head and his apparatus from the BPD allows the village government to be more effective in implementing village autonomy in addition to the obligations of the supra-village. Experience shows that the collectivity of the village head and the BPD as an element of village administration is difficult to implement because the two institutions are not always in line in setting and implementing policies. The

separate position of the BPD allows the village government to more freely manage and manage their own household without the strict supervision of the BPD, which has been relatively difficult to live in a room with the village government.

The bias from such conditions often makes villages less dynamic, even static because they wait for protracted approval. In addition, such separation aims to create a more modern village government, where politically there is a differentiation between policy designers (BPD) and policy implementers (village heads). The BPD at least represents the people who are democratically elected to discuss a policy before it is implemented by the village government. Village policy starts from the planning, implementation and evaluation stages.

Village planning is a medium-term plan that is described in the form of an annual development plan. Village planning can be developed in line with the periodization of the leadership of the village head which can reach three times for six years each. This means that village mid-level planning can run for 18 years depending on the electability of the village head. Thus, during a relatively longer period of time compared to a regional head who only had two terms, the village itself had the opportunity to put planning in a sustainable manner through priorities that were agreed with the local community.

Within the framework of implementing development, villages need active community participation. Opportunities for the development of democratic village autonomy seem wide open where the community has the right to obtain information, monitor and report all activities that are considered less transparent to the village government and BPD. This kind of process is a form of democratic participation learning through a cycle of planning, implementation and evaluation of development in the village. Thus, a bottom-up mechanism is created which is in fact, not the engineering of village development deliberation as has been the case so far. Village development so far has not shown significant results because it is not clear where the supporting sources come from. The proper allocation of village funds seems to depend on the generosity of the local government. Meanwhile, village original income has dwindled to nothing due to the pervasiveness of local regulations into the most strategic village areas. In this regulation, village development is expected to be supported through village assets, including village financial sources and Village Owned Enterprises (BUMDes).

Village assets can be in the form of village treasury land, communal land, village markets, animal markets, boat moorings, village buildings, fish auctions, agricultural products auctions, village-owned forests, village-owned springs, public baths, and other assets belonging to the village. The source of village finance comes from the village's original income, the state, the regional government and other legitimate income. Meanwhile, BUM Desa can be used for business development, village development, village community empowerment, and providing assistance to the poor through grants, social assistance and revolving fund activities stipulated in the Village Revenue and Expenditure Budget. Village development also includes efforts to develop village areas with the aim of accelerating and improving the quality of services, development and community empowerment. Villages have the right to be involved in local government macro planning so that villages are not merely objects of development. In addition, the village has the right to obtain access to information that can be managed for the interests of the relevant stakeholders. This supports the creation of a more transparent government process within the framework of good governance. More than that, the opportunity for developing autonomy allows villages to expand development through a mutually beneficial strategy of cooperation with other villages.

The cumulative amount is around Rp. 1.2 billion to Rp. 2 billion each village according to the conditions of poverty, area, infrastructure, and the level of difficulty of the village terrain. Third, the allocation of Village Funds nationally always increases significantly every

year. In 2015 it was allocated Rp. 20.77 trillion, increased to Rp. 46.98 trillion in 2016, and in 2017 and 2018 the allocation again increased to Rp. 60 trillion, and in 2019 it is planned to increase to Rp. 80 trillion. Fourth, in accordance with Nawacita number three of the Joko Widodo-Jusuf Kalla government, namely building from the periphery, many programs targeting rural areas, ranging from infrastructure programs, education, health, economic development, and others. Fifth, the village government has facilities for village assistants, whose existence is attached to Law UU no. 6 of 2014 concerning Villages.

There are two common pitfalls in village development. First, the work of the village government tends to mainstream infrastructure development. The reason is that physical activity results are easier to see and can be used as a village political campaign commodity for village heads during the next village head election. In addition, there seems to be a lot of creativity in the village government that needs to be stimulated with best practices for village development in many fields in developed and independent villages.

Second, the rules related to village technocracy concerning governance, empowerment, development, and village development are still very complicated. Moreover, administrative issues in the administration of the Village Fund. Many village activists complain about this aspect. They said that the village had been given the authority and funds but was still shackled with complicated rules and tortured the village government.

At some point, it caused many village governments to get caught up in technical difficulties. The potential and energy of village assistants is also depleted on technical problems that the government can actually anticipate in the upstream aspect. The assistant then is just like a line judge who is the spokesperson for complicated village administration rules.

The potential of village assistants to be partners with village governments in generating and encouraging visionary, progressive, innovative, effective, and efficient ideas in developing Indonesia's villages is then collided with administrative fears which certain parties often convert into tools to subdue the village.

In addition, until now the position of assistant is subordinate to the village head. Its existence is like a consultant provided by the government but still has to submit to the village head. The work is assessed by the village head and to disburse the honorarium, the timesheet for the companion work must be approved by the village head. This causes the relationship between the village head and village assistants to be unequal. This condition makes it difficult to realize a productive dialogue and produce innovative and progressive ideas.

UU no. 6 of 2014 mandates villages to utilize existing village community institutions in assisting the implementation of the functions of implementing village government, implementing village development, fostering village community, and empowering village communities.

Community institutions are given space in planning and implementing development in the village. This shows that Law no. 6 of 2014 has provided space for the community in determining the direction of village development. However, socialization regarding the implementation of Law no. 6 of 2014 at the community level is still not maximally carried out. This is confirmed by the statement of the informant as well as one of the traditional leaders in the traditional village of Padang Sidempuan City:

“In terms of involvement, all the people in our village would want to participate, but our village can be said to be a remote village and the average level of education of the community is still low. So, as I said earlier, many people do not understand about this newly passed law, so we need to explain this to them again.”

The lack of information obtained by the community will result in the community being more passive in the context of village planning and development. Therefore, the village

government must seek to increase the understanding of the community towards the implementation of Law no. 6 of 2014.

To develop and at the same time maintain existing local/rural institutions and have been rooted in people's lives so that their existence becomes an inseparable part of the life of the village community as a whole. Efforts for this as mandated by law can be done by first identifying the pattern and form of government that is potentially adopted in each existing village based on its characteristics. Attention to social structures and cultural institutions that are very important in supporting the success of development at the village level. The results of observations and interviews show how agriculture and plantations are the main commodities of people's livelihoods.

The concept of village development, known as bottom-up development, places the village as a pillar of national economic development. This concept then forces the village to continue to prepare itself in order to achieve village independence. Not only in the aspect of village governance, is the village community also included in it. However, it must also be noted that village development is also difficult to do without being supported by investment from the central and regional governments. The investment here is in the context of infrastructure development and other developments that are the domain of the Central and Regional Governments, such as population policies which are the domain of the Central Government and the allocation of local tax and retribution management owned by the provincial and district/city governments. The control function of the district/city government over the implementation of policies in the village must also be actively carried out. Regencies/cities have the control authority regulated in Law no. 6 of 2014 where the control function is delegated from the Central Government to the local district/city government.

UU no. 6 of 2014 concerning Villages can also be seen as one of the regulations that is quite complex in looking at the real conditions of villages in Indonesia. This can be seen in the articles in it which place the culture and other values that exist in the village so that they have a clear legal umbrella. These other cultures and values are also placed as entities that must be developed in village development efforts so that it is clear how Law no. 6 of 2014 wants every village to develop according to its culture and values.

At the village level, local institutions which previously did not have a large role and tended to be passive in village development efforts, received a larger portion in Law no. 6 of 2014. Through strengthening the function of the Village Correctional Board (BPD) the community increasingly has a major role in controlling the implementation of development carried out in the village. In addition to having a control function through the right to obtain information, village communities are also entitled to empowerment by the village government such as the establishment of BUM Desa, cooperatives and other institutions that have the function of strengthening the economy, social and environment of the community in it.

Since the presence of Law no. 6 of 2014 concerning Villages, the spirit of developing villages is increasing in Indonesia. The government's decision to choose the village as the main center in tackling the problem of poverty, is an effort that should be supported because it further clarifies the direction of national development, in accordance with the spirit of "Building Indonesia from the margins, by strengthening regions and villages within the framework of a unitary state". Although in the process of implementing the village law, it is undeniable that there are still a number of challenges to realize an independent, prosperous and participatory village as dreamed of together.



## IV. Conclusion

1. The concept of village development, known as bottom-up development, places the village as a pillar of national economic development. This concept then forces the village to continue to prepare itself in order to achieve village autonomy and independence
2. Institutional strengthening can be seen from community institutions being given space in planning and implementing development in the village. This shows that Law no. 6 of 2014 has provided space for the community in determining the direction of village development.

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