

# The Implementation of Law Number 6 Year 2014 on Village Government

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Village was a community unity that had a legal relationship. It had certain territorial boundaries. It was authorized to manage and did manage government affairs, local interests of the community based on community initiatives, traditional rights and traditional rights recognized in Indonesian government. This research was conducted to find out both the implementation of Village Government According to Law Number 6 of 2014, and village obstacles to government implementation. The research method was normative research, by examining the relevant literature and laws. The results indicate that the village head was the executive of government and development. The village head was directly elected by a resident domiciled in the village where the village head was chosen. The obstacles to implementing government in the village were social culture, economics and geography.

**Key words:** *Government, village, village head.*

## Introduction

The village is an agglomeration of settlements in rural areas. In Indonesia, “village” was a subdivision of administrative territory under the sub-district, headed by the village head. A village was a collection of several small settlement units called kampung (Banten, West Java) or hamlet (Yogyakarta) or banjar (Bali) or jorong (West Sumatra). The village head was called by another name such as Head of Kampung or Petinggi in East Kalimantan, Klèbun in Madura, Pambakal in South Kalimantan, and Kuwu in Cirebon, Old Law in North Sulawesi. The village originated from the Sanskrit dhesi, meaning "the land of birth". The village was identical with agrarian life and it was simple. There were several village terms, for example gampong (Aceh), kampung (Sunda), nagari (Padang), wanus (North Sulawesi), and huta (Batak). According to the *Big Indonesian Dictionary*, the village was a unitary territory inhabited by a family that had its own system of government (headed by a village chief), or a group of out-of-town houses that formed one unit. Some experts also opine on the

understanding of 'village'. R. Bintarto argues that the village was a geographical manifestation brought about by the economic, political, and cultural physiographic elements present therein in mutual relations and interactions with other regions.

According to P. J. Bournen, the village was an ancient form of the common life of as many as several thousand people, almost all of whom knew each other, most of whom made a living from agriculture, fisheries and so on, which affected by law and the will of nature. Then, in that dwelling there are many dense family ties, obedience, and social rules (Hedisasrawan).

Based on the definition above, the village was an area inhabited by a number of people who knew each other on the basis of kinship and / or political, social, economic, and security interests that grew into the unity of the customary law community. This created a bond between citizens. Generally citizens live from agriculture, have the right to regulate their own households, and live administratively under the district / municipality. According to Constitution number 22 of 1999, the village was a legal, communal unity that had the authority to organize and manage the people's interests.

Law no. 6 year 2014 referred to a village as a legal, communal unity with territorial boundaries for governing and administering government affairs. Its government was also for the interests of local communities based on community initiatives, origins, and / or traditional rights recognized and respected within the Government system of the Unitary State of the Republic of Indonesia.

The two main principles of "recognition" and "subsidiarity" of the constitution village had a revolutionary spirit, in contrast to the principles of "decentralization" and "residuality". Based on the principle of decentralization and residuality the village became a part of the region, as decentralization ceased in districts or cities. In addition, the village received a partial transfer of authority from the district or city. So, the village received the remained remnant of the region, both the remained authority and the remained finances in the form of Village Fund Allocation. The combination of the principles of recognition and subsidiarity, of the Village Law, resulted in different definitions of villages from the preceding definitions.

The wide scope of the village and village heads (as the organizing element of the local government) on the one hand provided an opportunity for efforts to encourage the growth and development of village autonomy. But on the other hand it was not impossible to be a threat to the future development of the village, because, among other reasons:

- a) The low capacity of human resources of the Village Administration. In this case two problems were encountered. First, the Village Head and Village Devices that exist today are relics of the past that were not prepared from the beginning to exercise the new

authority as regulated in Law no. 6 Year 2014. This was a classic problem in transition. Second, the requirement for education of the Village Head Candidate was too low; only junior high school or its equivalent. Leadership cannot be based on intellectual power, but a leader needed certain basic skills to exercise his leadership. The low or easy requisite for headship, his income, had an impact on the opener of contestation became a counterproductive Village Head Candidate with the spirit of Village Autonomy.

- b) Weak Check and Balance System in Village Government. In the Law no. 6 Year 2014 on the Village, the Village Deliberation Agency was beyond the definition of village governance, although one of its functions is to assess the performance of the Village Head. In practice the Village Deliberation Agency did not supervise the accountability of the Village Head. Therefore, the accountability of the end of the fiscal year and the end of the tenure of the Village Head was submitted to the Head of the Region, and not to the Village Deliberation Agency. The task of the Village Deliberation Agency as a government institution was only to conduct discussions and receive reports from the public, without punitive authority. Such conditions can weaken the Village Deliberation Agency at the same time strengthen the Village Chief (executive heavy). The lack of checks and balances at the end opened up opportunities for rampant corruption in the village as many feared.
- c) Maintain the power in the village. The wide authority, the existence of financial resources, the weak role of the Village Consultative Board, and the tenure of the Village Chief of six years, who can serve three consecutive periods of 21 potentially violated power in the village. Polemic about the "dynastic politics" at the local level can actually become a reality in the village. This was supported by a very strong patron-client relationship pattern in the village.
- d) Administrative disorder. When village income arrangements, regarding budgeting and allocation of funds, number in the billions, then the position / status of the village becomes important and interesting. This triggered two possibilities. Firstly, the transition of Village status to Village or Village status to costume village. Secondly, there was a split / division of the village. The two possibilities (status change) were wide open because it is regulated in Law no. 6 Year 2014. This triggered an explosion in the number of villages as there had an explosion in the number of districts / municipalities when the implementation of regional autonomy occurred.

In the process that made the village regulations, several factors became obstacles, including:

- a) The low factor of village education. This causes the difficulty of unity, as to understanding the things that poured into the village regulations. So, it raised pros and cons in the village community which delayed the village regulations.
- b) Unifying Factor (Mindset). In terms of unifying ideology, mindset was also often an inhibiting factor in the making of Village Regulations, because every deliberate

participant wanted to prioritise their opinion in the making of village regulations. So, there were pros and cons in the participant's deliberations. Usually when there has an argument between the participants, the village head and the Village Deliberation Agency (including the village secretary) directly delay the deliberation with the aim of avoiding the undesirable. The solution taken as to pros and cons in deliberations over Village Regulations, was for Village Heads and Village Consultative Bodies (including Village Secretaries) to vote (vote most) to determine the Village Rules.

By considering these barriers a solution (effort) was needed to overcome them.

- a) Family factors, to overcome obstacles, was needed among fellow villagers through kinship ties.
- b) Low level of educational factors (scientific education was minimal). To solve this obstacle, the role of the family and the Village Government was absolutely necessary. There must be programs or work activities that can awareness of the importance of education for the common welfare and for the progress of the Village. The sense of awareness of the importance of education revolved around what should be taught and instilled in every driver who became the successor in the village.

Law No. 6 Year 2014 about the Village (hereinafter called the Village Law). It made the village a unifying link between the village administration and the village community. The village administration directed by the village head was elected by the village community, so that village governance came from the village community. The government acted as mentors prospering the community, while the community acted as agents of village development that participate actively in the implementation of village development.

The village need to be taken into account for the debate after the enactment of the Village Law. The law was clarified on the status and certainty of village law in the constitutional system of the Republic of Indonesia in accordance with Article 4 letter b of the Village Law.

Some things in the article highlighted supervision in the Village Law. Article 78 paragraph (2) for example explains that village development includes planning, implementation and supervision. Article 112 paragraph (1) describes the government, provincial and district / municipal governments fostering and supervising the administration of village administrations. Then, it was explained in Article 113 that the government carried out guidance and supervision.

In the explanation of the Village Law itself, the development of villages and rural areas was divided into two parts. First, village development was done by the village government and village communities using the village building approach. Second, the development of rural areas is a development designed by the government, ministries and agencies, as well as involving intergovernmental cooperation which uses participatory village building approach.

In 2014, the newly elected president had formed 34 ministries, through Presidential Decree No. 121 / P Year 2014 on the Establishment of Ministries and Appointment Minister Occupation Minister Occupation Period Year 2014-2019. The Ministry of the Village in its organizational structure forms the Directorate General of Development and Empowerment of Village Communities and Directorate General of Rural Area Development. The Directorate General of Development and Empowerment of Village Communities, in Article 9 of the Presidential Regulation of the formation of the Ministry of Villages, has the duty of formulating and implementing policies in the field of development, management of basic social services, the development of village economic enterprises, the utilization of natural resources and appropriate technology, village and village community empowerment in accordance with the provisions of legislation.

Article 12 shall be formed by the Directorate General of Rural Areas Development. It has the duty to organize the formulation and implementation of policies in the field of rural area development planning, rural area infrastructure development, and rural economic development in accordance with the legislation.

The Village Law offers guidance and supervision. Through it the government conducts guidance and oversees the implementation of village governance, as well as village affairs in village development, through planning, implementation and supervision. The village was not merely a struggle of interest in the ministry, but for the national purpose where the welfare of all Indonesian people in this case focuses on the village community. The Village Law does not just give status in the Republic of Indonesia Welfare State (hereinafter, NKRI) but various government activities and programs that build the village area are more prosperous. Moreover, it also empowered villagers who had an independent economy, and preserved the various customs of the ancestors of the nation in the village and its customs (Lubis, 1983).

## **Methodology**

The type of research was normative legal research (legal research), also called library research. It was research conducted with normative juridical approaches, through library materials or secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

### **Secondary Data Collection**

#### **a) Primary Law Material**

Primary legal material was the main source of discussion in this research; namely legislation.

b) Secondary Law Material

Secondary legal material has the function of giving, adding or strengthening the explanation of primary legal material. The secondary legal materials in this study include books relating to the State Administration and Impeachment, papers, and opinions of experts in various other literature related to this research material.

c) Tertiary Law Material

Tertiary legal material was legal material that serves to explain primary and secondary legal materials, such as: Indonesian dictionaries, legal dictionaries, and/or encyclopedia that can assist this research.

## Result and Discussion

### *Implementation of Village Government According to Law No.6 of 2014*

The village has a distinctive personality and character, and its own value system. The strength of the village, in its distinctive personality and character, can survive for two reasons (G.Kartasapoetra, 1986):

- a) Obedience of all inhabitants (tends to the heart),
- b) Submission and proof to the ancestors (respect for fair power and considered wise).

The principles were:

- a) The principle of mutual cooperation.
- b) The principle of the social function of property and people in society.
- c) The principle of consent as the basis of common power.
- d) The principle of representation and deliberation in the system of government.

Almost all villages in Indonesia had the same, autonomous, life order, in the sense of organizing and managing their own households' interests, with their own strength or ability (ndraha, 1991).

The Village Law, Article 1 Sub-Article 1, mentioned the village. The village was a legal, communal unity that has territorial boundaries authorized to regulate and administer government affairs, the interests of local communities based on community initiatives, rights of origin, and/or traditional rights recognized and respected within the system of government of "the Unitary State of the Republic of Indonesia". It was clear that the village has the right to organize and administer the government in its territory.

The implementation of village governance was regulated in the Village Law contained in Article 23 and Article 24, which read as follows:

Article 23: "Village Governance shall be administered by the village government"

Article 24: "The implementation of Village Government based on the principle"

Legal certainty, Orderly governance, Order of public interest, Openness, Proportionality, Accountability, Effectiveness and efficiency, Local wisdom, Diversity and Participatory and Participatory.

Meanwhile, government officials in the village administration were as follows:

Village Head, Village Government as a government tool was the lowest government unit (RI) based on the principle of deconcentration placed under and directly responsible to the district government concerned.

Furthermore, in the Village Law, the Village Heads were tasked with organizing village administration, implementing village development, village community development, and village community empowerment (Article 26 Paragraph 1). The Village Head is elected directly by the villagers (Article 34 Paragraph 1). Village Head elections were held simultaneously throughout the district (Article 31 Paragraph 1).

In the Village Law, Article 26 Paragraph 2 of Law reads: "In performing the duties referred to in paragraph (1), the Village Head shall had the authority:

- a) To lead the administration of village government;
- b) To appoint and dismantle village apparatus;
- c) Holding the power of village financial and asset management;
- d) Establish village regulations;
- e) Establish village revenue and expenditure budget;
- f) Fostering the lives of rural communities;
- g) Fostering the serenity and order of the village community;
- h) To foster and improved the village economy and to integrate it to achieve a productive-scale economy for the greatest prosperity of the village community;
- i) Develop village revenue sources;
- j) Propose and accept the transfer of a State's assets to improve the welfare of the village community;
- k) Develop socio-cultural life of rural communities;
- l) Utilizing appropriate technology;
- m) Coordinate village development in a participatory manner;
- n) Represent the village inside and outside the court or appoint a legal representative to represent it in accordance with the provisions of laws and regulations; and
- o) Carry out other authorities in accordance with the provisions of legislation".

The Village Head is the head of government in the administration of the Village Government. That was contained in Article 26 Paragraph 3 which reads: “In performing the duties referred to in paragraph (1), the Village Head shall have the right:

- a) Propose organizational structure and governance of village government;
- b) Submitted a draft and establishing a Village Rule;
- c) Receives a fixed monthly income, allowances and other receipts, and was covered by health insurance;
- d) Obtain legal protection of implemented policies; and
- e) Provide mandate of execution of other duties and obligations to village apparatus”.

Meanwhile, the obligation of the Village Head as the head of government in the administration of village administration, was regulated in Article 26 Paragraph 4 which reads: “In performing the duties referred to in paragraph (1), the Village Head shall be obliged to:

- a) Sticking and practicing Pancasila, implementing the Constitution of the Republic of Indonesia Year 1945, and maintaining and maintaining the unity of the Unitary State of the Republic of Indonesia, and bhineka Tuggal Ika;
- b) Improved the welfare of rural communities;
- c) Maintained the tranquillity and order of the village community;
- d) Obey and enforce legislation;
- e) Implemented a life of democracy and gender equality;
- f) Implement principles of accountable village governance; transparent, professional, effective, and efficient, clean, and free from collusion, corruption and nepotism;
- g) Establish cooperation and coordination with all village stakeholders;
- h) To administer good administrative village administration;
- i) Manage village finances and assets;
- j) Carried out government affairs under the authority of the village;
- k) Resolve community disputes in the village;
- l) Developed the economy of rural communities;
- m) To foster and preserve the socio-cultural values of rural communities
- n) Empowering community and community institutions in the village
- o) Developed the potential of natural resources and preserving the environment; and
- p) Provide information to the public”.

### ***Barriers in the Implementation of Village Government According to Law no. 6 Year 2014 about the Village***

The problems faced in the development of the village were generally on structural and socio-cultural issues. The problems faced in the development effort in the village were:

### ***Socio-Cultural Problems***

- a) The low level of education. Community educational facilities in the village tend to be low. People in the village were generally only educated to elementary, junior high and high school. This is because the public did not the importance of education for each person. This low level of education has also become the root cause of the lack of community initiatives in dealing with the problems in their lives.
- b) Lack of facilities and infrastructure in rural areas. One of the causes that rural areas were still isolated or left behind was the lack of infrastructure and transportation facilities that open rural areas to other areas. Inadequate infrastructure and transportation facilities contributed to the economic backwardness of rural areas. In general, rural communities produced relatively similar types of products, so that the sale and purchase transactions of goods or products among fellow residents in a village were relatively small.
- c) Limited employment in rural areas. Indonesia is an agrarian country to date. That can be seen from the large number of people who still rely on income and depend for their life expectancy on the agricultural sector.

### ***Economic problems***

The main source of community income in the village was the agricultural sector. Agricultural land was generally used the traditional way, causing the slow development of the village community economy. Even when there was activity outside the agricultural sector, the number and variety was still relatively very limited.

### ***Geographical Problems***

Indonesia has different soil fertility levels in each region. Soil fertility rate was also very influential in rural development. Fertile soil in villages tended to affect the farm yields generated. The better and more farms produced by the village greatly affected the income of the community itself. The greater the income of society, then the better the economic growth of the village (Per, 2017).

Solutions in the effort to overcome the problems of village development included:

- a) Increased public awareness of the importance of education by improved educational facilities and infrastructure.



- b) The availability of adequate transport advice and infrastructure supported the flow of people and goods coming out from and entering rural areas.

There must be an active artisan's community in various aspects and all stages of development in the village.

### **Conclusions**

- a) Law No. 6 of 2014 on the Village also mentioned that the Village Head was in charge of carrying out Village Government, implementing Village Development, Village Community Development, and Village Community Empowerment (Article 26 Paragraph 1).
- b) The problems faced in village development were generally structural and socio-cultural. The problems faced in the development effort in the village were socio-cultural, economic and geographical problems.
- c) Because of those problems there must also be cooperation between villagers and village heads.
- d) There should be cooperation between villages, that village government performs well as done not only by the village head, but by the villagers can who help realize good village government organizing.

### **BIOGRAPHIES**

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