Implementation of Autonomy Area through the Implementation of Village Authority

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ABSTRACT

This study aimed to find out how the implementation of village authority can be carried out in order to realize the village autonomy in the case of Indonesia. The problem of this research was how the exercise of authority based on the right of origin and local authority of the village is related to the autonomy and self-financing capability; how the execution of authority is assigned by the supra village government; and how the management of village finances is executed after the grant is received from the central government. This study is an empirical juridical research which used qualitative analysis method. The results obtained from the research showed that the implementation of village authority in Suka Raya Village is rather dominated by supra village government which is handed over to the village, and that this government activity is more prominent than its origin. Although the authority cares for local cultural values related to birth customs, marriages and deaths are still carried out by the community, there is no special preservation effort on the Village Government's part. The management of the village funds should be adjusted to the Decision of Regent Deli Serdang where the amount of village funds received is calculated based on the population, poverty rate, area and village geographic difficulty index. The use of village funds received is still prioritized for the construction of road infrastructure and drainage.

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1. INTRODUCTION

The authority of the village is an important element in the study of village autonomy. The authority of the village refers to the right of the village to fully manage its own household affairs. The authority of the village includes the authority in the field of village administration, the implementation of village development, the village community development, and the empowerment of the village community. Act No. 6 of 2014 on village government which specifically regulates the village has given the village the freedom to manage its own household in accordance with local customs and culture. This is very different from Law Number 5 Year 1979 on Village Government which uniformizes the management of villages throughout Indonesia, thus hampering the growth of creativity and participation of villagers simply because the community cannot manage the village according to the cultural and customary conditions of the village. The new Village Law also concerns village authorities that are expected to implement village autonomy when the village is self-sufficient in managing its own household. However, within the 2 years following its enactment, the law has not been implemented in accordance with the existing policies, especially in Suka Raya Village, Pancur Batu Subdistrict, and Deli Serdang Regency. This study examines the implementation of village authority in Suka Raya Village in order to realize village autonomy.

Paying attention to the reality in the field provides evidence of the existence of the value of local wisdom through the implementation of the authority set forth in Law No. 6 of 2014 on the Village Article 18 to Article 22. Reality in the field indicates that in the implementation of village authority in Desa Suka Raya, one of the main problems
faced is related to the origins authority. In the Suka Raya village, which is a transitional village from the traditional village to the modern village, the original autonomy has begun to fade over time under the dominating influence of existing customs and culture. Another influential factor is the local resources in the village. For example, the village market and irrigation facilities are not managed by the village; therefore, the income derived from these facilities cannot be the main resource for financing the operation of the village. Financial planning and budgeting of village should systematically be written into the Budget of the Village (APBDesa) as the annual financial plan of the village administration (Suriadi et al., 2015; and Nurzaimah & Muda, 2016). Budgeting in Budget of the Village should be prepared with reference to a predetermined plan. Villages development planning has been set out in the Medium Term Development Plan of Villages (RPJMDes) for a period of 5 years and then lowered to the village Development Action Plan (RKPDes). The Medium Term Development Plan of Villages and the village Development Action Plan constitute the basis for the preparation of the Draft of APBDes which are implemented in a participatory manner.

Another problem in the implementation of village authority in Desa Suka Raya is related to the implementation of village authority in the form of distributive affairs which is handed over by the government, the provincial government, or the local government of the regency to the village. Hence, it is assumed that it is difficult for the village government to implement the autonomy of the village due to the existence of new government affairs (Muda & Abykusno, 2015; Muda et al., 2017). Thirdly, the Central Government through Article 72 paragraph 1 sub-paragraph b of Law No. 6 of 2014 concerning the Village disburses substantial funds for village development. The purpose of this funding is to ensure that the villages can develop themselves. So, this is expected to encourage the development of the village, accelerate the movement of village economic wheels and improve the welfare of village communities. Therefore, the fiscal resources obtained by the village should be optimized for village development. From this standpoint, it is interesting to see the implementation of village authority in Suka Raya Village, Pancur Batu Sub-district, Deli Serdang Regency. Based on the above explanation, this study further discusses the implementation of village authority in order to realize village autonomy in Suka Raya Village, Pancur Batu Subdistrict, Deli Serdang Regency which can then be used as an example for other villages as well. In addition, the study can also provide input to formulate policies specifically related to the authority of the village in the future so that the village can really attain the desired authority and rights in order to realize village autonomy completely. Based on the above description, the formulation of the problem can be expressed as follows:

1. How is the Implementation of Authority on the origin of the village linked to autonomy and self-financing capability?
2. How is the Implementation of Authority on distributive matters delegated from the Regency to the Village?
3. How is the Village Financial Management Post-Receipt Grant funded from the Central Government?

This study attempts to answer the above questions in the following sections.

2. METHODOLOGY

The study used the descriptive method as the method of problem solution. Then, the data in the analysis of this descriptive method analyzed with a qualitative approach (Suriadi et al., 2015; Sirojuzilam et al., 2016; Muda et al., 2016; and Tarmizi et al., 2017). The qualitative approach was implemented because it is more in reference to the approach of the description or overview of the objects examined, and describes the situation systematically, factually and closely. That is, research which describes the implementation of village authority in realizing village autonomy in Suka Raya Village Pancur Batu Subdistrict Deli Serdang Regency, carried out a detailed analysis of the problems that arise and then drew conclusions based on this analysis. The location of research was Suka Raya Village Head Office, Pancur Batu Subdistrict, Deli Serdang Regency. Researchers obtained primary data and secondary data through these locations. Secondary data was obtained by conducting library studies, and collecting a number of related laws and regulations which are primary legal material. Furthermore, the team conducted a review of secondary legal materials that were the results of previous research in the form of books, journals, and other scientific papers. Primary data were obtained by making direct observation in the research location.

The population of this research was Suka Raya village (village government apparatus and general public) residing in the research location. The number of respondents coming from the general public was determined by stratified random sampling, whereas the respondents from the village apparatus were all village government officials.
considering that the number was not too big. Data from selected village and community apparatus were obtained through questioners and interviews. Furthermore, in-depth interviews were conducted on several informants, namely people who were considered to be familiar and competent with the problem of research objects such as Customary Figure, Public Figure, Religious Figure and Youth Figure. The collected primary and secondary data were examined, grouped and then systematically arranged to be further analyzed qualitatively in order to determine where the symptoms and facts show the implementation of village authority. Furthermore, the withdrawal of inference was based on the results of the analysis using an inductive method.

3. DISCUSSION

Village, based on Law Number 6 Year 2014, is a legal community unity that has territorial borders authorized to regulate and administer government affairs, local community interests, based on community initiatives, origins, and/or traditional rights recognized and respected by the The government of the Unitary State of the Republic of Indonesia. The authority of the village is a right owned by the village to manage its own household. In Law No. 6 of 2014, the government consistently gives flexibility to the village to manage its own household. This law recognizes the autonomy of the village or any other title; and the village head can be assigned or delegated by the government or local government to carry out certain governmental affairs. Wasistiono et al. argued that villages outside the genealogical village are administrative villages, such as villages formed because of pemekaran desa or transmigration or for other reasons, whose citizens are pluralistic, plural, or heterogeneous. Then, the village autonomy will be given the opportunity to grow and develop following the development of the village itself (Wasistiono et al., 2007). According to Article 19 of Law No. 6 of 2014 on Villages, village authorities include:

a) Authority Based On The Right Of Origin;
b) Local Authorities At Village Level;
c) Authority Assigned By The Government, Provincial Government, or District/City Government, and

Authority based on the right of origin and local authority at village level is regulated and administered by the village (Article 20 of Law Number 6 Year 2014) while the authorities assigned by the Government/Regional Government in accordance with the provisions of the legislation are administered By the Village. (Article 21 of Law Number 6 Year 2014). Eko (2005) mention several types of authorities based on their origins:

1) the authority to establish and manage the system of self-government;
2) the authority to manage local resources (crooked land, communal land, customary forest, etc.);
3) the authority to create and enforce local customary law;
4) the authority to manage and maintain local values and culture (including customs);
5) judicial authority or community justice.

Based on the explanation of Article 19 Letter (a), what is meant by the right of origin is the right which is a living heritage and the village initiative or village community initiative in accordance with the development of community life, such as the system of indigenous peoples organizations, institutions, customary law, village cash, as well as agreements in village life. Considering the implementation of the authority of origin in Suka Raya Village Pancur Batu Subdistrict, the facts on the ground indicate that there is no authority to establish and manage the system of self government or to create and implement the local customary law. The authority is not run by the Village Government because of the existence of the village which is recognized as an autonomous legal community under the auspices of the Unitary State of the Republic of Indonesia which must obey the national law.

In addition, the existence of Suka Raya village which is not an adat village causes erosion in customs and cultural values despite some efforts otherwise. Local culture refers to the customs still practiced by the villagers such as the customs of birth, marriage and death. As a village whose inhabitants are predominantly Javanese, Jawalah is
commonly used by the people of Desa Suka Raya. There is no special preservation effort by the village government of Suka Raya. The existence of Javanese customs that still run is due to customs or traditions. In relation to the local authority of the village scale, Law No. 6 of 2014 in the elucidation of Article 19 Letter (b) states that the meaning of local authority on a village scale is the authority to regulate and manage the interests of village communities that have been run by the Village or capably and effectively carried on by Villages, or the interests that are emerging due to village development and village community initiatives, including boat moorings, village markets, public baths, irrigation channels, environmental sanitation, integrated service posts, art and learning centers, village libraries, village embungs and village roads.

From the interviews conducted and the information obtained, it can be stated that Suka Raya village does not have self-managed local resources. The two rural markets located in Suka Raya Village, commonly known as Pasar Minggu, are managed by the Regency Government, whereas Deli Serdang Market Office and Pasar Rabu are managed by the community personally. Within this framework, the existence of the market does not provide the ability for the village to self-finance itself as it is not the main source of income for the village. In addition to the market, there is another village-scale local authority: irrigation channel. The Dam/irrigation in Suka Raya Village is managed by the Public Works Department of Deli Serdang Regency. The government policy to submit the authority of irrigation management starting from primary and secondary network level to farmers through the Association of Water User Farmers based on Deli Serdang Regent Decision No. 189 Year 2001 led to the formation of P3A (Water User Farmer Association) Tirto Sari which is a social society association established to implement water management and irrigation networks in Suka Raya village. With the enactment of Law Number 6 Year 2014 on Villages, through the Regulation of Deli Serdang Regent Number 721 Year 2016 on Village-scale Local Authority, Village Government as Deli Serdang District was asked to hold deliberations to determine whether the local village-level authority is adjusted to the situation and local needs.

In the case of the authority assigned by the Government and/or the Regional Government to the village covering the implementation of Village Government, the Implementation of Village Development, the development of the village community and the empowerment of the village community, each village has the right to evaluate and determine what matters will be implemented and of course accompanied by a supportive fund. The facts on the ground show that the implementation of authority in the field of governance in Desa Suka Raya is manifested in the implementation of democratic village head elections and the establishment of village apparatus. The village head and village apparatus have already earned a steady income. Members of BPD also get benefits. Operational offices have been running well with the support of adequate facilities and infrastructure, and the impetus created by the implementation of village deliberations in the determination of village regulations and Revenue and Expenditure Budget (APBDes). Implementation of authority in the field of village development in the village of Suka Raya is manifested in the making of residential roads, the making and installation of plank in the name of the hamlet, road/gang and drainage or ditch making. In the case of the implementation of village community development authority, the Village Government strongly supports the activities of existing social institutions. However, for village community empowerment activities, Suka Raya Village Government needs to step up efforts to create a more prosperous society, establish equity and justice for all, and foster the spirit of democratization of the society.

The implementation of other authorities is based on the law in the form of co-administration tasks from the Government and Provincial Government and District Government depends on the ability of the village and the existing costs because in the implementation of assistance, tasks must be accompanied by financing. If not accompanied by financing, then the village is entitled to reject it. Co-administration tasks in Suka Raya village are health (Posyandu), agriculture sector in the form of reforestation and social welfare (raskin transportation). According to Article 19 of Law Number 6 Year 2014, the authority of the village—which is authority based on origin, local authority of the village scale, the authority assigned by the Government or Regional Government, and other authority in the form of assistance tasks in its implementation in Suka Raya Village are dominated by the exercise of authority commissioned by the Government/Regional Government and the exercise of other authorities in the form of co-administration rather than the authority of origin and local authority. This is very different from the definition of village contained in Law No. 6 of 2014, which states that the village is a legal community unity with territorial borders which is authorized to regulate and administer government affairs, the interests of the local community, based on community initiatives, origins, and/or traditional rights that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia.

In the above definition, the words 'regulate' and 'take care' mean that the village has the authority to manage its own household life, which in turn means that the village has autonomy. The autonomy of the village is still an
issue of debate, both in terms of its understanding and its nature. When viewed from the various regulatory policies on existing villages to date, village autonomy does not explicitly have a clear and generally acceptable understanding (Destifani, 2016). Saparin explains that the notion of autonomous rights/authorities possessed by the village or village government can not be equated with the definition of formal autonomy rights possessed by the province or district, but with the autonomy of origin and customs. Autonomy of origin and custom is the autonomy that has been owned since time immemorial and has become a custom inherent in the society concerned. The original autonomy owned by Suka Raya Village has already faded with the development of the era. In addition, it is still very dependent on the government/local government in financial terms. Ketidaaan source of original income and the source of village rural income are still dominated by assistance from the government and local government.

With regard to the management of village finances, the funds disbursed by the central government under the provisions of Article 72 paragraph (1) letter b are used with the aim of improving the welfare and equity of village development. The village funds are funds sourced from the State Revenues and Expenditures Budget for villages transferred through the district budget and used to finance the implementation of governance, development implementation, community development and community empowerment. Utilization of village funds is not an easy thing. The stages that must be implemented by the Village Government are concerned with the process of planning, implementation, accountability and utilization of village funds. In addition, the use of village funds should be in accordance with the principles of priority, namely equity, priority needs and village typology. The amount of village funds received by each village is calculated by taking into account the population size, poverty rate, geographic area and village difficulties index based on the Regulation of Deli Serdang Regent No. 714 of 2016. In addition to village funding from the Central Government, village revenues also come from the Village Fund Allocation (ADD), which is the balancing fund received by the district in the Regional Revenue and Expenditure Budget after deducting the Special Allocation Fund and the regional tax and retribution fees.

For Fiscal Year 2015 Suka Raya income of Rp. 660,139,000, - with details of Village Fund Rp. 274,251,000, - Village Fund Allocation (ADD) Rp.320,014,000, - Part of the results of local taxes and levies Rp. 65,874,000, - The village income earned is used for the administration of the village, personnel expenditure, office operations, BPD operations and village deliberation. Funds are also allocated for village development, that is, for making settlement roads, for the development of the neighborhood of rural communities and the development of environmental sanitation, health service facilities and infrastructure. Funds are also dedicated to the field of community development, that is, to the development of PKK and coral Taruna. The birth of Law Number 6 Year 2014 provides a strong foundation for the village in realizing the "Development Community" positioning the village no longer as the administrative or subordinate level of the region, but vice versa as "Independent Community" i.e., the village and its people are entitled to speak for the interests of the community itself. Villagers are authorized to manage their villages independently including in social, political and economic fields. This independence is expected to increase the participation of villagers in social and political development.

Widjaja (2003) argued that the exercise of the right, authority and freedom in the implementation of village autonomy must continue to uphold the values of responsibility to the Unitary State of the Republic of Indonesia by emphasizing that the village is an integral part of the nation and the state of Indonesia. The exercise of the rights, authority and freedom of village autonomy requires the responsibility to maintain the integrity and unity of the nation within the bounds of the Unitary State of the Republic of Indonesia and the responsibility to realize the welfare of the people carried out within the framework of legislation. In addition, Wasistiono (2007) stated that villages in addition have the authority to regulate and manage the interests of their own household. Eko (2005) defined village autonomy based on the principle of decentralization. There is also a need to distribute power and authority from the center to districts and villages. The goal is to avoid the accumulation and abuse of power, to make room for the village to act according to local needs, and to make sure the power is brought closer to the community and easily controlled by the local people. Nurcholis classified villages into four types, namely, adat villages, administrative villages, autonomous villages, and mixed villages (Nurcholis, 2011).

According to Nurcholis (2011), the village under Law No. 6 of 2014 is a mixed type of village that has a mixed authority between native autonomy and semi-formal autonomy--mixed because the original autonomy is recognized by the law and also given the transfer of authority from the district/city; and semi-autonomous because the model of submission of government affairs from autonomous regions to underlying government units is not known in the theory of decentralization. According to the theory of decentralization or regional autonomy, the handover of government affairs is made from the central government only. Wasistiono (2007) mentioned the handover of government affairs in terms of technical decentralization where the decentralized authority to the
lower-level government is the technical implementation only, while the substance of its own authority remains the authority of the upper-level government. Co-administration tasks that are routinely carried out annually deprive the village government of the ability to explore other potentials under the authority of the village. The focus of the same village government causes other matters under the authority of the village to be neglected. There are still many matters under the authority of the village that need to be explored more deeply by the village government. Natural resources and existing human resources can be utilized more efficiently for the achievement of a prosperous village life.

4. CONCLUSION

The problem of this research is to investigate how the exercise of authority based on the right of origin and local authority of the village is related to the autonomy and self-financing capability; how the execution of authority is assigned by the supra village government; and how the management of village finance is executed after the grant is received from the central government. Basically, we find that: In the execution of authority based on the origin in Suka Raya Village, there is no authority to form and manage their own government and no authority to practice local custom law. Although local cultural values are still implemented by the community related to the customs of birth, marriage and death, there is no special preservation from the Government of Suka Raya Village. Besides, the Suka Raya Village Government does not have an original source of income. The village depends on Funds from Deli Serdang Regency Government. Secondly, implementation of the authority assigned by the Government/Local Government of the Regency is already underway. Implementation of governance, village development, and community development has been running well in Suka Raya Village only in terms of community empowerment which needs to be studied and activated. And finally, the management of village funds received by the Suka Raya Village Government should still be based on the Regulation and Decision of the Regent of Deli Serdang which is implemented based on the principle of priority. Currently, the use of funds received is still prioritized for infrastructure improvements in the form of village road construction, plaque signboards and drainage/ditches.

REFERENCES


