

# THE EFFECTIVENESS OF LAW NUMBER 6 OF 2014 CONCERNING VILLAGE IN RELATIONSHIP WITH COMMUNITY PARTICIPATION

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This study aims to determine how the application and the extent to which the factors that influence Law Number 6 of 2014 concerning Villages are related to the participation of the people of Bojo Village, Budong-budong District, Central Mamuju Regency. The research method used is "Field Research and Study literature", the sources were obtained from interviews and various literatures related to the effectiveness of Law Number 6 of 2014 concerning Villages qualitatively and presented descriptively. The results of this study are as follows (1) In the application of Law Number 6 of 2014 concerning Villages it can be said that it is not effective in the community of Bojo Village, Budong-budong District, Central Mamuju Regency. During the enactment of the Village Law, there were still many residents who did not know the existence and contents of the Village Law, and there was still very little community participation in various activities carried out in Bojo Village. (2) In its implementation, the Village Law Number 6 of 2016 has several factors that affect the effectiveness of its enforcement, one of which is that the condition of the community is mostly farmers and plantation workers causing frequent Village activities that are not followed by the community on the grounds that they are more concerned with doing work in order to fulfill their needs. necessities of life.

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## 1. INTRODUCTION

The village is an important entity in the Unitary State of the Republic of Indonesia (NKRI). The existence of the village has existed since before the Republic of Indonesia was proclaimed on August 17, 1945. The village in the past, citing Rosyidi Ranggawidjaya, was a social community and was the original government of the Indonesian nation, which existed long before Indonesia was founded. Even the formation of Indonesia starting from the countryside[1]. The facts show that most of Indonesia's territory is rural. If we compare the number of cities and villages, the comparison will be greater in the number of villages than cities. The number of provincial capitals, municipalities, and districts is about 500 cities. The number of villages in 2015 was 74,093 villages. But for so long, the villages have been forgotten and have not received direct attention from the government. Previously, villages were always seen as objects of development that relied on the remnants of the urban development budget. The impact is that the village becomes an underdeveloped area and lacks development[2], [3].

The democratic system also emphasizes the importance of public participation in realizing a government that is accountable, transparent, and responsive to the needs of the community. Participation provides space and access for communities to fulfill their needs and rights, develop local potentials and initiatives, activate community roles and build community independence. Thus, participation is not only community involvement in village head elections and elections, but participation is active community involvement in village development and governance. As explained by Eko that participation is a bridge between the state and society so that the management of public goods produces prosperity[4].

The issuance of Law Number 6 of 2014 concerning Villages confirms that the Village is no longer a local state government but the Village as a community government, a hybrid between a self-governing community and local self-government. The Village Law gives the impression of a "New Village", new in terms of new regulations, the position of the Village, and a new pattern of Village management. Villages in the perspective of the previous law were "Old Villages". The paradigm or perspective built between the Old Village and the New Village is also different. The old village used the principle or



principle of decentralization-residuality, meaning that the village only received delegation of authority and village affairs from the district/city government. The village only receives the remaining responsibilities including the budget for matters related to the village regulation. Temporary, The new village promoted by the Village Law comes with the general principle of recognition-subsidiarity. Recognition is an acknowledgment and respect for the Village, in accordance with the spirit of the 1945 Constitution Article 18 B paragraph 2 which provides recognition and respect for the unity of indigenous peoples and their traditional rights.[5], [6]. According to Sutoro Eko, subsidiarity has three meanings, namely; First, subsidiarity is the localization of the use of authority and decision-making regarding the interests of the local community to the village. Second, the state does not hand over authority such as the principle of decentralization, but stipulates village-scale local authorities to become village authorities through law. Third, the government does not intervene (intervention) from above on the local authority of the Village, but supports and facilitates the Village. The government encourages, gives trust and supports Village initiatives and actions in regulating and managing the interests of the local community[7], [8].

A strong village is supported by genuine participation, namely the existence of governance that allows village residents to gain greater control over situations that can affect their lives. Community empowerment prioritizes community participation in the decision-making process while developing public control over the implementation of public decisions. Thus, in empowering the community, political primacy is emphasized. Politics in the context of community empowerment is a political transformation into real action, especially democracy is present in everyday life. Through the application of deliberation and consensus democracy, every villager has the opportunity to participate in development according to the context of their respective lives. Therefore,[1].

However, when looking at the actual situation that is happening in the community in Bojo Village, Budong-Budong sub-district, Central Mamuju Regency, it turns out that there are still many discrepancies between what is expected (*das solen*) and what is happening in the village community (*das sein*). Not all development processes are based on people's aspirations, and the best public service delivery is not felt by the community. According to the author, this was caused by various factors, for example, the limited ability and knowledge of the village head and village officials, because none of the Bojo Village officials had a bachelor's degree, all of whom were only high school graduates/equivalent.[9], [10].

Another problem that arises is that the residents of Bojo Village consist of various tribes. So it is usually termed as "mini Indonesia". With the many tribes in Bojo Village, it also shows that the patterns of habits they have are also different, so this sometimes becomes a polemic in the village when there is a problem or problem that must be resolved in a familial or customary way. Because when the problem involves two different tribes, the handling is considered very difficult. While the rules that already apply in the community are still unknown because of the low education of the village community itself, almost all of whom work as farmers.

## 2. METHOD

### 2.1 Research sites

In conducting this research, the author has determined a place that will be used as a case study in conducting research, namely in Bojo Village, Budong-Budong District, Central Mamuju Regency, West Sulawesi Province. Bojo Village is a transmigrant village where the average population is farmers, and some plantation workers and some of the population are still illiterate, this is considered by the author to be very suitable as a center for research locations related to the effectiveness of the Village Law. The location of further research is, Bojo Village, Budong-Budong District, Govt district Central Mamuju (Community Empowerment Agency and Village Government), Central Mamuju Regency DPRD Office.

### 2.2 Data Types and Data Sources

Sources of data to be used in this study were obtained from two ways, namely primary data and secondary data. Primary data is the main data, where the author will conduct observations and



interviews with parties related to the problems to be studied. Secondary data consists of: First, primary legal materials where the author will seek data from other sources such as from laws and regulations related to this research. Second, Secondary legal materials where the authors seek data from books, the internet and related issues which will be researched.

### 2.3 Data collection technique

Data collection techniques in this research are literature study and field research. In this case, the author uses data collection techniques by means of library research through books, literature related to this title. The technique of collecting data through field research is carried out by the author because in this title it focuses on the effectiveness of the law which discusses more about sociological reviews where the author will conduct research through interviews and observations.

### 2.4 Data analysis

The data obtained both from field research and from library research were then analyzed using qualitative descriptive analysis methods to produce conclusions and suggestions. Furthermore, the data is written descriptively to provide a clear understanding of the research results.

## 3. RELUST AND DISCUSSION

### 3.1 Implementation of Law Number 6 of 2014 concerning Villages in Bojo Village

Bojo Village is a village in Central Mamuju district, West Sulawesi province with an area of 1,715 m<sup>2</sup> with a population of 2783 people consisting of 548 families, from eleven hamlets and one neighborhood unit, with Tanah Merah hamlet as the village capital, which is an oil palm plantation area in Sulawesi. In the west, most of the residents of Bojo Village work as plantation farmers. Bojo village is known as transmigrant village. So it consists of various ethnic groups, religions and customs. The presence of Law Number 6 of 2014 concerning Villages is expected to become a legal instrument that can change society both in the economic and social fields of society. This is because when compared to the previous Village Law, Law Number 6 of 2014 is considered to have improvements in various respects, [11].

The role of community participation in developing the village is very vital. Because without community participation in village development, it will result in dry achievements of the vision and spirit of change. Conyers said that there are three main reasons why community participation has a very important meaning in development, namely: 1) Community participation is a tool to obtain information about the conditions, needs and attitudes of local communities without the presence of development projects and projects will fail, 2) Community will trust a development program or project more if they feel involved in the preparation and planning process, because they will know more about the ins and outs of the project and will have a sense of ownership of a particular project, and 3) in a democratic perspective that participation is the right of the community to be involved in development. The implementation of Village Law Number 6 of 2014 in Bojo Village in terms of community participation can be seen from the level of community presence in various activities organized by the Village Government, as follows:

Table 1. Types of Activities and Level of Community Participation

Type of activity	Number of Attendance
Village Development Deliberation Meeting (Musrembang)	None of the residents attended (only those who had positions in the structure attended) Village and Hamlet Government)
Community service	16 people
Physical Work (build bridge)	7 people
Physical work (street hoarding)	3 people
August 17th Celebration	Attended by almost all people, both those involved in activities and just to watch
Training activities from the Agriculture	12 people



### Service of Central Mamuju Regency

Based on the table above, it can be seen that the level of community participation in activities in the village is still very low, in some of the activities carried out it was noted that only a few people participated in it. no ordinary citizens were present, except for those who had direct positions in the village government structure. At the time of community service in Dusun Sipatuo, which was a Village Government activity, only 16 people attended, out of a total of 2783 residents. Also present were only residents of Sipatuo hamlet, none of the other hamlets were present. Also in the activity of the damaged bridge in Pajelele Hamlet, it turned out that only 7 people were present, apart from the Village Head and his staff, even though this bridge is a bridge on the main village road that connects Bojo Village with other villages. Also at the time of road hoarding, only 3 people were present to help do the work, because the work required community participation through community self-help. During the agricultural training, very few people attended here, only 12 people attended, even though most of the villagers were farmers. And the celebration of 17 August (Indonesian Independence Day), only at this activity a lot of people were present, most of the community members were present, both those involved in the activity and just to attend and provide support to the players who took part in the activity. This shows that if examined from the level of community participation,

The author also conducted interviews related to community participation in Bojo Village by conducting interviews with one of the members of the Central Mamuju Regional House of Representatives from the electoral district (Dapil IV) Budong-Budong and Pangale districts, Central Mamuju Regency, Alamsyah Arifin, A.Md, kep.44 , he said "that based on my observations, the people of Bojo Village in general do not know that the Law on Villages has been enacted, let alone to know the content and purpose of the Law, if it is presented then I think people who know the existence of the Law Villages are only 30%, who have read maybe about 5%. even if they have carried out or not carried out the orders of the Village Law,

but they find it difficult again to convey to the community, who are also mostly farmers who do not go to school. I saw in Bojo Village that of the many things regulated in the Village Law, only part of the budget was carried out and little understood, because otherwise the Village Head could not disburse his Village funds. Apart from that, the community and the village government do not carry out the orders of the law as they should. For example, in the case of the Village Deliberation (planning), the absences of meetings that we receive in the accountability report are rarely attended by ordinary people, in the case of village building work (implementation), we rarely meet the community doing self-help, when there is no budget and no given wages, the community seems not to want to help, even though they will use and enjoy the facilities that are done. And in terms of monitoring activities, usually consultants or teams from the inspectorate find rogue contractors when doing work in the field, but so far, the community has never reported or complained to us as the district government. Whereas the community has the right to monitor and report when there is work that is not in accordance with Law Number 6 of 2014 concerning Villages.

Facing all these problems, in fact there have been efforts made by the relevant parties, namely the Central Mamuju Regency Government, Bojo Village Government and also from the Regional House of Representatives of Central Mamuju Regency. Alamsyah Arifin, Amd,kep (Member of DPRD Central Mamuju Regency) said that I have visited Bojo Village three times since 2014-present and always provide understanding to the community to carry out the mandate of the Act for the progress of our village in accordance with the National program from the President, namely building Indonesia starting from the Village by being directly involved in every development activity carried out in the Village, regardless of the availability of the budget or not, we also always emphasize that when the Village Government does not carry out its functions properly and correctly, immediately to be reported to the BPD (Village Consultative Body), and when it is not responded to, the District DPRD Office. Central Mamuju is wide open to the people of Bojo Village to convey their aspirations and complaints as well as to report them to us. So that we can convey to the relevant agencies that there are violations that occur in people's lives in the village. Likewise with the Central Mamuju Regency government through the Community Empowerment Agency and Village Government of Central Mamuju Regency. We



always provide understanding to the Village Government at every opportunity when we hold meetings, with the hope that the understanding we provide can also be conveyed to the community. The Head of the BPMPD Kab. Central Mamuju. Even though we have only done socialization once about the Village Law with the material on the process of disbursing Village funds and reporting the use of funds that have been received, at least this step is an effort made by the government in stages, because when we carry out socialization of the overall contents of the Law, we are worried that they could not understand what was being said because of the low educational background at the village head level. Meanwhile, according to the Village Head of Bojo46, on every opportunity and activity he always reminds his residents to get involved and play an active role in activities in the village, but only a few do this, the rest have many reasons not to play an active role in activities in the village, but when activities in the village are celebrations or competitions, they have left their busy lives to join in, so I think that they will only participate when they have a direct interest and also see the activities being carried out are not heavy. Especially in terms of village meetings or deliberations, it is very rare for people to attend, although they are invited many times but they are 46 Yonathan T, Head of Bojo Village, Budong-Budong District, Kab. Central Mamuju. Interviews still do not want to follow the meeting. Most people only want to accept the results without wanting to be involved in the activities carried out, even though they should also participate in activities in the village, especially village development activities, in terms of planning, implementing and supervising these activities, he said. they have left their busy lives to join, so I think that they will only participate when they have a direct interest and also see the activities being carried out are not heavy. Especially in terms of village meetings or deliberations, it is very rare for people to attend, although they are invited many times but they are 46 Yonathan T, Head of Bojo Village, Budong-Budong District, Kab. Central Mamuju. Interviews still do not want to follow the meeting. Most people only want to accept the results without wanting to be involved in the activities carried out, even though they should also participate in activities in the village, especially village development activities, in terms of planning, implementing and supervising these activities, he said. so I think that they will only participate when they have a direct interest and also see that the activities being carried out are not strenuous. Especially in terms of village meetings or deliberations, it is very rare for people to attend, although they are invited many times but they are 46 Yonathan T, Head of Bojo Village, Budong-Budong District, Kab. Central Mamuju. Interviews still do not want to follow the meeting. Most people only want to accept the results without wanting to be involved in the activities carried out, even though they should also participate in activities in the village, especially village development activities, in terms of planning, implementing and supervising these activities, he said. so I think that they will only participate when they have a direct interest and also see that the activities being carried out are not strenuous. Especially in terms of village meetings or deliberations, it is very rare for people to attend, although they are invited many times but they are 46 Yonathan T, Head of Bojo Village, Budong-Budong District, Kab. Central Mamuju. Interviews still do not want to follow the meeting. Most people only want to accept the results without wanting to be involved in the activities carried out, even though they should also participate in activities in the village, especially village development activities, in terms of planning, implementing and supervising these activities, he said. Very few people attended, although they were invited many times but they were 46 Yonathan T, Head of Bojo Village, Budong-Budong District, Kab. Central Mamuju. Interviews still do not want to follow the meeting. Most people only want to accept the results without wanting to be involved in the activities carried out, even though they should also participate in activities in the village, especially village development activities, in terms of planning, implementing and



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### 3.2 Factors That cause Public village Not Participating In Activities in Bojo Village

Law is a means intended to change the behavior of citizens, in accordance with predetermined goals. One of the problems faced in this field is when what Gunnar Myrdal calls soft development, in which certain laws that are formed and applied are not effective. Such symptoms will arise, if there are certain factors that become obstacles. These factors can come from law makers, law enforcers, justice seekers (justitabelen), as well as other groups in society. These factors must be identified, because it is a weakness that occurs when only the goals are formulated, without considering the means to achieve these goals. If law is the chosen means to achieve these goals, then the process does not just stop at choosing law as a means. Apart from solid knowledge of the nature of law, it is also necessary to know the limits in the use of law as a means (to change or regulate the behavior of citizens). This is because the existing means limit the achievement of goals, while the goals determine what means are appropriate to use.

Talking about legal effectiveness, we are talking about an assessment of a complex legal system. There are various kinds of components/factors/elements that work in a legal system, these components/factors/elements work, are interconnected and influence each other in a legal system which when all factors work well then it can be said that a law works effectively. Lawrence M. Friedman lays out three components of each:

1. The structure, the entire existing legal institutions and their apparatus, includes, among others, the police and their police, the prosecutor's office with their prosecutors, the courts with their judges, and so on.
2. Substance, namely the entire rule of law, legal norms and legal principles, both written and unwritten, including court decisions.
3. Legal Culture, namely opinions, beliefs (beliefs), habits, ways of thinking, and acting, both from law enforcers and from citizens, about the law and various phenomena related to the law.

In relation to the effectiveness of the law with the legal culture of the community, then we are talking about the extent to which the rule of law is obeyed or not obeyed to be able to say that the law is effective in society.<sup>49</sup> by HC Kelman the types of obedience are described as follows:

1. Obedience that is compliance, ie if someone obeys a rule, just because he is afraid of being punished. The weakness of this type of obedience, because it requires constant supervision.
2. Identification of obedience, that is, if a person obeys a rule, only because he is afraid that his good relationship with another party will be damaged.
3. Internalization obedience, ie if someone obeys a rule, really because he feels that the rule is in accordance with the intrinsic values he holds.

Juridically in the explanation of Law Number 6 of 2014 concerning Villages, it is explained that one of the purposes of Law Number 6 of 2014 is to "encourage the initiatives, movements, and participation of the Village community for the development of village potentials and assets for mutual welfare". also the principle of participation as one of the principles of regulating the Village Law with an explanation of participation, namely taking an active role in an activity.

Regarding RIGHTS AND OBLIGATIONS OF VILLAGE AND VILLAGE COMMUNITIES, article 68 Village Communities are Obligated to: Build themselves and maintain the Village environment; Encouraging the creation of Village administration activities, implementation of Village Development, Village Community Development, and good Village community empowerment; Encouraging the creation of a safe, comfortable, and peaceful situation in the Village. Maintaining and developing the values of deliberation, consensus, kinship and mutual cooperation in the Village; and Participate in various activities in the Village.



Reflecting on the juridical review above, it turns out that it is not in line with the facts gathered by the author in the field or when the Law was enacted in Bojo Village, the implementation of the Village Law was hindered by several factors:

1. The condition of the majority of the villagers are farmers and some are laborers in plantation companies, this causes a lack of free time for residents to participate in programs and meetings related to village development, while the participation of some community members is due to having positions in the village government and because uncomfortable factor with the local village head.
2. The majority of residents are still illiterate and not very fluent in Indonesian, causing residents to feel inferior to attend formal activities. This was emphasized by the village secretary of Bojo Abdal "Usually paper invitations are not read by residents, that's why I often deliver directly when there are activities in the village" he added, "there was once an activity such as agricultural socialization but the residents who participated were less active in asking because many do not understand the Indonesian language delivered by the local government facilitators".
3. The lack of socialization about the existence of the Village Law is also considered to have influenced the effectiveness of the Village Law. The condition of the people who are used to waiting for the ball (passively) so that information about the existence of the Village Law in Bojo Village is not known by the community.
4. The lack of a sense of togetherness among the residents of the hamlets, usually when community service or other activities are carried out in other hamlets, the residents of the neighboring hamlets are not present to help.
5. Residents who feel that there is no direct interest or personal benefit that can be obtained from village building activities, so they rarely participate in activities in the village.

In general, in reality, the inhibiting factors for achieving the objectives of the Village Law in Bojo Village are cultural factors of community behavior who have been accustomed to being passive and economic conditions that require the people of Bojo Village to prefer to do their work rather than participate in village activities. and the low level of Community Resources in terms of literacy and individual skills are also factors that hinder the achievement of the objectives of the Village Law and their motivation is not good enough to be able to realize true togetherness. Based on the theory of effectiveness and the degree of obedience to the law, juridical review and the conditions for implementing the Village Law in reality. It was concluded that Law Number 6 of 2014 in terms of community participation had not been effective in Bojo Village,

#### 4. CONCLUSION

The application of Law Number 6 of 2014 concerning Villages in Bojo Village can basically be said to be not running effectively. The author draws this conclusion because it can be seen from the reality of village community life as follows, the low level of community participation in various activities carried out in the village, both in terms of planning activities, implementing activities and in terms of monitoring activities in the village. The Village Law that has been applied in the life of the Village community. The community does not understand the contents of the Village Law, both in terms of text and its implementation. There are several things that are inhibiting factors that make the implementation of this law ineffective, Among them is the process of socialization to the community regarding the overall contents, purposes and objectives of this law, and the benefits of the law have never been conveyed to the village community directly in one momentum or activity. That the very passive nature of the community in participating in activities and programs in the village resulted in the village community not understanding much of developments in the village, nor knowing the new village law, so that their rights and obligations were not carried out. or activities carried out in the Village if they do not have a direct interest in themselves or their families, so that people rarely attend village meetings, community service and other activities outside of celebration activities.

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