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Village Government and Its Institutional Design Under the Constitutional Norms (The Case of Village Regulation in Indonesia)

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Abstract: Article 18B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia contains the norm, "*The State recognizes and respects the indigenous peoples that are still alive*". Based on this norm, Law No. 6 of 2014 regarding Villages. This organic law is questioned because the village regulated by Law No. 6 of 2014 especially Article 1 up to Article 95 is not a customary law community unit but a former *inlandsche gemeente* created by the Dutch colonial government under IGO 1906 *jo.* IGOB 1938. This study explains the chaos of the village settings and its organizational structure that are not related to the fulfillment of the livelihoods of the village community itself. This research is a descriptive study of the norms of Law No. 6 of 2014 based on the 1945 Indonesia Constitution and that of village normative organizational structure formed. The theory which was utilized as the basis for academic analysis was customary law (*rechtsgemeenschap van inheemse volkeren*), constitutional law, administrative law, public administration, and public service. The data obtained were through documents study of the 1945 Indonesia Constitution, Law No. 6 of 2014 and related organic laws, literature study on *rechtsgemeenschap van inheemse volkeren*, constitutional law, public administration; public service, and field observation. This study found that the Village arrangement under Law No. 6 of 2014 has deviated from the Indonesia Constitution norms and failed to function as an instrument of public service.

Keywords: Village, *rechtsgemeenschap van inheemse volkeren*, public services.

I. INTRODUCTION

Law Number 6 of 2014 on Village (hereinafter referred to Law No. 6 of 2014) has regulated two main substantial issues: 1) an ordinary village and 2) an customary village. The ordinary village or called government village is regulated in Article 1 through Article 95, while the customary village is regulated in Articles 96 through Article 111. The explanation of Law No. 6 of 2014 has stated that Law No. 6 of 2014 is part of an organic law derived from Article 18B paragraph (2) of the 1945 Indonesia Constitution. That of Article 18B paragraph (2) of the 1945 Indonesia Constitution contains the norm at which "*The state recognizes and respects the living of unit entity of community's customary law*". Such regulating explanation for that of customary village is somewhat correct, however for the village government it is questionable.

Article 96 of Law No. 6 of 2014 regulates that what it meant by the term customary village is an unit entity of community's customary law which is designated as an *Adat Village*. The village government regulated in Article 1 until Article 95 Law No. 6 of 2014 is a former *inlandsche gemeente* (indigenous community) formed by the Dutch East Indies government under the law of IGO 1906 *juncto* IGOB 1938 (IGO stands for Inlandse Gemeente Ordonnantie; IGOB stands for Inlandse Gemeente Ordonnantie Buitengewesten). *Inlandsche gemeente* naturally is not a unit of communities' customary law but a socio-political organization formed by the State through an ordinance used as an instrument to bridge the relationship between the Dutch government interests and the village people.

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Law No. 6 of 2014 compiles the village government organizational structure consisting of the Village Government Office (held by the Village-Head) and the Village Consultative Body (held by the Chairmant of VCB). The village head is given a set of task with holding village government affairs, while the VCB makes the village policies. The village head is assisted by several village aparatuses consisting of the village secretary, the head of village general affairs, the head of village sectional affair, and several Heads of Village Teritorial Affairs who take care of village government affairs at the village subregional level. The Village Secretary is the chief of staff of the village secretariat. The Village Secretary is assisted by three chiefs of affairs, e.g.: 1) administrative and general affairs, 2) financial affairs, and 3) planning affairs. In addition, the village secretary is also assisted by three section heads as operational implementers, e.g.: 1) the head of the government section, 2) the head of welfare section, and 3) head of general services section.

The village government organizational structure as described above is not suitable for public service delivery, because there are no functional organs formed by the State in charge of carrying out public services and providing public welfare, public goods, rural communities' livelihoods, education and health services, electricity supply, garbage disposal, sanitation arrangements, public housing, agricultural irrigation, drinking water supply, public transportation, economic infrastructure, public order and security, and public protection from fire and natural disasters.

This phenomenon raises academic inquiries that need to be scientifically responed for better public understanding and awareness. The main critical issues of that of village regulation are Firstly, Law No. 6 of 2014 spcifically Article 1 up to Article 95 regulate substantive law material that is not in accordance with the substantive law material mandated by the Constitution. The constitution gives the order, that "The state recognizes and respects the unity of indigenouse peoples who are still alive". However, Law No. 6 of 2014 regulates the socio-political organization of the former *inlandse gemeente* formed by the Dutch colonial government under the IGO 1906 *jo.* IGOB 1938. Secondly, due to the misleading of the regulation, it has an impact on the village government institution design, that is not in accordance with the objectives of the formation of normative public organizations. Based on this description, this study raised two question: Firstly, according to Law No. 6 of 2014 with the norm Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia? Second, how will the impact of institutional arrangements on public services to the community?

To answer the research question, a qualitative study was conducted. Data collected through normative studies that examine the 1945 Indonesia Constitution, Law No. 6 of 2014, IGO 1906, IGOB 1938, related laws and regulations; the literature on *rechtsgemeenschap van inheemse volkeren* (indigenous peoples' community of law), constitutional law, administrative law, public management, and public services. In addition, field observations were also carried out in Demak Regency, Central Java of Indonesia. The collected data and information were analyzed descriptively and qualitatively. The theoretical base used were the theory of constitutional law, administrative law, customary law (*rechtsgemeenschap van inheemse volkeren*), public management, and public services.

II. RESULTS AND DISCUSSION

Local government in Indonesia is regulated in ³ Article 18 of the 1945 Indonesia Constitution (before the amendment). Article 18 stipulates that the local government consists of large autonomous local governments and small autonomous local governments as further regulated through the Act. The initial 1945 Constitution was later amended to become the 1945 Constitution of the Republic of Indonesia. The initial Article 18 became Article 18, 18A, and 18B. The new three articles of the amendment

regulate that the local government consists of regular autonomous local government and asymmetric autonomous local government. Regular autonomous local governments consist of provinces and districts/cities while asymmetric local governments consist of special autonomous local governments and special local governments. In addition, the State recognizes and respects the unity of indigenous peoples who are still exist or alive.

One of the Laws that which is the lineage Article 18 of the 1945 Constitution and Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia is Law Number 6 of 2014 concerning Villages (Law No. 6 of 2014). In the case of lineage or umbrella under Article 18 of the 1945 Constitution, Law No. 6 of 2014 makes the explanation about the term 'Village' as follows:

The village, or what is called by another name, existed before the Unitary State of the Republic of Indonesia was formed. As proof of its existence, the Elucidation of Article 18 of the 1945 Constitution of the Republic of Indonesia (before the amendment) states "In the territory of the State of Indonesia there are approximately 250" Zelfbesturende landschappen "and " Volksgemeenschappen ", such as villages in Java and Bali, Nagari in Minangkabau, hamlets and clans in Palembang, and so on. These regions have an Original composition and can therefore be considered as special regions. The Republic of Indonesia respects the position of these special regions and all state regulations concerning these regions will commemorate the rights of the origin of these regions. Therefore, its existence must be recognized and given a guarantee of its survival in the Unitary State of the Republic of Indonesia.

The conclusion that says "its existence must continue to be recognized and guaranteed its survival in the Unitary State of the Republic of Indonesia" is illogical because apart from the Article described and the historical background of that of Elucidation of Article 18 of the 1945 Constitution. . Article 18 only regulates that the Regional Government does not regulate "zelbestuurende landschappen" and "volksgemeenschappen". The words "zelbestuurende landschappen" and "volksgemeenschappen" appear in the Elucidation of the 1945 Constitution which was only included in the Republic of Indonesia News Year Number 7, February 15, 1946. The explanation of the 1945 Constitution was made by Soepomo which according to him was abstracted from the discussion of the Draft of the 1945 Constitution which was included in the News of the Republic of Indonesia Year II Number 7, February 15, 1946. PPK May to August 1945.

Explanation of Article 18 of the 1945 Constitution made by Soepomo is not a constitutional norm, so it cannot be used as a legal basis for making organic laws. Thus at which norm can be used as a legal basis for making organic laws is the dictum: Article 18. The Explanation of Article 18 is Soepomo's efforts to outline more operationally on the Article 18 dictum, at which is sourced from the discussion material of the May-August 1945 BPUPKI Sessions and PPKI on regional government, not about "Zelfbesturende landschappen" and "Volksgemeenschappen" [1] [2]. The Explanation of the 1945 Constitution contains directives (not regulations), namely in the context of forming large autonomous regions and small autonomous regions (Article 18). It means that organic-laws that are made must pay attention to "Zelfbesturende landschappen" and "Volksgemeenschappen". These two regions which have original structure and original rights are converted into autonomous regions. "Zelfbesturende landschappen" is converted to a large autonomous region which has a special/asymmetrical nature. It is because it has an original arrangement and "Volksgemeenschappen" is converted to a small autonomous region that is also special/asymmetrical for its own original institutional arrangement. This

is evidenced by the writings of Soepomo [3]. who want the "Volksgemeenschappen" regulated by IGO 1906 to be immediately converted into a special small autonomous region with the term 'Village' as if Small Town as regulated in Law 22/1948. Soepomo wrote as follows [3]:

According to the explanation of the Basic Law, the lowest autonomous regions, namely villages, clans, nagari, etc., are considered the joints of the state, and those joints must be repaired, everything strengthened dynamically so that the country can progress. The purpose of the Basic Law, as explained in the Official Explanation, is to combine one village with another village, because the village area that is currently considered to be insufficiently large to be formed into an autonomous village area as desired by this Basic Law. The purpose of the merger has not yet been carried out, even the legal position of villages in Java until now is still controlled by Stsbl. 1906 No. 83 jo. Stsbl. 1907 No. 212.[Statblaad is Dutch Official Gazette].

Soepomo, an expert on Indonesian customary law, was not at all willing to maintain the reviving of the village (or with other names) as an alliance of communities customary law (*rechtsgemeenschap van inheemse volkeren*) but rather wanted that village governance that is still governed by colonial-era ordinances (IGO 1906 and IGOB 1938) be immediately converted into small autonomous regions as regulated in Law 22/1948. This is in accordance with the fact that *volks-gemeenschappen* after being regulated by IGO 1906, the composition and contents have been damaged [4] . According to Adam (1924), Haar (2013) and Soepomo, (2013) [5], villages, nagari, gampong, clans, and the like as *volks-gemeenschappen* after the enactment of IGO 1906 had been damaged and finally entered the historical grave after the enactment of Law 22/1948 jo Law 1/1957 jo. Law 18/1965 jo. Law 19/1965 jo Law 5/1979 jo. Law 22/1999 jo Law 32/2004 jo. Government Regulation 72/2005. Likewise, the "Zelfbesturende landschappen" alias swapraja area during the Dutch East Indies era soon ever since the enactment of Article 18 of the 1945 Constitution jo. Law 22/1948 jo. Law 1/1957 jo. Law 18/1965 became erased and entered into the tomb of history. Thus it is illogical to maintain its material objects that no longer exist. Because, if the conclusion is constitutionally correct and binding then the juridical consequences are 250 "Zelfbesturende landschappen" such as the Swapraja of Surakarta, Swapraja Deli, Swapraja Sambas, Swapraja Goa, Swapraja Banjarmasin, Swapraja Kutai, Swapraja Ternate, Swapraja Buleleng, and others (the Dutch era that has been removed) their existence also must continue to be recognized and guaranteed its survivability as "Volksgemeenschappen". It is because the phrase "Zelfbesturende landschappen" is mentioned before the phrase "Volksgemeenschappen" in parallel sentencing.

In the case of ³ Article 18B paragraph (2) of the 1945 Constitution (after amendm³) as legal umbrella, Law No. 6 of 2014 does not comply with its normative provisions. The sound of Article 18B paragraph (2) of the 1945 Constitution is "the State recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which is regulated in the law". However, Law No. 6 of 2014 from Article 1 up to Article 95 does not take the form of recognizing and respecting the unity of the living customary law of the community as mandated by the Constitution. Law 6/2014 only rearranged the socio-political organization that had been formed by the Dutch colonizers under IGO 1906 in conjunction with IGOB 1938 in which was continued by the New Order regime under Law 5/1979. This socio-political organization is not an unit entity of customary law community as referred to by Cornelis van Vollenhoven [6]. According to Vollenhoven, the unit entity of customary law community is an inland community that is bound and abides by its

customary law. Vollenhoven (1907) explained that the concept of unity of indigenous and tribal peoples is consisted of three components, namely: 1) *rechtsgemeenschap*; 2) *beschikkingrecht*; and 3) *adatrecht kringen* [7]. In summary, the content is that there are communities in Indonesia that are bound and adhere to customary law. This is what is called *rechtsgemeenschappen*. These communities have land as their livelihood. This is what is called *beschikkingstecht* (heritage land, disposal land, land with the right to oversee, customary land). These communities are found in 19 circles of enactment of customary law. This is what is called *adatrecht kringen* (its parts are called *rechtsgouw*). The three concepts are a unified whole as an understanding of unit entity of customary law community. Thus, unit entity of customary law community does not refer to the Village meaning as a socio-political organization formed by the State law but rather refers to communities that are bound and abide by its customary law.

The concept of *rechts gemeenschappen* in the context of international law is having the same meaning as the concept of indigenous and tribal peoples² stated in the ILO Convention 1989. Article 1 of the ILO Convention Number 169 of 1989 explains indigenous peoples as follows:

- a. *tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customary or traditions or by special laws or regulations;*
- b. *peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.*

Furthermore⁴ ILO (2003) explains the elements of tribal peoples are as follows:

- a. having traditional life styles;
- b. having culture and way of life, which is different from other segments of the national population, e. g. in their ways of making of living, language, customs, etc.;
- c. having its own social organization⁵ and traditional custom and laws.

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- c. having its own social organizations and political institutions.

ILO (2003) then explains:

Indigenous and tribal customs and traditions are central of their life. The form is an integral part of indigenous and tribal peoples' culture and identity, and differ from those of the national society. They may ancestor worship, religious and spiritual ceremonies, oral tradition, and rituals, wich have been passed down from generation to generation. Many ceremonies involve offering to nature spirits, and take place in order to maintain a balance with nature.

Many indigenous and tribal peoples have their own customs and practices wich form their customary law. This has evolved trough the years, helping to maintain a harmonious society.

Often, in order to apply these customs and practices, indigenous and tribal peoples have their own institutional structures such as judicial and administrative bodies or councils. These

bodies have rules and regulations to make sure customary laws are followed. Failure to do so is often punished and each lapse often has its own specific punishment.

The Convention recognized the right of indigenous and tribal peoples to their own customs and customary laws should be taken into account.

Thus, based on the customary law concept of *rechts-gemeenschap* as conveyed by Cornelis van Vollenhoven, ILO Convention No. 169 of 1989 and Law No. 6 of 2014 especially at Article 1 up to Article 95 does not recognize and respect the unit entity of communities' customary law as mandated by Article 18B paragraph (2) of the 1945 Indonesia Constitution. Substantive material set out in Law No. 6 of 2014 is not an unit entity of community's customary law as meant by Article 18B paragraph (2) of the 1945 Indonesia Constitution, but rather a socio-political organization of the former *inlandsche gemeente* created by Dutch colonial invaders under IGO 1906 *jo.* IGOB 1938 *jo.* *Ku* created by Japan colonial government under the Osamu Seirei No. 27/1942.

In addition, the misled village regulation in respect to the constitutional norms, is that the design and organizational structure of the Village Government is also noticeably not in line with the objectives of the intended formation of public/governmental institutions as stated in the Preamble of the 1945 Indonesia Constitution. Based on this vision, every public/governmental organization formed by the State must have the function of advancing public welfare and better intellectual life of the nation. The design and structure of the organization formed by Law No. 6 of 2014 and Ministry of Internal Affairs Regulation No. 84/2015 do not support the achievement of that vision. Based on the field observations in the area of Demak Regency, data obtained were the structure of the village government organization and its activities. The village government institution consists of the Village Head (Government-Office) and the Village Consultative Body (VCB). The village head is tasked with holding village government while the VCB makes policies. The village head is assisted by several village officials consisting of the village secretary, heads of government affairs, sub-heads of governmental sections, and territorial officials. The village secretary is the head of staffs of the Village Government Secretariat. The Village Secretary is assisted by three staff heads of affairs: 1) administrative and general affairs; 2) financial affairs; and 3) planning matters. As indicated above, the village secretary also is assisted by three section sub-heads as operational implementers: 1) the sub-head of the government section; 2) the sub-head of the welfare section; and 3) the sub-head of public service section. In addition, the village head is also assisted by the regional staffs, namely the staffs who take care of village government at the regional unit level. The status of the village head is not a government official and the village apparatus is not also a public servant. Thus, village is a public organizations legally formed by the State but not organized by government officials or public servants. By regulating so, village institution cannot be considered as a real public organization.

In real terms, the village government does not take care of the basic education and health of the villagers. Those of basic education and health are administered by the district/city government. The village government only helps the implementation. The village government does not take care of the villagers' drinking water services. The village government and superior government did not build drinking water infrastructure consisting of the establishment of drinking water processing plants, construction of installations and networks, water treatment, water distribution, supervision, and guarantees to customers. Villagers have fresh water drinking from their homemade well water, neighboring well water, river water, ponds, natural water sources, and from collected-rainwater. The village government does not provide health services to its citizens. In the village there is no public health polyclinic that

provides health services to the villagers. In some villages there are health clinics as branches of the District Government's Community Health Centers. The Community Health Center is mostly located in the district capital. Villagers who need health services then must come to the Community Health Center located in the district capital or to the polyclinic branches of those of Community Health Centers which can be tens of kilometers away. As a result, many villagers who suffer from illness are hardly get adequate medical treatment right away. The village government does not take care of the sewage disposal, household waste and rubbish. Villagers dispose their own sewage and household waste in their village rivers and other improper places. Village government and its respective superior government do not take care of public transportation. Village government and its superior government do not provide basic public transportation inter villages, villages to districts, and villages to regencies. The village government does not take care of public housing provision for its citizens. Villagers build their own houses without getting any help from the village government or the relevant superior government. The village government does not provide economic infrastructure to grow the economy of its citizens such as the pier, fish auction hall, cold storage for fishing harvesting product; provision of agricultural infrastructures and fishery equipment, irrigation systems, seeds, fertilizers, agricultural medicines facilities, and microfinance institutions. The village government does not protect its citizens from the dangers of potential fire and natural disasters. The village government does not take care of local public order and security for its citizens.

Field data showed that village government undertook four main activities:

- 1) collecting land and building taxes;
- 2) becoming an intermediary between residents who need state documents such as personal ID, family ID, land certificates, business licenses, and health insurance cards (in collaboration with its relevant superior government who holds the authority);
- 3) implementing projects from the superior government; and
- 4) carrying out orders from its relevant districts/sub-district office, relevant regent/mayor, relevant governors, the ministers, the heads of central government institutions, and the president.

The village government receives an annual list of land and building tax payers from the sub-district office. The Village Government staff then distributed the list of taxpayers to each family head of the taxpayer. Taxpayers are given a deadline to pay taxes at their relevant village office. If the taxpayers have not yet paid the limit, the village government official will come to the taxpayer's house and collect the tax that must be paid. In other matter, villagers who need state documents such as personal ID, family ID, land certificates, business licenses, and health insurance cards must first come to see the chairman of the Neighborhood Community Office (NC/RT) and the chairman of the Broader Neighborhood Community Office (BNC/RW) to ask for a cover letter of that of needed document. After getting an interstitial letter from the NC/RT and BNC/RW, the applicant comes to the Village Office. In this office the applicant also only gets a Cover Letter. A letter of cover letter from the Village Office has then to be handed down to the District Office. At this level, the needed personal ID and family ID have not been obtained yet right away. The applicants must wait one up to three months to get their Personal ID or family ID, it is because the one who has the authority to issue the personal ID or family ID is the Office of Regency Population and Civil Registry.

The village government implements public service and development projects from various institutions, such as from:

- 1) the Ministry of Underdeveloped Regions and Transmigration, namely infrastructure development and community empowerment projects;
- 2) the National Statistics Agency, namely a national population census project;

- 3) the General Election Commission, namely voter registration project for presidential and national and regional legislative elections;
- 4) the Ministry of Social Affairs, namely hope family project and non-cash food assistance (the project of distributing cash directly to poor families from the Central Government);
- 5) the various central government, namely Health Card, Smart Card and Pre-Work Card distribution projects;
- 6) the *Bulog* (Logistic Business Entety) Public Company, namely the rice distribution project for the poor;
- 7) the Regency Government, namely child and mother care projects.

Thus, basically the village government carries out the orders of the district head, the regent/mayor, the governor, the ministers, the head of the central government agencies, and the president in relation to the tasks of government public service, development, and policing.

Stoker (1991) [6] explains that the function of public organizations at the community level is to manage and manage the affairs of the community's livelihood. Kelly and Rivenbark (2011) says that public service for the community has to be aimed at strengthening public access, preserving culture and natural resources, reducing crime and increasing citizens' security, increasing the sustainability of community life, expanding recreation-travel-connectivity, and increasing service satisfaction [7]. Norton (1997) details the matters relating to the livelihoods of the community, namely the housing, street, transportation, education, skills training, cultural activities, library, museum; recreation and environmental conservation, health and social welfare, policing, protection from fire and disaster, local economic development, public utilities (e.g.: water supply, water supply for industry, sewers, transportation, electricity, gas, port development, markets, tourism facilities, location preparation for housing, roads, parking lots, hospitals, slaughterhouses), travel promotion, waste collection and disposal, market, and measuring pollution, controlling river, building dams for flood control, building water treatment and irrigation, and others [8]

By referring to the explanation of Stoker, Kelly and Rivenbark, and Norton above the village government organizational structure in Indonesia does not function to serve the needs and interests of the livelihoods of the village community. Public services which are the necessities of livelihoods of the village community are covering education and health, electricity supply, garbage disposal, sanitation arrangements, housing provision, agricultural irrigation provision and supply, drinking water supply, public transportation supply, economic infrastructure provision to increase villagers' income, the creation of public order and security, and the protection of the population from the dangers of potential fire and natural disasters. All these sectors do not become a function of village government organizations. The secretariat only carries out planning and administrative support functions while technical staff only carry out the operational functions of government, welfare, and services in general. There is no technical implementation staffs specifically managing sectors related to the livelihood needs of village communities.

The village government organizational model now is a continuation of the organization created by the Japanese colonial invaders. Kurasawa (2015) explained that when Japan colonized Indonesia (1942-1945) the Government replaced the *Dutch inlandsche gemeente* into what so called 'Ku' [9]. If the organizational structure of the *inlandsche gemeente* mimics the municipal institutions in Europe (Angelino, 1931) [10], "Ku" imitate 'the *buraku* institutions' in Japan. "Ku" was not functioned as a state organization to improve the welfare of the village people but as a state instrument to mobilize the villagers for the victory of the Great East Asia war. Therefore, "Ku" organizational structure is not

equipped with departments that take care of the welfare of the village people. "Ku" organizational equipment consists only of the secretariat staffs, security implementers, religious implementers, and resident supervisory staffs. In addition, in the Kuchoo (village head during Japanese administration) a corporate institution was also formed as the technical implementer of mobilization and control, namely Aza, Tonarigumi, Heiho, Keibodan, Seindendan, and Fujing kai. According to Schmitter (1974) such an organization portrayed above is not a model of public organization in a democratic service system that is oriented to public services but a model of state corporatism in a control-oriented totalitarian government system [11]. State corporatism is a socio-political organization formed by the state aimed at achieving the political and economic goals of the authorities by means of a single monopoly for the sake of effectiveness and efficiency.

Village government organization as regulated in Law No. 6 of 2014 then seems maintaining the Japanese state-owned corporatism model. The organizational structure of the village government is being formed similar to the organizational structure of "Ku" during Japanese occupation period (1942-1945). The corporate institutions under the village head namely NC/RT, BNC/RW, Family Welfare Education, Youth Organization, and Community Protection are other names for Aza, Tonarigumi, Fujing kai, Seinendan, and Heiho/Keibodan. The way it works is also the same, in implementing economic and political programs and projects. The village government and the relevant superior government mobilize the population through corporate institutions under the village head. Even under Law No. 6 of 2014, corporate institutions under the village head as an instrument of mobilization are expanded becoming massive and systematic. The expansion in this village government organizational context is the addition of new corporate institutions, namely the Village Consultative Body, Integrated Service Posts, Dasa Wisma, Village Youth Cadres, Village Community Empowerment Institutions, Village Customary Institutions, Water User Farmer Association, and Village Assistance.

III. CONCLUSION

Village government organizational structure formed under Law No. 6 of 2014 is a variant of state corporatism. The village government is not a public organization with the function of advancing public welfare and educating the life of the nation, but only an semi-government organization made by the state with the function of implementing the country's political and economic policies in a monolithic and massive manner. The political and economic policies do not relate to fulfilling the livelihoods of the village people, but rather in the form of advancing the success of superior government programs and projects. The programs and projects of the superior government are more in the form of macro perceptions and assumptions of the policy makers who are not directly related to the real needs of the village people. Law No. 6 of 2014 should be reconstructed or deconstructed because it is unconstitutional. The Government and the House of Representatives do not need to make laws on Villages because the 1945 Constitution (before the amendment) only gives a mandate to form large autonomous regions and small autonomous regions while the 1945 Indonesia Constitution only mandates to form provincial and regency/city autonomous regions, special autonomous regions, and extraordinary autonomous regions plus the recognition and respect of the State for the unit entity of indigenous and tribal peoples. In the Elucidation of Article 18 of the 1945 Constitution, it had been directed that the village of the past be converted into a modern autonomous region that is special due to having its own original arrangement. Therefore, villages or with other names that meet the requirements are immediately to be converted into special autonomous regions. The village as a special autonomous region has an organizational structure that functions to advance public life and educate the nation's life through the provision of public services that are directly related to the needs of the village people.

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