

The Development of Village Authority in the History of the State of the Republic of Indonesia (Study on Village Level Autonomy)



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ABSTRACT: This study examines the development of village authority arrangements, since the independent Republic of Indonesia until the issuance of Law Number 6 of 2014 concerning Villages and Implementing Government Regulations. The purpose of this study is to understand the legal basis of village authority in Indonesia after the independence of the Republic of Indonesia until the issuance of Law Number 6 of 2014 concerning Villages and to find out the development of the political direction of the government's law regarding village regulations related to the authority of the village government. The research method uses the type of research that researchers use is normative legal research. Obtaining data from library materials or secondary data, then the technique of collecting data or legal materials in this research is carried out by literature/documentation studies. This research uses a statute approach and a historical approach, which is carried out to track the history of legal institutions from time to time. This research produces an overview of the journey of regulating village authority, the ups and downs of village authority can be seen from the successive Laws of Regional and Village Governments, relating to the existence of village governments within the framework of the Unitary State of the Republic of Indonesia. The conclusions that can be drawn from this research are regarding. These include: The existence of ups and downs regarding the regulation of village authority, both at the level of law and at the level of government regulations, the existence of the political will of the government to restore the existence of the village, which actually existed before the birth of the Republic of Indonesia, as well as the growing recognition of village autonomy and Traditional villages are of special concern to legislators (the President and the House of Representatives).

KEYWORD: Development of Village, History of the State

INTRODUCTION

The development of institutional law after the amendment to the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) has brought the Indonesian state towards strengthening government from the center to the regions, in the 1945 Constitution there is no explicit mention of village government, but the existence of village government recognized as stated in Article 18B Paragraph 2, namely: *"The state recognizes and respects customary law community units 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 are regulated by law"*

As regulated in Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as the Regional Government Law), Article 1 Number 43, which describes villages, namely:

Village is a village and traditional village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage Government Affairs, the interests of the local community based on community initiatives, origin rights, and/or traditional rights. recognized and respected in the system of government of the Unitary State of the Republic of Indonesia.

With the issuance of Law Number 6 of 2014 concerning Villages (hereinafter referred to as the Village Law). The Village Law brings legal consequences that the rules regarding the village are regulated in a separate law.

The Village Law states that every village gets funding from the State Budget (APBN) to encourage village development, this is a big step to advance and prosper the village community. The issuance of the village law is the community's pressure for the rule of law in the form of a law that accommodates the needs and aspirations of the people for the existence of a village law. So that according to making laws (the president and the DPR) to make a law that specifically regulates villages, because the previous rule (Law Number 32 of 2004 concerning Regional Government) did not accommodate the development of village

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government. So that with the issuance of the Village Law, it is hoped that the village government is given a fairly wide portion in managing its government households. With regard to the authority of the village government, it has experienced very rapid development, this can be seen along with the changes in village regulations. Law Number 32 of 2004 concerning Village Government, which in articles 200 to 216 has been revoked with the issuance of Law Number 23 of 2014 concerning Regional Government, followed by the promulgation of Law Number 6 of 2014 concerning Villages. Regulations relating to the authority of the village government have become a blessing and a threat if that authority is misused or misused by elements of the village government.

Problem Formulation

The researcher formulates the problem of how the development of village authority in the constitutional history of the Republic of Indonesia. Since the independence of the Republic of Indonesia, many laws and regulations have been issued and revoked one after another regarding the existence of villages. The researcher tries to take an inventory of the laws and regulations regarding the village regarding village authority and see the direction of the government's legal politics regarding the village.

THEORY FRAMEWORK

Theory of the rule of law

If examined historically and practically, the concept of the rule of law appears in various models such as the rule of law according to the Qur'an and Sunnah or Islamic Nomocracy, the rule of law according to the Continental European concept called *rechtstaat*, the rule of law according to the Anglo-Saxon concept of rule of law, the concept of socialist legality, and the concept of a constitutional state of Pancasila (Ridwan, 2011: 1). On the other hand, the rule of law starts from the conception of a liberal legal state (*nachwachter staat*/the state as a night watchman) to a formal legal state (*formele rechtsstaat*) then becomes a material legal state (*materialele rechtsstaat*) to the idea of a prosperous state (*welvaarsstaat*) or a state that serves to the public interest (social service state or *sociale verzorgingsstaat*) (Wahjono, 1991: 73).

The term "the rule of law" became popular with the publication of a book by Albert Venn Dicey in 1885 entitled "Introduction to the study of the law of de constitution". Based on the background and from the legal system that supports it, there is a difference between the concept of "*rechtsstaat*" and the concept of "the rule of law" although in today's development there is no longer an issue between the differences between the two because basically the two concepts direct themselves to one main goal, namely recognition. and protection of human rights. Although with the same goal, both of them are still running with their own system, namely their own legal system (Hadjon, 1987: 72). The concept of "*rechtsstaat*" was born from a struggle against absolutism so that it is revolutionary, on the contrary the concept of "the rule of law" develops evolutionarily. This can be seen from the content or criteria for *rechtstaat* and criteria for the rule of law.

As for the concept of the rule of law, in the opinion of Philipus M. Hadjon there are only 3 (three) concepts of the rule of law, namely: *rechtstaats*, the rule of law, and the state of Pancasila law. The study of its principles in terms of Islamic law, its implementation in the Medina state period and the present), suggests that there are five (5) kinds of legal state concepts, as species begrip, namely:

1. The rule of law according to the Qur'an and Sunnah (Islamic Nomocracy) is more appropriate and shows the link between the nomocracy or the state of law and Islamic law;
2. The rule of law according to the Continental European Concept called *rechtsstaat*, this rule of law model is applied for example in the Netherlands, Germany and France;
3. The concept of rule of law applied in Anglo-Saxon countries, including England and the United States;
4. A concept called socialist legality which was applied, among others, in the Soviet Union as a communist state; and
5. The concept of the State of Law Pancasila (Azahary, 2010: 83-84).

Regarding the elements of the rule of law, according to Stahl, as quoted by Ridwan HR, that the elements of the rule of law (*rechtsstaat*) are as follows:

1. Protection of human rights;
2. Separation or division of powers to guarantee those rights;
3. Government based on statutory regulations; and
4. Administrative justice in disputes.

In the Anglo-Saxon region, the concept of a rule of law emerged from A.V. Dicey, with the following elements:

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1. The supremacy of the rule of law (supremacy of the law);
2. The absence of arbitrary power, in the sense that a person may only be punished if he violates the law;
3. Equality before the law. This argument applies both to ordinary people and to officials; and
4. Guaranteed human rights by law (in other countries by the constitution) and court decisions (Saragih, 2000: 134).

In contrast to several concepts contained in the rule of law, both *rechtsstaats* and the rule of law, in the Pancasila state law, the interests of the people are highlighted (Suseno, 2011: 117-118). This is because the constitutional state of Pancasila is based on the principles of kinship and harmony. The characteristics of the Pancasila legal state according to M. Tahir Azhary are as follows:

1. There is a close relationship between religion and the state;
2. Relying on God Almighty;
3. Freedom of religion in a positive sense;
4. Atheism is not allowed and communism is prohibited; and
5. The principle of kinship and harmony.

If examined from the historical background, both the concept of "the rule of law" and the concept of "*rechtsstaat*" were born from an effort or struggle against the arbitrariness of the authorities. Meanwhile, the Republic of Indonesia has historically been against all forms of arbitrariness or colonial absolutism, as well as involving cross-ethnic, ethnic, and religious groups in Indonesia. If referring to the historical background, therefore the Indonesian legal state must have Indonesian characteristics. On the other hand, because Pancasila must be appointed as the main basis and source of law, the Indonesian legal state can also be called the Pancasila Law State.

To prove Indonesia as a country based on law, two thoughts can be put forward, namely: First, that the highest power in the Indonesian state is the law made by the people through their representatives in the legislature. So a rule of law as a further embodiment of the notion of popular sovereignty. The second thought is that the state government system or ways of controlling the state require power (*power/macht*) but there is no power in Indonesia that is not based on law (Thaib, 2000: 27). Referring to the two evidences, it can be emphasized that Indonesia adheres to the idea of a state of law (*rechtsstaat*) not a state of power (*machtsstaat*) (Azhary, 1995: 154).

As a state of law, the state of law of Indonesia must lead to efforts to realize the welfare of the people. Thus, the Government of Indonesia is not only tasked with maintaining public order, but is also required to participate actively (proactively) in all aspects of people's lives and livelihoods. As a consequence, the field of government carried out by the government is very broad. This is in accordance with Lemaire's opinion which states that the Government has the task of "*bestuurszorg*" (Suryani, 2011:17), namely the duties and functions of organizing public welfare.

The use of the principles of the rule of law is very relevant as a theoretical basis in this study because the government in implementing village authority must be based on strict rules based on statutory regulations so that the government's actions can be justified (legal) according to law. On the other hand, the use of this concept also aims to ensure that the government in implementing its authority does not abuse authority or arbitrary actions, is not discriminatory or only prioritizes a group of people, an independent and impartial judiciary, which guarantees equality of every citizen under the law, and ensure justice for everyone.

Authority Theory

Authority is a very fundamental thing in government administration, because without the authority given to it, the government cannot do anything (Hutagalung, 2008: 105). Actions taken by the government can be justified if administratively, they have authority in that field, as outlined by the legislation (Hamidi, 2008: 11). Philipus M. Hadjon stated that this authority was obtained in 3 (three) ways, namely:

1. Attribution, namely the authority to make decisions that are directly sourced from the law in a material sense. From this understanding, it seems that the authority obtained through attribution by government institutions is the original authority.
2. Delegation, namely the transfer of authority to make *besluiten* by government officials to other parties in the sense of a transfer from the giver of the delegation (*delegans*) to the recipient of the delegation (*delegation*).
3. Mandate, which is a delegation of authority to subordinates in the sense of giving authority to subordinates to make decisions on behalf of the official who gave the mandate and responsibility lies with the mandate giver, not a mandatory responsibility (Hadjon, 1993:128-129).

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At the attribution of the granting of authority to the new government by a provision in the legislation so that a new government authority is born or created. Thus, it can be understood that the legal provisions that form the basis for the issuance of the disputed decision may clearly state the State Administration Agency or Official (TUN) authorized by the government, so the basis for this authority is called attributive (Soetami, 2009: 4).

Meanwhile, in delegation, there is a delegation of an existing authority by a State Administration Agency or Position that has obtained an attributive government authority to another State Administration Agency or position. Thus, a delegation is always preceded by an attribution of authority, so that it can be known whether a State Administration Agency or Position at the time issued a decision containing a delegation of authority based on a valid attributive government authority or not.

In addition to attribution and delegation of authority, we also often hear the term mandate. In the attribution of authority, there is the granting of an authority based on statutory provisions, while in the delegation of authority, there is a delegation or transfer of an existing authority. Furthermore, according to Indroharto, the mandate is the opposite, in that mandate there is no granting of new authority or delegation of authority from one State Administration Agency or Position to another. Thus, there is no change in the mandate regarding the distribution of existing powers, there is only an internal relationship, for example between the Minister and the Director General or his Inspector General, where the Minister (mandaris) assigns the Director General or his Secretary General (mandataris) for or on behalf of The Minister takes legal action and takes and issues certain State Administrative decisions.

If it is related to the discussion that will be discussed in this study, the regulation of village government authority is found in Law Number 6 of 2014 concerning Villages. Based on the description above, the Authority theory is very relevant as a theoretical basis in this discussion, because the validity of the actions of the village government, both the central government and the village government in implementing the village authority, is carried out based on the authority given to the village government, as regulated in the legislation. valid invitation.

The Principle of Decentralization

Definition of the principle of decentralization

According to Hoogerwart, decentralization is an acknowledgment or delegation of authority by higher public bodies to lower public bodies to independently make decisions in the field of regulation (regelendaad) and in the field of government (bestuursdaad) (Assihiddiqie, 2011). : 294). Decentralization is the establishment or strengthening of "subnational" government units whose activities are substantially beyond the control of the central government.

The definition of decentralization is distinguished in three senses, namely:

1. Decentralization in the sense of deconcentration

Decentralization in the sense of deconcentration is the delegation of the task or workload from the central government to representatives of the central government in the regions without being followed by the delegation of authority to make decisions.

2. Decentralization in the sense of delegation of authority

Decentralization in the sense of delegation of authority (transfer of authority), is the transfer of power to make decisions from the central government to regional governments or regional government organizational units that are outside the control of the central government.

3. Decentralization in the sense of devolution or delegation of functions and powers

Decentralization in this, is the transfer of government functions and central authority to local governments. With the handover, the regional government becomes autonomous and without being controlled by the central government which has handed it over to the regions.

In essence, decentralization is distinguished in terms of its characteristics, which are as follows:

1. Territorial decentralization, namely the transfer of government affairs or the delegation of authority to carry out a government affair from a higher government to a lower government organizational unit based on territorial aspects;
2. Functional decentralization, namely the handover of government affairs or the delegation of authority to organize a government affair from a higher government to lower government units based on the aspect of its purpose;
3. Political decentralization, namely the delegation of authority which gives rise to the right to take care of the interests of one's own household for political bodies in areas elected by the people;
4. Cultural decentralization, namely the granting of rights to certain groups to organize their own cultural activities;
5. Economic decentralization, namely the delegation of authority in carrying out economic activities;

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6. Administrative decentralization, namely the delegation of some authority to the tools or units of self-government in the regions.

According to Smith (Harris, 2007: 73-74), the implementation of decentralization is not only aimed at the interests of the central government, but also in the context of local interests. Decentralization also provides authority and resources, of course, not without risk, especially if it is not balanced with an effective monitoring system. To optimize the implementation of regional autonomy.

DISCUSSION

As a miniature of the Indonesian state, the village is the closest political arena for the relationship between the community and the power holders (Village Devices). On the one hand, village officials are part of the state bureaucracy that has a list of state tasks, namely carrying out bureaucratization at the village level, implementing development programs, and providing administrative services to the community. An important task of the village government is to provide administrative services (correspondence) to residents. Talking about the village, will not be separated from the historical development of the state administration of the Republic of Indonesia. In order to regulate the post-August 17 1945 government, the Central National Committee working body issued announcement No. 2 which was later enacted as Law No. 1 of 1945 on 23 November 1945. It is necessary to hold a provisional regulation to determine the position of the Regional National Committee, Articles 18 and 20 of the 1945 Constitution and Vice President's Decree no. X, October 16, 1945. This law regulates the position of the Village and the powers of regional national committees. One of the provisions in Law No. 1 of 1945 concerning the difficulty of village budgeting, therefore the area under the district in the form of villages or assistants is not given autonomy. This is because they are worried that there will be taxes with the same object and subject, which will be taxed many times, both by the village and the government above it, at the district, provincial and central levels. The initial foundation regarding the form of village government, has distinguished between the village *autonomie* (Village Autonomy) described in contrast to the *adatrechtelijke autonomi* (Customary Village Autonomy)

Elucidation of Law Number 1 of 1945.

Based on Law Number 22 of 1948 concerning Stipulation of Basic Rules Regarding Self-Government in Regions Who Have the Right to Regulate and Manage Their Own Households

The state government system or ways of controlling the state require power (power/macht) but there is no power in Indonesia that is not based on law (Thaib, 2000: 27), therefore, the rule of law is the basis for the implementation of government. In Chapter XII concerning Village Areas, it is explained that in fact the existing village areas are not yet large enough to be formed into village areas which have the right to regulate and manage their own household according to this basic law. Therefore it needs to be combined first. But the work of combining it is very difficult and takes a long time. Therefore, it is still under investigation as to whether it is possible to achieve the results as we hoped by not merging first, but the Village is now formed as an autonomous region (which has the right to regulate and manage its own household) according to this Basic Law and is further guided to work together (Article 27), so that because working together it can create a feeling of need to join. Law No. 22 of 1948 promulgated on July 10, 1948 also confirms that the form and structure as well as the authority and duties of the Village Government as an autonomous region has the right to regulate and manage its own government (Yando Zakaria, 2000).

Based on Law Number 1 of 1957 concerning the Principles of Regional Government

Legal community units take various forms throughout Indonesia. If in Java the name Village and Village are defined as one kind of legal community unit which is no longer divided into subordinate legal community units and neither is the village part of another legal community unit according to custom, so that the village stands alone, has its own area, the people themselves, the rulers themselves and perhaps their own property. Law Number 1 of 1957, explaining the existence or absence of customary law community units as the basis for working to develop this level of autonomy, it should also be realized that autonomy matters are not "congruent" with customary law matters, so that when If a customary law community unit is made into an autonomous region or incorporated into an autonomous region, then this does not mean that the duties of the adat heads have been automatically erased. What may be erased are only aspects of customary law that are constitutional in nature, when only one unit of the customary law community is made into an autonomous region, only the features that are meant are in line with the constitutional power that is implied in the sense of autonomy. The ability to see the difference, namely the difference between autonomy and customary power, is an important condition for a satisfactory life of autonomy, the whole people who inevitably

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are still trapped in the customary law system. The initial milestone of the separation of the village from the traditional village, which made the existence of the traditional village weaken to the point of fading in the archipelago.

Based on Law Number 18 of 1965 concerning the Principles of Regional Government

Village is defined by Law Number 18 of 1965, in the form of "Village" or an area equivalent to that, which is a legal community unit with a unitary authority that has the right to regulate and manage its own household as referred to in the explanation of Article 18 of the Constitution. According to this law in Article 4 Paragraph (2), something or a combination of villages or regions that are at the same level as a village or sub-district, taking into account the living conditions of the community and the progress of their socio-economic development as well as taking into account the customary law regulations that are still in effect, can be formed as Level III Region with the name of District or Municipality. In the sense of a legal community unit, it also includes a customary law community unit, namely a legal community unit that is at the same level as the village which has the right to regulate and manage its own household as an innate history of its growth, where the unitary ties or customs are so strong and deep or rooted. Until the law was repealed, level III regional governments were never formed. Law Number 18 of 1965 was repealed with the issuance of Law Number 5 of 1974 concerning the Principles of Regional Government on June 4, 1974.

Based on Law Number 19 of 1965 concerning As a Transitional Form to Accelerate the Realization of Level III Regions throughout the Territory of the Republic of Indonesia.

Law Number 19 of 1965 concerning Praja Villages is actually the culmination of political commitment and agreement that positions the village as a level III autonomous region and revokes all regulations, be it village regulations inherited from the colonialists or statutory regulations regarding villages after the proclamation. However, due to the change in political paradigm from the Old Order to the New Order, the law did not apply. Several studies have shown that the increase in the number of villages is based more on motives in the form of fighting over resources, politics for the formation and expansion of new sub-districts and districts, politics of ethnic identity, primordialism, increasing access to resources from the government and so on.

In Article 34, which reads:

- 1) *Desapraja has the right and obligation to regulate and manage its regional household.*
- 2) *All existing duties of authority based on customary law or applicable superior regional laws and regulations as long as they do not conflict with this law remain the task of the village authority since the time this law comes into effect.*
- 3) *By means of any statutory regulations or regional regulations, the supervisor of the village authority task as referred to in Paragraph (2) can be changed, reduced or increased.*

Article 35

- 1) *With a Regional Regulation, a Level II Region may partially or completely separate certain affairs from their household affairs to be managed by the Desapraja themselves.*
- 2) *The submission of household affairs as referred to in Paragraph (1) must be accompanied by the necessary tools and financial resources.*

Article 36.

- 1) *Desapraja are required to carry out co-administration tasks from their superior Government agencies.*
- 2) *Desapraja provides accountability for the co-administration tasks referred to in Paragraph (1) to the authorized agency.*
- 3) *To carry out the assistance tasks as referred to in Paragraph (1), the Desapraja will be given a reward*

Article 37

- 1) *A social organization whose area of organization and work is horizontal is limited to the Desapraja area may be assigned the task of assisting to carry out a task of the Desapraja authority.*
- 2) *Desapraja has the authority to regulate and supervise and provide necessary assistance to the organizations referred to in paragraph (1).*

Article 38.

- 1) *Desapraja has the authority to make decisions for the benefit of its regional households and implement regulations whose implementation is assigned to Desapraja.*
- 2) *All decisions as referred to in Paragraph (1) may not conflict with the public interest on laws/regulations at a higher level.*

According to Article 1 of Law Number 19 of 1965, what is meant by Desapraja is a legal community unit whose boundaries are certain, has the right to manage its own household, choose its ruler, and own its own property. Law Number 19 of 1965 also

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provides for the legal basis and contents of the Praja Village which means a legal community unit with certain regional boundaries and the right to manage their own household, elect their rulers, and own their own property.

In the general explanation of Desapraja there is a statement stating that Law Number 19 of 1965 does not establish a new Desapraja, but recognizes legal community units that already exist throughout Indonesia with various names being Desapraja. Other legal community units that are not territorial in nature and do not yet recognize autonomy, such as those found in various administrative regions, are not designated as Desapraja, but can be directly used as administrative units from level III regions. The explanation also states that Desapraja is not a separate goal, but only as a transitional form to accelerate the realization of level III regions within the framework of Law Number 18 of 1965 concerning the Principles of Regional Government. One day, when the time comes, all Villages must be upgraded to Level III Regions with or without prior merger considering the size of the Villages concerned.

Law Number 19 of 1965 did not have time to be implemented in many regions. Its implementation was postponed, or precisely frozen, on the basis of the enactment of Law Number 6 of 1969, namely the laws and government regulations in lieu of the 1965 Laws, although it was also stated that their implementation was effective after the new law that replaced them. However, strangely enough, Law Number 19 of 1965 itself had actually been suspended through the instructions of the Minister of Home Affairs Number 29 of 1966. Therefore, since Law Number 18 of 1965 and Law Number 19 of 1965 came into effect, what practical what was meant by level III and Desapraja regions did not materialize.

Based on Law Number 5 of 1974 concerning the Principles of Government in the Regions

Law Number 5 of 1974, only gives orders to lawmakers to make special arrangements regarding village government. As regulated in Article 88 regarding the regulation of village government, it is stipulated by law. Law Number 5 of 1974 concerning the Principles of Regional Government was revoked with the issuance of Law Number 22 of 1999 concerning Regional Government

Based on Law Number 5 of 1979 concerning Village Administration

Law Number 5 of 1979 stipulates that the village is under the sub-district head and regarding village authority will be regulated in a Minister of Home Affairs Regulation. As regulated in Article 1 letter a, namely *"Village is an area occupied by a number of residents as a community unit including the legal community unit which has the lowest government organization directly under the Camat and has the right to organize its own household within the bonds of the Unitary State of the Republic of Indonesia"*.

In Article 2 Paragraph (2), which reads "The establishment of the name, boundaries, authority, rights and obligations of the Village is determined and regulated by Regional Regulation in accordance with the guidelines set by the Minister of Home Affairs". Regulations in Law Number 5 of 1979 forced the village and legal community units that were part of it to be uniform. Law 5 of 1979 confirms that village heads are elected by the people through direct democracy. The provision for direct village head elections is a side of democracy (electoral) in the direction of the village. When the president, governors and regents are determined oligarchically by the parliament, the village heads are elected directly by the people. Because of this, the privileges of this village are often referred to as the bulwark of democracy at the grassroots level. But empirically the practice of electing village heads does not fully reflect the will of the people. Pilkades are always full of manipulation and control of the supra-village government through politically and administratively formulated requirements.

Based on Law Number 22 of 1999 concerning Regional Government

Villages in Law Number 22 of 1999 are given meaning based on Article 1 Letter o. That is "Village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has the authority to regulate and manage the interests of the local community based on local origins and customs which are recognized in the National Government system and are located in the Regency Area". Meanwhile, the village authority regulated in Article 99 includes:

1. Existing authority based on Village origin rights;
2. Authorities that have not been implemented by the applicable laws and regulations by the Regions and the Government; and
3. Assistance Tasks from the Government, Provincial Government, and/or Regency Government.

Normatively, Law Number 22 of 1999 places the village no longer as the lowest form of government under the sub-district head, but as a legal community unit that has the right to regulate and manage the interests of the local community in accordance with the rights of village origins. The implication is that the village has the right to make its own village regulations to manage public goods and village life, as long as it has not been regulated by the district. In Article 105, for example, it is affirmed: *"The*

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Village Representative Body together with the Village Head establish Village Regulations". This means that the Village has devolutive authority (making Village regulations) as well as having legislative power to make Village regulations".

Even though it created an extraordinary leap, Law No. 22/1999 still has a number of limitations, especially when viewed from the perspective of the decentralized format. This law completely hands over village issues to districts/cities, thus making the formulation of Law No. 22/1999 to provide a "blank check" for village regulations to districts/cities. Law No. 22 of 1999 makes the village's position unclear because it mixes up the principles of self-governing community (original autonomy) and local self-government (decentralization) without clear boundaries. Recognition of the village as a self-governing community (original autonomy) is more symbolic and nostalgic, rather than substantive.

Based on Government Regulation Number 76 of 2001 concerning General Guidelines for Village Regulations

The village has the authority to regulate and manage the interests of the local community based on local origins and customs that are recognized in the National Government system and are located within the Regency area.

In Article 5, the authority of the Village includes:

1. Existing authority based on Village origin rights;
2. Authorities that have not been implemented by the applicable laws and regulations by the Regions and the Government; and
3. Assistance Tasks from the Government, Provincial Government and or Regency Government

According to the explanation of PP No. 76 of 2001, in the form of an explanation of authority based on the right of village origin, it is the right to regulate and manage the interests of the local community in accordance with applicable customs and not contrary to the laws and regulations. What is meant by the implementation of Co-administered Tasks is the assignment from the Government, Provincial Government and Regency Government to the Village to carry out certain tasks accompanied by financing, facilities and infrastructure as well as human resources with the obligation of the village to report its implementation and be responsible to the assignee.

Based on Law Number 32 of 2004 concerning Regional Government

Based on the 1945 Constitution of the Republic of Indonesia, Law Number 32 of 2004 divides the territory (territorial decentralization) of the Unitary State of the Republic of Indonesia into provinces and districts/cities. Article 2 of Law Number 32 of 2004 states: "The Unitary State of the Republic of Indonesia is divided into provincial regions and the provincial regions are divided into regencies and cities, each of which has a regional government". With regard to Village Administration, it is not included in the territorial decentralization scheme. Law Number 32 of 2004 does not recognize village autonomy, but only recognizes regional autonomy.

Based on the principles of decentralization and broad autonomy espoused by Law No. 32 of 2004 concerning Regional Government, the Government only exercises five powers, and outside of these five, it becomes the regional authority. Thus, the basic concept adopted by Law Number 32 of 2004 concerning Regional Governments is that autonomy stops at regencies/cities. Consequently, further regulation of the Village is carried out by the district/city, where the authority of the Village is the authority of the district/city which is handed over to the Village. Based on Article 206 of Law Number 32 of 2004 concerning Regional Government, it explains about government affairs which are the authority of the village including:

1. Existing government affairs based on village origin rights;
2. Government affairs that are under the authority of the regency/municipality which the regulation is handed over to the village;
3. Co-administration tasks from the Government, provincial governments, and/or district/city governments;
4. Other government affairs which are delegated to the village by legislation.

The design of Law Number 32 of 2004 concerning Villages is too general so that in many cases the articles on villages can only be implemented after the birth of government regulations and regional regulations. This tendency makes the implementation of authority to the village highly dependent on the speed and capacity of the Government and local governments in making further village arrangements. Based on Law No. 32 of 2004 and Government Regulation No. 72 of 2005 mandates the issuance of Regional Regulations and Regents/Mayors Regulations which must be established by districts/cities.

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Based on Government Regulation Number 72 of 2005 concerning Villages

In Article 7 of PP Number 72 of 2005, it explains about government affairs which are the authority of the village, which includes:

1. Existing government affairs based on village origin rights;
authority based on the right of village origin is the right to regulate and manage the interests of the local community in accordance with the origins, prevailing customs and not contrary to statutory regulations. The regional government identifies the type of authority based on the right of origin and returns the authority, which is stipulated in a Regency/City Regional Regulation.
2. Government affairs that are under the authority of the district/city whose arrangements are handed over to the village Regency/Municipal Governments identify, discuss and determine the types of authority that are delegated to the village, such as authorities in agriculture, mining and energy, forestry and plantations, industry and trade, cooperatives, employment, health, education and culture, social, employment general affairs, transportation, environment, fisheries, domestic politics and public administration, village autonomy, financial balance, co-administration, tourism, land, population, national unity and community protection, planning, information/information and communication.
3. Assistance tasks from the Government, Provincial Government, and Regency/Municipal Governments; and The assignment authority must be accompanied by financing sourced from the district/city Regional Revenue and Expenditure Budget (APBD).
4. Other government affairs which are delegated by legislation to the village

Based on Law Number 23 of 2014 concerning Regional Government

Based on Law Number 23 of 2014, the government affairs consist of absolute government affairs, concurrent government affairs, and general government affairs. Absolute government affairs are government affairs which are fully under the authority of the Central Government. Concurrent government affairs are government affairs which are divided between the central and regional governments of provinces and districts/cities. And in mandatory government affairs, a separate portion is also given regarding community and village empowerment. Meanwhile, general government affairs are government affairs which are under the authority of the President as head of government.

Based on Article 1 point 4, it reads: *"Village is a village and traditional village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has territorial boundaries that are authorized to regulate and manage Government Affairs, the interests of the local community based on community initiatives, origin rights, and/or rights. recognized and respected in the system of government of the Unitary State of the Republic of Indonesia."*

In relation to the provisions regarding village authority, it is regulated in Article 371 Paragraph (2), in the form of: *"The village as referred to in paragraph (1) has the authority in accordance with the provisions of the legislation regarding the village."*

And Article 372 Paragraph (1), namely:

"The Central Government, Provincial Government and Regency/Municipal Regional Governments may assign some of the Government Affairs under their authority to the Village."

In general, what is meant by "assigning" in this provision is the assignment of tasks from the Central Government, Provincial Governments and Regency/Municipal Governments to Villages not in the context of implementing the Co-Administration Principle.

Based on Law Number 6 of 2014 concerning Villages

Village authority includes authority in the field of village administration, implementation of village development, village community development, and village community empowerment based on community initiatives, origin rights, and village customs. The consequence of the recognition of genuine autonomy is that the village has the right to regulate and manage its own household based on local origins and customs (self governing community), and is not an authority delegated by the superior government to the village.

Based on Article 19 of Law Number 6 of 2014 concerning Villages, it regulates the authority possessed by the village, which includes:

1. Authority based on the right of origin

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The implementation of this authority is due to the recognition principle in Law Number 6 of 2014 namely the recognition of origin rights.

2. Village-scale local authority
This authority includes something new for the village to have, the principle of subsidiarity, namely the determination of local-scale authority and local decision making for the benefit of the village community.
3. Authority assigned by the Government, Provincial Government, or Regency/Municipal Government and
4. Other authorities assigned by the Government, Provincial Government, or Regency/Municipal Government in accordance with the provisions of laws and regulations.

The authority of origin (original) is difficult to translate and identify because of its diversity. The authority in the areas of government delegated by/from the district is more of a residual authority which cannot be exercised by the district/city and contains many burdens because it is not accompanied by proper funding. It is hoped that in the future the village as a local entity that is socially powerful, politically sovereign, economically empowered and culturally dignified. Local initiatives are ideas, wills and wills of village entities based on local wisdom, communalism and social capital (leadership, networks and social solidarity). Thus, strong local initiatives are the local foundation for village self-reliance.

This authority allows the village to have the opportunity and responsibility to manage its own household and the interests of the local community, which will also serve as a framework for the village to make local plans. Village planning will provide flexibility and opportunity for villages to explore local initiatives (local ideas, wills and wills), which are then institutionalized into policies, programs and activities in the field of government and village development.

Based on Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages

Villages have the authority based on PP Number 43 of 2014, village authorities include:

1. Authority based on the right of origin as regulated in Article 34 Paragraph (1)
Its powers are in the form of:
 - a. Indigenous peoples organizational system;
 - b. Community institutional development;
 - c. Institutional development and customary law;
 - d. Village treasury land management; and
 - e. . Development of village community roles.
2. Village-scale local authority as regulated in Article 34 Paragraph (2)
Village-scale local authorities at least include:
 - a. Boat mooring management;
 - b. Village market management;
 - c. Management of public baths;
 - d. Management of irrigation networks;
 - e. Management of the village community settlement environment;
 - f. Community health development and integrated service post management;
 - g. Development and development of art and learning studios;
 - h. Management of village libraries and reading gardens;
 - i. Management of village reservoirs;
 - j. Village-scale drinking water management; and
 - k. Construction of village roads between settlements to agricultural areas.

The authority assigned by the Government, provincial regional government, or district/city regional government; and

The village has the authority in accordance with the provisions of the legislation regarding the village. These regulations are in the form of Law Number 6 of 2014 concerning Villages, Government Regulations, Regional Regulations to Regent/Mayor Regulations which are needed for the implementation of village government. As mandated in Article 372 Paragraph (1), it reads "Central Government, Provincial Government and Regency/Municipal Governments may assign some of the Government Affairs under their authority to the Village"

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Other authorities assigned by the Government, provincial regional governments, or regency/municipal governments in accordance with the provisions of laws and regulations.

Specifically regarding authority based on origin and local village-scale authority, the Minister may determine the type of village authority in accordance with local situations, conditions, and needs. In Law Number 6 of 2014 concerning Villages, villages are divided into villages and traditional villages. With regard to customary villages, there can be authority based on origin rights based on Article 35, including:

1. Structuring the organizational system and institutions of indigenous peoples;
2. Customary law institutions;
3. Ownership of traditional rights;
4. Management of customary village treasury lands;
5. Management of customary land;
6. Agreement in the life of the traditional village community;
7. Filling in the positions of customary village heads and customary village officials; and
8. Term of office of the traditional village head

CONCLUSIONS

The conclusions that can be drawn from this paper include the ups and downs regarding the regulation of village authority, both at the law level and at the government regulation level. As the Republic of Indonesia ages, the government's attention to villages has experienced a happy development. This can be seen from the political will of the government to restore the existence of the village, which actually existed before the birth of the Republic of Indonesia. Recognition of village autonomy and customary villages is a special concern for legislators (President and House of Representatives), and in Law No. 6 of 2014 and Government Regulation No. 43 of 2014 traditional villages or villages will be able to improve welfare and equitable development. which in the end led to the development of the Unitary State of the Republic of Indonesia.

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