

## The Various Impacts Related to Implementation of Village Law No. 6/2014

<sup>1</sup>Husnul Isa Harahap, <sup>2</sup>Mohammad Ridwan, <sup>3</sup>Fuad Hasan Lubis

<sup>1</sup>Department of Political Science

<sup>2</sup>Department of Public Administration

<sup>3</sup>Department of Political Science

Universitas Sumatera Utara

Medan, Indonesia

Email: husnul.harahap@usu.ac.id

**Abstract**—The village is the smallest government institution. The number of village government is the most among other government agencies in Indonesia, such as in Deli Serdang District which has many village governments. The Indonesian Government has attempted to regulate the villages through various regulations. One of them is the Undang-Undang Desa No. 6/2014 or Village Law No.6/2014. There are new things that are regulated in that law and in practice has caused an interesting phenomenon especially in the case in Deli Serdang District. This study analyzes the various impacts that emerged in Deli Serdang District after the implementation of Law No. 6 of 2014 on Villages. This study has found six major impacts. First, strengthening the role of villages in the management of village revenue sources; Second, there is competition and cooperation between the village and the district government in terms of collecting funds in the form of retribution to the objects; Third, the emerge new hope and dependency from the village government to the central government; Fourth, the emerge of conflict roots due to the strong interests to village authority and resources including village funds; Fifth, the emerge of other supporting regulations at the district level; And sixth, the emerge of corruption cases in the village related to the use of village funds. The theoretical implications of this research are the character of Village Law. 6/2014 to what Jenkins-Smith calls ambitious policy.

**Keywords**—village government, village authority, conflict roots, village funds.

### INTRODUCTION

Law Number 6 of 2014 on Village (Undang-Undang Desa Nomor 6 Tahun 2014) is the latest rules related to the management of the village. This law was passed on January 15, 2014, by President Susilo Bambang Yudhoyono. The previous Draft of the Law on this Village has approved 18 December 2013. This law replaces the Law No. 22 of 1999 and No. 32 The year 2004 on Regional Government.

The striking difference of previous legislation with the Law No. 6 of 2014 on Villages is a complete arrangement of villages. If in the previous legislation the regulation on the village is still a sub-subdivision of the local government law, then in the law number 6 on the village, the rule of the village becomes a single rule. In addition, village autonomy becomes the keyword of the existence of the law. Village law number 6 to 2014. This is a result of a change based on a review of previous legislation showing weaknesses. As stated in the academic draft of the draft law on the Village.

“UU No 32 Tahun 2004 belum secara jelas

This research funded by Universitas Sumatera Utara through Dana Direktorat Riset dan Pengabdian Masyarakat (DRPM) according to Skim Penelitian Terapan Tahun 2017.

mengatur tata kewenangan antara

Pemerintah, Pemerintah daerah dan Desa. Berdasarkan prinsip desentralisasi dan otonomi luas yang dianut oleh UU No. 32/2004, Pemerintah hanya menjalankan lima kewenangan, dan diluar lima kewenangan itu menjadi kewenangan daerah. Dengan demikian konsepsi dasar yang dianut UU No. 32/2004, otonomi berhenti di kabupaten/kota. Kosekuensinya, pengaturan lebih jauh tentang Desa dilakukan oleh kabupaten/kota, dimana kewenangan Desa adalah kewenangan kabupaten/kota yang diserahkan kepada Desa.”<sup>1</sup>

In the academic paper, it is explained that the village needs wider authority, not only the authority which is limited by the authority of the district/city. Therefore, in law number 6 of 2014, the village has a high degree of autonomy.

The expectations and objectives of Law No. 6 of 2014 are to improve the village to become more independent and prosperous. These expectations and objectives are considered difficult to achieve if the village is still regulated under Law No. 22 of 1999 and No. 32 of 2004 on Regional Government. With this new law, there will be independent villages in Indonesia. Besides

<sup>1</sup>Naskah Akademik Rancangan Undang-Undang tentang Desa, Direktorat Pemerintahan Desa dan Kelurahan, Direktorat Jenderal Pemberdayaan Masyarakat dan Desa Departemen Dalam Negeri, Jakarta, 2007, pp.1.

these expectations, there are also other impacts due to the implementation of Law No. 6 of 2014. What are the impacts? This study analyzes the various impacts that emerged in Kabupaten Deli Serdang after the implementation of Law No. 6 of 2014 on Villages.

### RESEARCH METHODS

The study was conducted in Deli Serdang District, North Sumatera Province. The method used was qualitative. Data collection methods used are in-depth interviews. The informants of this research are village heads, village government apparatuses, and village communities. Methods of data collection also use literature study methods and documents, and observation. Data were analyzed by qualitative analysis.

### DESCRIPTION NUMBER OF VILLAGES

Deli Serdang District consists of 22 sub-districts. In 22 sub-districts spread 394 villages. According to Central Bureau of Statistics (BPS) data, there are rural and urban villages. Villages that are in urban category 148 and villages in the rural category are 246 villages. When viewed and compared with other districts in North Sumatra (Provinsi Sumatera Utara), the number of villages in Deli Serdang district is one of the largest numbers of villages (see Table 1).

Table 1  
Number of Villages in North Sumatra Province

No	District/City	Number of Sub-Districts	Number of Villages	
			Urban	Rural
1	Nias	10	2	168
2	Mandailing Natal	23	26	381
3	Tapanuli Selatan	14	10	238
4	Tapanuli Tengah	20	31	184
5	Tapanuli Utara	15	14	238
6	Toba Samosir	16	30	214
7	Labuhan Batu	9	24	74
8	Asahan	25	63	141
9	Simalungun	31	77	336
10	Dairi	15	10	159
11	Karo	17	17	252
12	Deli Serdang	22	148	246
13	Langkat	23	63	214
14	Nias Selatan	35	3	458
15	Humbang Hasundutan	10	9	145
16	Pakpak Bharat	8	1	51
17	Samosir	9	5	129
18	Serdang Bedagai	17	69	174
19	Batu Bara	7	40	111
20	Padang Lawas Utara	12	1	387

21	Padang Lawas	12	6	298
22	Labuhan Batu Selatan	5	3	51
23	Labuhan Batu Utara	8	8	82
24	Nias Utara	11	1	112
25	Nias Barat	8	0	105
26	Sibolga	4	17	0
27	Tanjung Balai	6	31	0
28	Pematang Siantar	8	53	0
29	Tebing Tinggi	5	35	0
30	Medan	21	151	0
31	Binjai	5	35	2
32	Padangsidempuan	6	34	45
33	Gunungsitoli	6	11	90
<b>Total</b>		<b>443</b>	<b>1028</b>	<b>5058</b>

Source: 2017 BPS Data.

The largest number of villages in North Sumatra Province is located in South Nias Regency, namely 461 villages. Then Simalungun regency is 413 villages. Furthermore, Mandailing Natal Regency is 407 villages. The smallest number of villages in North Sumatra Province is located in Tanjung Balai Regency which is 31 villages. Besides Tebing Tinggi city and Binjai city (See Table 1).

Table 1 shows the number of villages in each District / City in North Sumatra Province. In fact, that number does not reflect the number of villages as a whole. This is because the data between the village and urban village are not separated. So although the data is written the number of villages, the actual figures describe the data of the number of villages and urban village. In comparison, the actual number of villages can be seen in Table 2, especially for Kabupaten Deli Serdang data.

Table 2  
Number of Villages & Urban Villages in Deli Sedang District

No.	Sub-Districts	Village	Urban Village
1	Gunung Meriah	12	-
2	STM Hulu	20	-
3	Sibolangit	30	-
4	Kutilambaru	14	-
5	Pancur Batu	25	-
6	Namo Rambe	36	-
7	Biru-Biru	17	-
8	STM Hilir	15	-
9	Bangun Purba	24	-
10	Galang	28	1
11	Tanjung Morawa	25	1
12	Patumbak	8	-
13	Deli Tua	3	3
14	Sunggal	17	-

15	Hamparan Perak	20	-
16	Labuhan Deli	5	-
17	Percut Sei Tuan	18	2
18	Batang Kuis	11	-
19	Pantai Labu	19	-
20	Beringin	11	-
21	Lubuk Pakam	6	7
22	Pagar Merbau	16	-
	Amount	380	14

Source: Deli Serdang Districtin Figures 2016, p. 27.

Table 2 shows the number of villages in Deli Serdang district. The total number of villages is 380 villages. There are 14 urban villages. The highest number of villages in Namo Rambe Sub-district is 36 villages. In addition, in Sibolangit Sub-District there are 30 villages, and Galang Sub-District there are 25 villages. Table 2 also shows the number of sub-districts with few villages. For example, Deli Tua Sub-District which only has 3 villages. In addition, Labuhan Deli District which only has 5 villages.

#### **VARIATION IMPACT: TOWARDS NEGATIVE?**

There are several variations of the impact of the Village Law 2014. First, the strengthening of village role in the management of village income sources. For example the management of the village market that was once managed by the market department of District Government. Now with the existence of law number 6 of 2014 then the village market is already managed by the village. Pasar Sunggal is an example of a village market or Pasar Jodo in Tembung. In Percut village, boat moorings are cited as a cost of carrying out local authorities of village scale. In Marendal 2 Village, Patumbak Sub-District, waste management is attempted to become the village income. Each household is quoted a fee of Rp.15.000 In addition to those who have businesses quoted Rp. 20,000. Evidence of strengthening the role of villages is the inclusion of this waste management activity in village regulations and is planned to become a Village Owned Enterprise (BUMDes).<sup>2</sup>

Second, the emergence of symptoms of competition and cooperation between villages and district government. For example in terms of doing charges in the form of retribution of the objects. For example when the people enter the tourist area, then they will get charged twice, the first charge for district government, and the second charge for village retribution. This is a

form of compromise between the district and the village head.

Third, there is new hope and dependence on the central government. Village aid funds are the initial capital for villages to start the development. At the beginning of the ratification of village legislation, the public's concern was the central government's assistance to the village of one billion rupiahs for one village. This cannot be avoided because in general the condition of the village at the time passed by the law of the village needs considerable attention. For example, the road in the villages is damaged. As the case in Marindal 2 Village. The people even hope that the village fund to be divided for them to start their business. Also as a tactical fund to overcome problems in the village although not part of the village authority.

Fourth, there are seeds of conflict arising from the interests of land tenure by the village community with the company. In addition, also among fellow villagers in a village at the different hamlet, as well as villages with other villages. The case of community conflict with the company, among others with Plantation Company. In addition, conflicts related to village funds. Conflict can occur between village officials and local civil society.

Sei Glugur Village in Pancur Batu Sub-District as an example. Villagers are flooded with bad drainage. Villagers want the drainage to be improved to avoid flooding. The problem is, according to Sei Glugur Village Head, the District Government thinks it is not the authority of the village, so the people are disappointed.<sup>3</sup> The use of village funds in the perspective of citizens is different from the mandate of the law.

Fifth, the existence of supporting regulations at the district/city level. In the case of Deli Serdang District, one of the supporting regulations emerged in the form of a regent's regulation. One of them is the Regent Regulation No. 721 of 2016 on Village-scale Local Authority. This regulation confirms details of local village-level authorities based on existing regulations such as Village Minister Regulations, Development of Underdeveloped Regions and Transmigration of the Republic of Indonesia No. 1 of 2015. Examples include setting village boundaries, management/development of village administration and information systems, and village social maps. There is also about the delegation of authority from the district government. An example is to perform an

<sup>2</sup> Interview with Mr. Jurfri Anto (Village Head of Marindal 2 Village) on Wednesday, September 6, 2017, at 15.00-17.00 WIB, at the Village Office.

<sup>3</sup> Interview with Mr. Jumino (Village Head of Sei Glugur Village) on Friday, September 8, 2017, at 14.00-16.00 WIB, at the Village Office.

introductory administration service to produce ID cards and Family Card. Facilitate the procurement of recording tools for villagers. Issue a letter of introduction to the issuance of a transfer letter between district/city.

Law No. 6 of 2014 uses the term local authority at the village level in article 19. The article regulates the authority of the village. It is called that the authority of the Village includes authority based on the right of origin, local authority of the village scale, authority assigned by the Government, Provincial Government, or District / City Government; and other authorities assigned by the Government, Provincial Government, or District / City Government in accordance with the provisions of legislation.<sup>4</sup>

Sixth, the emergence of the cases of corruption in the village. The case in Paya Itik Village is an example of a case of corruption in village funds. Village Head of Paya Itik District Galang named Parno sentenced to 3 years in prison for corruption case of village funds for the fiscal year 2013 and 2014. Parno proved to cost the state Rp. 24,000,000 (twenty four million rupiah).<sup>5</sup> As the quote of the Panel of Judges of the Corruption Crime Court in Medan 24 April 2016 follows:

*"Menyatakan terdakwa terbukti secara sah dan meyakinkan bersalah melakukan tindak pidana korupsi sebagaimana dalam dakwaan subsidier. Menjatuhkan pidana penjara tiga tahun, denda Rp50 juta, subsidier satu bulan kurungan".<sup>6</sup>*

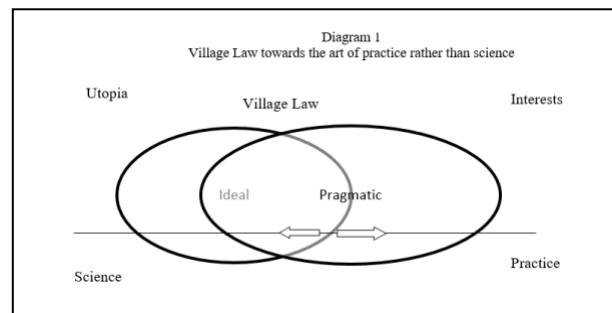
According to the news on metrotvnews.com, the case that happened to the Paya Itik Village Head occurred because "the defendant made and signed the accountability report 100% completed work. In fact, the project is not finished".<sup>7</sup> The condition shows that the problem of village fund management is prone to corruption cases. Furthermore, due to the case, the village head is prone to become a suspect in a corruption case.

"Dalam kasus ini, Dusun I Desa Paya Itik, Kecamatan Galang, Kabupaten Deli Serdang mendapat kucuran anggaran dari APBD Deli Serdang 2013 dan 2014 sebesar Rp40 juta. Dana itu diperuntukkan bagi rehabilitasi

kantor desa dan pembangunan gang jalan di desa itu".<sup>8</sup>

There are three things that cause why corruption cases can happen in the village. First, the village head's understanding of the management of funds that are not affected by corruption. Second, limited supervision of the community on projects derived from village funds. Third, the role of village counselors is not yet effective.

Diagram 1  
Village Law towards the art of practice rather than



science

Source: Nugroho, 2009, pp.406.

Ideally, the implementation of Law No. 6 of 2014 could create village independence. However, the variation in policy impacts that tend to lead to negative explains the policy direction that has not been fully successful. In the case of the village in Deli Serdang District, the village has not succeeded in becoming independent. In a public policy diagram toward the art of practice rather than science, it appears that public policy is in an ideal or pragmatic space that marks a pull toward utopia or political interests (see diagram 1).<sup>9</sup> But it needs a wider scope of research but specifically to know what political interests that arise from the Village Act No. 6 of 2014. Based on this analysis can this law be called a policy that Jenkins-Smith calls an ambitious policy?<sup>10</sup> So it is difficult to achieve the objectives of the policy.

## CONCLUSION

Deli Serdang District has 394 Villages. The Government of Indonesia has arranged the village through the Village Law of 2014. There are various impacts that emerged in Deli Serdang District after the implementation. The study found that there were 6 major impact variations. First, strengthening village roles in village revenue management; Second, there is

<sup>4</sup>See Village Law No. 6 of 2014 Article 19. This Article is contained in Chapter IV entitled Village Authority.

<sup>5</sup>"Korupsi Dana Desa, Kades Deli Serdang Divonis 3 Tahun", [News Online, metrotvnews.com], available on the website: <http://sumatera.metrotvnews.com/read/2016/04/25/519051/korupsi-dana-desa-kades-di-deliserdang-divonis-3-tahun>.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

<sup>8</sup>Ibid.

<sup>9</sup>Riant Nugroho, *Public Policy*, Jakarta: Gramedia, 2009, pp.406.

<sup>10</sup>Ibid., pp.379.

competition and cooperation between village and district government in terms of quoting in the form of retribution to existing objects; Third, the emergence of new forms of hope and dependency between the village government and the central government; Fourth, the emergence of conflict seeds due to high interest in village authority and resources including village funds; Fifth, the emergence of other supporting regulations at the district level; and sixth, the emergence of corruption cases in villages associated with village funds.

#### REFERENCES

- [1] Interview with Mr. Jurfri Anto (Village Head of Marindal 2 Village) on Wednesday, September 6, 2017, at 15.00-17.00 WIB, at the Village Office.
- [2] Interview with Mr. Jumino (Village Head of Sei Glugur Village) on Friday, September 8, 2017, at 14.00-16.00 WIB, at the Village Office.
- [3] "Korupsi Dana Desa, Kades Deli Serdang Divonis 3 Tahun", [News Online, metrotvnews.com], available on the website: <http://sumatera.metrotvnews.com/read/2016/04/25/519051/korupsi-dana-desa-kades-di-deliserdang-divonis-3-tahun>.
- [4] Naskah Akademik Rancangan Undang-Undang tentang Desa, Direktorat Pemerintahan Desa dan Kelurahan, Direktorat Jenderal Pemberdayaan Masyarakat dan Desa Departemen Dalam Negeri, Jakarta, 2007.
- [5] Nugroho, Riant. 2009. *Public Policy*, Jakarta: Gramedia.
- [6] Undang-Undang Desa Nomor 6 Tahun 2014.