

VILLAGE GOVERNMENT ROLE IN BUILDING PARTICIPATORY DEMOCRACY (INDONESIAN EXPERIENCE)

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ABSTRACT

The reformation era gave big hope toward democracy development, especially participatory democracy in the Village. The village chief has duty and responsibility of the development of his village. The village government also plays a role in building a participatory democracy as in the reform agenda. This paper aims to describe the village government's role in building participatory democracy, and to explain the factors that influence village government role in building participatory democracy. It is juridic-sociologic research. Socio legal research with qualitative-phenomenological approach. The research method are interview, obseravtion, document and material interpretation and also personal experience. Data validity technique uses triangulation technique (Miles&Hubberman). Data analysis technique is Strauss and J. Corbin, and qualitative-analytical approach, interactive analysis models (Huberman&Miles). Results of this study indicate that the role of government in building participatory democracy is very strategic, but that role has not been fully implemented. Agreement or ruling establishment of Village Budget is dominated by the village elite. The existence of the community leaders who attended more formality. Several factors influence the role of village government in building participatory democracy are structural factors, cultural and technical. Based on results of this study, the suggestion if the importance of increasing the role of village government in building participatoric democracy by: 1) open minded by informing every policy which relates to the villagers' need, 2) setting rules or Village Ragulation which rules Villagers' right to give oral or written opinion, 3) open minded by accepting any kinds of suggestion or critics from villagers, 4) always learning the method and technique in functioning societies' participation.

Keywords: Role of Village Government, Participatory Democracy

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INTRODUCTION

Based on Article 1, paragraph 2 The Constitution of the State of Republic of Indonesia, Indonesian people state that the sovereignty of Indonesia is the people, including the authority in making law (legislation). For 32 years of President Soeharto regime, people's sovereignty has been abandoned, the authority is authoritative, the existed democracy is elitical democracy. This is of course gives impact to Village administration. The economical crisis in 1998 raised demands for reformation¹ pioneered by college students. The reformation era gave big hope toward democracy development, especially participatory democracy in the Village.

In a democratic system of Government, the supreme power is in the hands of the people. In short, democracy can be defined, referring to Abraham Lincoln, *the Government from the people, by the people, and for the people*². Public participation closely related to democracy. Democracy is the pillars of the law. The relation between democracy and law just like two sides of a coin, it can be concluded that the democracy quality of a country will define the quality of its law. It means, democratic countries will also bear democratic laws. Meanwhile, the authorative or non-democratic countries will bear non-democratic laws³. Here the role of ruler/government is crucial in building democracy.

People participation emphasizes on people's 'direct participation' in decision making of a constitution and governmental process⁴. Basic idea of participative democracy is how the political power is returned to the overall societies. The societies which is not based on their education, offspring, religion, gender or even their prosperity, should participate in making important decision for themselves. Participation become one of basic principle of good governance⁵.

¹ seven demands for reformation are law enforcement, against corruption, collusion and nepotism, human rights enforcement, democratization , autonomy, free media, redefinition, reposition and reactualization Dwi Fungsi ABRI.

² Bahmuelier, Charles F, *The Future of Democracy*, (ERIC/Poland Book, 1996), p. 4.

³ Mahfud MD, Moh., *Pergulatanm Politik Dan Hukum di Indonesia*, (Yogyakarta: Gama Media 1999), p. 53.

⁴ Suhirman, *Kerangka Hukum Dan Kebijakan Tentang Warga di Indonesia*, Research Report of Ford Foundation, Bandung, 2004.

⁵ Riansyah, Levi, *Politik, Partisipasi dan Demokrasi dalam Pembangunan*, (Malang: Program Sekolah Demokrasi, 2009), p. 28.

15 years reformation, hopefully, village administration/government has succeed in building participatory democracy just like the spirit of reformation. Although it is not easy. As Sumarto states, there are three factors which make participation stuck, they are structural, cultural and technical obstruction⁶.

According to Anis Ibrahim's research result in 2008⁷, he concluded that political interaction in making Regional Regulation in at research location if seen from the perspective of democracy tends to reflect elitist/oligarchy democracy. Although it happens in regional government, since village is part of Regency/City, of course those condition affect the condition in village. Therefore, the main problems for this research are: 1) how the role of village government in building participatory democracy? 2) what factors affect the development of participatory democracy? The aim of this research are: 1) to explain the role of village government in building participatory democracy, and 2) to find the factors affect the role of Village government in building participatory democracy.

RESEARCH METHOD

This research is qualitative case study research⁸ with purposive sampling, using constructivism paradigm (legal constructivism). It is juridic-sociologic research. Socio legal research with qualitative-phenomenological approach. The research method are interview, observation, document and material interpretation and also personal experience. Primary data source is stakeholders. Secondary data through document study. Data validity technique uses triangulation technique (Miles&Huberman). Data analysis technique is Strauss and J. Corbin⁹, and qualitative-analytical approach, interactive analysis models (Huberman&Miles).

THEORETICAL FRAMEWORK

THE EXISTANCE OF VILLAGE GOVERNMENT

The existence of Village Government is stated in the Constitution of the Republic of Indonesia in 1945 and set out in the Law of the Republic of Indonesia No. 32 of 2004 on Regional Government, Government Regulation of Republic of Indonesia No. 72 Year 2005 on Village. The duties of the head of the village is organizing the governance, development, and societal affairs. The village chief authority relating to the development of participatory democracy are: 1) leading the organization of Village administration based on policies set together with Village Consultative Agency (BPD), 2) proposing Village regulation draft, 3) arranging and proposing Village regulation draft about Village Budget of Revenue and Expenditure (APBDes) to be discussed and set with Village Consultative Agency 4) fostering rural life, 5) coordinating village development in a participatory.

Drafting, determination of Village Budget of Revenue and Expenditure Village Regulations and Report of the Village Government Implementation (LPPD) in this study is important, since both are arranged every year. Both are the desire, the hope of all components of the villagers, and village development programs. Including the development of participatory democracy. it relates to one of the obligation of Village chief that is carrying out democratic life.

Report of the Village Government Implementation and Village Budget of Revenue and Expenditure preparation procedures and the preparation of the product is a series of activities from planning to rule the village with determination. Village Budget of Revenue and Expenditure formation process consists of three stages: 1) The process of preparing the Draft Regulation village which is in the process of drafting and design in village government area. This process includes the preparation of the initiative manuscript (initiative draft) and manuscript of Village Regulations (legal draft). 2) the process of getting agreement which is discussed at Village Consultative Agency. 3) The process of ratification by the village chief and enactment / implementation.

Regulation making of Village Budget of Revenue and Expenditure and Report of the Village Government Implementation can be explained by Theory of the Working of Responsive Law from Philippe Nonet and Philippe Zelznik¹⁰. Nonet and Zelznik argue that responsive law is law which is ready to adopt new paradigm and leave the old paradigm. Responsive law is law that fulfill the importance of individual and societies need where the process of law making itself must be participative.

PARTICIPATORY DEMOCRACY

Mahfud MD states, that the term of democracy in its implication is different for every country, so that there are many kinds of democracy system. One of them, based on who has more role in making decision, the democracy divide into elitist and

⁶ Heftitah Sj, Sumarto, *Inovasi, Partisipasi, dan Good Governance: 20 Prakarsa Inovatif dan Partisipasi di Indonesia*, (Jakarta: Obor, 2009), p. 20.

⁷ Ibrahim, Anis, *Legislasi Dalam Perspektif Demokrasi: Analisis Politik dan Hukum dalam Proses Pembentukan Peraturan Daerah di Jawa Timur*, (Semarang: PDIH Undip, 2008).

⁸ Klopoduwur Village (Swadaya Village) Banjarrejo Subdistrict, Blora Regency, Pagergunung Village (Swakarya Village) Ngablak Subdistrict, Magelang Regency dan Bergaskidul Village (Swasembada Village) Ungaran Subdistrict, Semarang Regency in Central Java. (Act 18 Ministry of Home Affairs Regulation Number 12 Year 2007 on Pedoman Penyusunan dan Pendayagunaan Data Profil Desa dan Kelurahan)

⁹ A Strauss and J. Corbin, *Qualitative Research, Grounded Theory Procedure and Techniques*, (London: Sage Publication, 1990), p. 19. as quoted by Suteki, *Rekonstruksi Politik Hukum Tentang Hak menguasai Negara Atas Sumber Daya Air Berbasis Nilai Keadilan Sosial (Studi Privatisasi Pengelolaan Sumber Daya Air)*, (Semarang: PDIH UNDIP, 2008), p. 43.

¹⁰ Philippe Nonet & Philippe Zelznik, *Hukum Responsif*, (Bandung, 2008), p.19

participatory democracy¹¹. Participatory democracy will give great opportunities for public to participate effectively in the process of decision making which relates to public policy. The principle in participatory democracy is equality for all adult citizens to participate in determining the agenda and controlling its implementation of the agenda which has been decided together¹². Added by Robert B. Gibson, participatory democracy is not only trying to realize democratic government but also democratic societies¹³.

THE ROLE OF VILLAGE GOVERNMENT IN BUILDING PARTICIPATORY DEMOCRACY

In fact, there are three ideas to determine a democratic government system¹⁴, they are: 1) the idea of participation means people participate in making decision in political and governmental field, through representative or directly by stating opinion orally or written which must be protected constitutionally. 2) the idea of government responsibility toward people means the government must be responsible for their act to people (accountability) since the government carry out their function based on trust given by the society. 3) the idea of equality, in this case equality in democracy, it means being equal in participating in the process of making decision in law and government.

Based on those criteria, it is clear that the role of Village government to establish participatory democracy is strategic, through the idea of participation, responsibility or even the idea of equality. The main media used to establish participatory democracy is the process of arranging Village Regulation, especially Village Regulation of Village Budget of Revenue and Expenditure and Report of the Village Government Implementation. However, it is not easy to do because of structural, cultural and technical factors¹⁵.

FINDING AND DISCUSSION

RESEARCH FINDING

The village chief role in building participatory democracy can be seen from the process of drafting the regulation of Village Budget of Revenue and Expenditure and Report of the Village Government Implementation. In this process will be seen how far the role of the village chief has provided a great opportunity for villagers to take decisions in formulating Village Budget of Revenue and Expenditure.

THE ROLE IN DRAFTING DESIGN

Planning the design of the Draft of Village Budget of Revenue and Expenditure done by village chief. In general, based on the results of a meeting with villagers called "Village Insight" (Tilikan Dusun). However not all villagers do. If it is carried out then it is not carried out in a programmed and implemented every year. The reason is the lack of funds and time effectiveness. Who attended the Village Insight is appointed by the head of Village, those who are considered as leaders in their environment. At the time of the meeting give more information about the government program and provide less opportunity for villagers to propose, formulate and agree on the desired program. The culture of hesitating the village chief to also be a barrier in communication. There are several models in the process of drafting regulations implementing the Village, which is no organized by the village head, prepared by the Secretary of the Village (Miniature sheet) and there are organized along village chief village government officials. Village Budget of Revenue and Expenditure drafting so far is not socialized to villagers. They reason, it will be informed to the community leaders invited to the meeting Village Budget of Revenue and Expenditure formulation in Village Consultative Agency. In general, the villagers want the Village Budget of Revenue and Expenditure design to be informed the public. The purpose is that people know and engage or participate in planning rural development programs, so that people have sense of belonging and succeed the village development, as well as building a participatory democracy. So far villagers do not know the way how to provide input to the Village Budget of Revenue and Expenditure planning process.

THE ROLE IN THE PROCESS OF DISCUSSING VILLAGE BUDGET OF REVENUE AND EXPENDITURE DRAFT

Discussion and formulation process of Village Budget of Revenue and Expenditure Draft to be Village Regulations of Village Budget of Revenue and Expenditure from the research results showed the following steps: 1) Village Budget of Revenue and Expenditure Draft which has been prepared by the Head of the Village (Village Government) will be transferred to the Village Consultative Agency to be studied. 2) Village Consultative Agency after receiving Village Budget of Revenue and Expenditure Draft from Village Chief then it is distributed to the members of Village Consultative Agency to be studied. 3) Village Consultative Agency then schedules a meeting for Village Consultative Agency with Village Chief to discuss and formulate Village Budget of Revenue and Expenditure Draft become Village Regulation Village Budget of Revenue and Expenditure. 4) Village Consultative Agency meetings are scheduled in the discussion of Village Regulation Draft of Village Budget of Revenue and Expenditure, Village Government invited public figures (such as: Chairman of Sub-neighborhoods, Neighborhood Chairman, Chairman of the village community organizations, religious leaders / scholars) to discuss and formulate Village

¹¹ Mahfud MD, Moh., *Op.Cit.*, p. 7

¹² Dahl, Robert, *Democracy and Its Critics*, (New Haven and London: Yale University Press, 1998), p.157

¹³ Gibson, R.B., *The Value of Participation*, dalam P.S. Elde (edit), *Environmental Management and Public Participation*, (Ottawa: Canadian Environmental Law Research Foundation of the Canadian Environmental Law Association, 1981), p. 23

¹⁴ Gajong, Agussalim, *Pemerintahan Daerah Kajian Politik dan Hukum*, (Bogor: Ghalia Indonesia, 2007), p. 36-37.

¹⁵ Hefitah Sj, Sumarto, *Op. cit.*, p. 20.

Regulation Draft of Village Budget of Revenue and Expenditure to be Village Regulation of Village Budget of Revenue and Expenditure. For societies (not public figures) are not invited because the invited public figures have represented them. 5) From the experience of invited public figures so far, in the Village Budget of Revenue and Expenditure meeting they listen more and agree to what village chief has planned and agreed by Village Consultative Agency. If there is someone give voice or opinion then he will be loose from Village government and Village Consultative Agency. It can be said that societies role is passive, its just formality. Generally, societies argue that what has been planned by the village administration has no problem. Village chief is considered more capable. Generally they avoid conflict and respectful to the village chief. 6) Village Budget of Revenue and Expenditure discussion meeting organized by the Village Consultative Agency only executed once. So Village Budget of Revenue and Expenditure designed by the village chief who has been studied by members of the Village Consultative Agency, the day after it is discussed and agreed on that day also be concluded to be Village Regulation of Village Budget of Revenue and Expenditure.

THE PROCESS OF RATIFICATION BY THE HEAD OF THE VILLAGE AND ENACTMENT/IMPLEMENTATION

Village Regulation Draft of Village Budget of Revenue and Expenditure agreed by the meeting is then brought to the District to be clarified. The village chief with Chairman of Village Consultative Agency and district law enforcement agencies clarify, synchronize and review the draft of Village Budget of Revenue and Expenditure. Once considered has no problem then Village Regulation Draft of Village Budget of Revenue and Expenditure signed by the village chief to become Village Regulation of Village Budget of Revenue and Expenditure.

Results of evaluation of the Regent can be improvement, rejection and revocation. If in form of improvement, then returned to the complainant village for further improved by the village chief with Village Consultative Agency. If the denial or revocation of the village chief had to pull the Village Regulation Draft of Village Budget of Revenue and Expenditure or arrange another. The villagers are not informed about the outcome of the evaluation from District Government, and are also not invited to fix. Reason stated is already represented by the Village Consultative Agency and to speed up the repairment process. The societies tend to be passive toward Village Budget of Revenue and Expenditure. They do not know how to criticize or disagree and also feel disappointed toward Village Budget of Revenue and Expenditure which has been carried out. It is because there is no Village regulation that rules villagers' right to deliver their opinion written or oral toward the process of Village Budget of Revenue and Expenditure Village Regulation making. Village chief does not socialize Village Budget of Revenue and Expenditure and also does not open to receive feedback from villagers toward the implementation of Village Budget of Revenue and Expenditure. Villagers think that Village Budget of Revenue and Expenditure just a formality, do not understand the content. If there is cooperation, it is because of the result of colloquy at sub-neighborhoods and tradition, it is not elaboration or implementation of Village Budget of Revenue and Expenditure.

So far Village chief does not socialize Village Budget of Revenue and Expenditure to the villagers whether through neighborhoods and sub-neighborhoods or by giving information on the announcement board. The reasons stated are: a) limited funds owned by the village government. b) limited human resources in the village to be able to explain to the villagers. c) The villagers have been represented by the invited community leaders. They are expected to contribute to socialize to the community in their environment. d) Bureaucratic factors, namely the length of Village Budget of Revenue and Expenditure repayment evaluation by local government, thereby disrupting the work program of village administration. From the villagers themselves, still going strong with a culture that is both traditional and patronage, which are still very saluting the village chief, so try to avoid conflict or criticism to the village government. The villagers have never asked Village Budget of Revenue and Expenditure problem.

For Report of the Village Government Implementation so far never be informed to the villagers, since it has been reported to Regent and he has given information to Village Consultative Agency. On the contrary, villagers hope for Report of the Village Government Implementation is also be informed to villagers.

DISCUSSION

THE ROLE OF VILLAGE GOVERNMENT

Every year village government make Village Regulation Village Budget of Revenue and Expenditure and Report of the Village Government Implementation as Village Development program and responsibility the implementation of village development.

Village chief's initial steps to organize "insight village" in order to arrange Village Budget of Revenue and Expenditure is a good and appropriate action. There are positive side from that action, they are: 1) The occurrence of connection between the village government with villagers directly; 2) Village government can deliver programs or village development ideas directly to villagers; 3) otherwise the villagers also can directly convey ideas, criticism and hopes to village government, particularly in the context of the development of the Village; 4) in these deliberations, residents are able to formulate an agreement that is witnessed by the village chief, to further followed or implemented by the Village Chief; 5) If this tradition is realized then it means that the village chief has built participatory democracy. this is in accordance with *Reinstitutionalization of Norm* Theory from Paul

Bohannan. It states that the laws of a country are taken from the values of life weighs upon society, then formulated / mixed by the government and then impose on the community¹⁶.

However, when assessed based on the results of these studies indicate that the village chief has not been maximal in establishing participatory democracy through village insight. It is proved: 1) Village government carries out village insight but it is not programmed and not every year. Of course it influence the villagers' spirit to participate in making decision for their village development. 2) by the time of village insight, Village Chief tends to deliver his programs, but less in giving opportunity to villagers to make decision which relates to Village development.

The process of Village Budget of Revenue and Expenditure discussion also proved that the village government (the village chief) does not maximize citizen participation in decision-making village. Proven who are invited only those who are considered figure by the village government. Formally they come, but just listening (passive). The decision determined more by the elites village government. These conditions when assessed based on the theory of the Working of Responsive Law from Philippe Nonet and Philippe Zelznik¹⁷ is less precise. Nonet and Zelznik found responsive law is the law that is ready to adopt a new paradigm and left the old paradigm. That is, the law is no longer seen as a stand-alone entity but rather it should be able to interact with other entities in order to adopt interests that exist in society. It can be concluded that the law responsive is the law that meet the needs of interest of individuals and communities, where the law-making process itself should be participatory. Therefore, if in the discussion Village Budget of Revenue and Expenditure, village government acts to maximize citizen participation in decision-making, it means village government has contributed building participatory democracy.

Build a responsive Village Regulation of Village Budget of Revenue and Expenditure means: 1) Every citizen of the village should be given an equal opportunity to participate in formulating Village Budget of Revenue and Expenditure. 2) The village government does not monopolize decision-making, on the contrary: 1) Villagers who participated in the discussion of the budget should be encouraged to play a greater role in decision-making. 2) Villagers also should be given the responsibility to socialize and succeed Village Budget of Revenue and Expenditure.

Based on the findings described above, so if analyzed based on three ideas to establish a democratic system of government¹⁸, it can be concluded as follows:

Through the idea of participation, the village government has tried to implement them with the model of insight into village. But because the invited is considered as public figures of course the result is not optimal. Communication is also still controlled by the elites, whereas citizens are passive, eventually an agreement or decision is more determined by the elite. This affects the role of participatory democracy which is not optimal.

Through the idea of accountability, the village chief has not performed optimally. This is proved by not delivering information about Village Budget of Revenue and Expenditure Draft to the public, not giving opportunity to all citizens to come to discuss, evaluate and socialize, moreover Report of the Village Government also is just informed only to villagers.

Through the idea of togetherness, the role of village government in building participatory democracy is also not maximized. Proved only at the time of the discussion Village Budget of Revenue and Expenditure villagers are invited to join the colloquy. This is also only figures who are appointed by the village government. And the agreement or decision is dominated by the elite of village. The presence of public figures is just formality.

THE INFLUENTIAL FACTORS

It turns out there are factors that affect the role of the village chief in building participatory democracy. As noted by Sumarto, there are three factors that have made the participation of stagnation they are structural, cultural and technical barriers¹⁹.

On structural constraints, the constraints related to the structure that includes the constitutional and political bureaucracy, proven: a) Based on the PP. 72 of 2005 chapter 57, stated "the public have rights to give oral or written input in preparing or discussing of the Village Regulation Draft ". Proved that the village chief does not inform the public about Village Budget of Revenue and Expenditure Draft. In its discussion not all citizens are given the opportunity to present, b) Based on the explanation of PP No. 72 of 2005 article 52 was declared "the right of people in this provision shall be implemented according the order of Village Consultative Agency (BPD)". Until now there is no order that guarantee the people's rights from Village Consultative Agency. c) In the people's rights deliberation, decision-making is dominated by the village elite. The invited figures are generally passive. Deliberation is just formality for approval.

In the cultural constraints, it is proved: a) The strong cultural patronage, namely respect for the village chief, so that village chief's policy is considered to be good and correct. This has to be changed to familiarize citizens for deliberation and dissent. b) There is still a village chief who position themselves as rulers, not as a public servant to serve and educate. c) the villagers

¹⁶ Bohanan, Paul, *Law and Warfare, Studies in the Anthropologi of Conflik*, (New York: The Natural History Press, 1967), p. 48.

¹⁷ Philippe Nonet & Philippe Zelznik, *Op. cit.*, p.19.

¹⁸ Gajong, Agussalim, *Op. cit.*, p. 36-37

¹⁹ Hefitah Sj, Sumarto, *Op. Cit.*, p. 20

themselves lack of initiative to participate, wait to be invited, do not assume the existence of Village Budget of Revenue and Expenditure and Report of the Village Government Implementation are not important. d) The lack of initiative to participate may be as a result of structural, i.e the rules which regulates the rights of citizens to participate have not been made.

On technical constraints, relates to disability in methods and techniques of community development, it is *proved*: a) Program of village insight are not programmed regularly and not all residents are invited. b) Less understood how to socialize and ask for input to the preparation and discussion of Village Budget of Revenue and Expenditure Draft and Report of the Village Government Implementation are not important.

CONCLUSION AND SUGGESTION

CONCLUSION

Based on research finding and discussion above, can be concluded as follows:

- a. the role of village government in establishing participatory democracy is very strategic, however, that role has not been carried out optimally.
- b. the factors influence the role of village government in building participatory democracy are structural, cultural and technical factors.

SUGGESTION

Based on those conclusion, the suggestion if the importance of increasing the role of village government in building participatory democracy by:

- a. open minded by informing every policy which relates to the villagers' need, especially in formulating Village Budget of Revenue and Expenditure and Report of the Village Government Implementation to all part of societies.
- b. Setting rules or Village Regulation which rules Villagers' right to give oral or written opinion.
- c. Open minded by accepting any kinds of suggestion or critics from villagers.
- d. Always learning the method and technique in functioning societies' participation.

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