

VILLAGES AS SUBDISTRICT APPARATUS IN THE ERA OF REGIONAL AUTONOMY

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Abstract

The Kelurahan (urban village) government in the era of Regional Autonomy has undergone many changes in line with the shift in governance paradigms as mandated by Law No. 23 of 2014 on Regional Government and Government Regulation No. 73 of 2005 on Kelurahan. The purpose of structuring Kelurahan and implementing governance in the Regional Autonomy era is to improve the coordination of governance, public services, development implementation, and the empowerment of village/kelurahan communities. The method used is empirical research with a legislative review approach, as well as conceptual and sociological approaches. The data analysis method employed is the interpretation of legislation and authentic interpretation. The expected outcome is that the Kelurahan government is required to be transparent with the community regarding both development programs and the budget received, thus fostering high levels of trust in the Kelurahan government from the public, thereby realizing the vision and mission of the Kelurahan. All public services and civil services, which were previously conventional, are now required to be technology-based. The Lurah, as the head of the government at the Kelurahan level, along with other government units including the Technical Implementation Unit, should cooperate and coordinate in all sectors by empowering the community, thereby creating a just, prosperous, and prosperous society.

I. Introduction

As stated in the explanation of Government Regulation No. 73 of 2005 on Kelurahan (urban villages), it is mentioned that "the granting of broad autonomy to regions is aimed at accelerating the realization of community welfare through improved services, empowerment, and community participation. In the implementation of regional governance, the regional head is assisted by regional apparatus. The regional apparatus of regencies/cities consists of the regional secretariat, the secretariat of the regional legislative council (DPRD), regional offices, regional technical institutions, sub-districts, and kelurahan." (Suwetha, 2020)

In addition, to improve public services and carry out governmental functions in urban areas, it is necessary to establish kelurahan (urban administrative villages) to expedite the

realization of community welfare. Therefore, the establishment of kelurahan must take into account various requirements, such as administrative, technical, and territorial conditions. A kelurahan is led by a lurah (head of the kelurahan) who is assisted by kelurahan staff and, in the execution of their duties, receives delegation from the Regent/Mayor. In addition, the lurah has the following responsibilities:

1. Implementation of village government activities;
2. Community empowerment;
3. Public services;
4. Maintenance of public order and security; and
5. Maintenance of infrastructure and public service facilities.

"In the case of delegation of duties from the Regent/Mayor to the Village Head, the Regency/City government needs to verify the delegated tasks proportionally. The execution of the Village Head's duties will be optimal if accompanied by the provision of financial resources that are appropriately sized and aligned with the implementation of government activities and the demands of the urban community's needs." (Supriatna & Ganda, 2013)

Along with the dynamic development of society and public demands for services, the readiness of the government is significantly influenced. Therefore, regulations on local government management must inevitably keep up with these developments. Law Number 23 of 2014 concerning Regional Government was enacted to meet these demands, including the Government Regulations that govern urban villages (kelurahan) and districts (kecamatan), which have undergone changes. "Urban villages are included in this Government Regulation because, according to their status in Law Number 23 of 2014 concerning Regional Government, urban villages are no longer considered regional government units but rather district units. In the context of developing urban village infrastructure and empowering communities within urban villages, a budget is allocated for urban villages in city areas where there are no rural villages, amounting to at least 5% of the regional income and expenditure budget after deducting special allocation funds. For regions with urban villages and cities that have rural villages, the allocation must be at least equivalent to the lowest village fund received by a village in the respective district/city" (Suradinata, 2013).

Reflecting on this statement, before the enactment of Government Regulation Number 17 of 2018 concerning Districts, urban villages were regulated by Government Regulation Number 73 of 2005 concerning Urban Villages, where at that time, urban villages were considered regional government units of districts/cities. With the evolving paradigm of governance, urban villages have become district units, as mandated by Law Number 23 of 2014 concerning Regional Government.

The formation of urban villages as stipulated in Law Number 23 of 2014 is established through Regional Regulations, as regulated in Article 229, which, among other things, states: "(1) Urban villages are formed by Regional Regulations (Perda) of the District/City, guided by government regulations." "(2) Urban villages are led by a village head called 'lurah,' who is a district apparatus and responsible to the subdistrict head (camat)." "(3) The lurah is appointed by the district head/mayor based on the recommendation of the regional secretary from civil servants who meet the requirements according to the provisions of the legislation." Considering these provisions, the formation of urban villages is carried out through the Regional Regulations of the District/City in each district/city area that requires urban village-level services in its region to bring public services closer in the context of implementing regional autonomy. Thus, the presence of urban villages in the region is expected to better empower the potential of the community within the urban village area, in line with the main duties, roles, and functions of the urban village itself.

Furthermore, the duties of the lurah are regulated in paragraph (4) of Law Number 23 of 2014 concerning Regional Government, which, among other things, states:

"Paragraph (4). The lurah has the task of assisting the subdistrict head in:..."

- a. carrying out urban village government activities,
- b. empowering the community,
- c. providing public services,
- d. maintaining public order and tranquility,
- e. maintaining public infrastructure and service facilities,
- f. performing other tasks assigned by the sub-district head, and
- g. carrying out other tasks in accordance with the provisions of the law.

Reflecting on these provisions, we can realize that the duties of a lurah (village head)

as the head of a kelurahan (village administration) are truly multi-faceted, directly interacting with the community. As the development of science and technology in society accelerates, so do the demands for services expected by the community. Therefore, the governance of kelurahan must be aligned with these demands and developments. The kelurahan is the frontline in providing services to the community, so the lurah must thoroughly understand governmental technicalities and be physically and mentally prepared to carry out their duties in the kelurahan (Suwetha & Ida Surya, 2020).

Considering this, as mandated by Law Number 23 of 2014 on Regional Government, the governance of sub-districts and kelurahan has also undergone adjustments, with the issuance of Government Regulation Number 17 of 2018 concerning Sub-Districts, which also regulates kelurahan governance. "This Government Regulation was formulated to replace Government Regulation Number 19 of 2008 concerning Sub-Districts and Government Regulation Number 73 of 2005 concerning Kelurahan. This Government Regulation governs the structuring of Sub-Districts and Kelurahan, including their formation, merging, and adjustment, the formation of Sub-Districts for national strategic interests, the duties of camat (sub-district head) and lurah, including the duties of camat in border areas, camat qualifications, classification, organizational structure, and working procedures of Sub-Districts, the coordination forum of leaders in Sub-Districts, Sub-District planning, the position of Kelurahan, lurah qualifications, community empowerment, kelurahan community assistance, kelurahan social institutions, Sub-District and kelurahan funding, and uniforms as well as guidance and supervision of Sub-Districts and kelurahan." Based on the above explanation, the problem can be formulated as follows:

1. How is the organization of urban villages regulated according to Government Regulation Number 17 of 2018?
2. How is the implementation of urban village governance in the era of regional autonomy?

II. Research Method

The research used in this study is empirical legal research, combining normative and empirical patterns to address the issues. The approach methods used in this research are as follows:

- 1) Sociological Approach: This approach is used to understand how legal rules are implemented in reality, relating to the effectiveness of the law's operation within society.
- 2) Conceptual Approach: This approach is based on the views and doctrines that have developed within legal science. (Amirudin & Zainudin, 2012)
- 3) Statute Approach: This approach involves examining statutory regulations, including primary and secondary legal materials related to the issues being studied, by reviewing all relevant laws and regulations concerning the current issues. (Salim & Erlind, 2013)

a. Data Types

- 1) Primary Data: includes Law Number 23 of 2013 on Regional Government, Government Regulation Number 73 of 2005 on Villages, and Government Regulation Number 17 of 2018 on Sub-Districts.
- 2) Secondary Data: refers to data obtained through literature review related to the research, by collecting information from official documents, books, legislation, the internet, and other bibliographic sources relevant to the research.

b. Data source

- 1) Field data sources are data obtained through interviews conducted with informants.
- 2) Library data sources are data obtained through the collection of data or information related to the research. This can come from documents, books, regulations, theses, journals, the internet, and other sources related to library research.

Direct observation is a method of data collection using the senses without the aid of standard tools for that purpose. Observation is a very important research technique. The interview technique involves using an interview guide to ensure that questions asked to informants are related to the topic of the study.

Documentation refers to the process of data collection and literature review, where documents considered supportive and relevant to the research problem are collected. These may include literature, annual reports, magazines, journals, tables, scientific papers,

government regulations, and laws available from relevant institutions. These documents are studied, analyzed, and categorized to obtain data that will provide information relevant to the research.

Before analyzing legal materials, the legal materials are first processed, which is done deductively. This involves drawing conclusions from general issues to specific problems and considering relevant legal interpretation methods. Subsequently, the legal materials and data are further processed according to the research objectives and the issues discussed in this study.

III. Results and Discussion

Penataan Kelurahan menurut Peraturan Pemerintah Nomor 17 Tahun 2018

Referring to Article 18 of Government Regulation Number 17 of 2018 concerning Subdistricts, the arrangement of villages is regulated as follows: "The arrangement of villages includes":

- a. formation of sub-districts;
- b. merging of sub-districts; and
- c. adjustment of sub-districts".

Furthermore, Article 19 reads as follows:

1. The formation of a village as referred to in Article 18 letter a is carried out through:
 - a. the division of 1 (one) subdistrict into 2 (two) or more subdistricts;
 - b. the merging of parts of a subdistrict from adjacent subdistricts within 1 (one) district into a new subdistrict; or
 - c. the merging of parts of a subdistrict from adjacent subdistricts in 2 (two) or more districts into a new subdistrict.
2. The establishment of a sub-district as referred to in paragraph (1) must meet basic requirements, technical requirements, and administrative requirements.
3. A sub-district is established by a regional regulation of the district/city in accordance with the provisions of the legislation.

In the government regulation concerning sub-districts, it also addresses urban villages, which were previously regulated by Government Regulation No. 73 of 2005. This was issued possibly to avoid overlap in governance at the lower level, in connection with the

enactment of Law No. 6 of 2014 on Villages. The formation of urban villages, as referred to in Government Regulation No. 17 of 2018, includes 3 (three) requirements for establishing an urban village, namely: (1) basic requirements, (2) technical requirements, and (3) administrative requirements. (Swetha I Gusti Ngurah, Suhardi, and Ida Surya, 2020)

1. The basic requirements for the establishment of a Kelurahan as referred to in Article 19 paragraph (2) include:
 - a. minimum population;
 - b. minimum area;
 - c. minimum age of the Kelurahan.
2. The basic requirements for the establishment of a Kelurahan as referred to in paragraph (1) are listed in Appendix II, which is an integral part of this Government Regulation.
 1. The technical requirements for the establishment of a Kelurahan as referred to in Article 19 paragraph (2) include:
 - a. regional financial capacity;
 - b. government facilities and infrastructure; and
 - c. other technical requirements.
 2. Regional financial capacity as referred to in paragraph (1) letter a is the ratio of employee expenditure to the district/city revenue and expenditure budget, which should not exceed 50% (fifty percent).
 3. Government facilities and infrastructure as referred to in paragraph (1) letter b must at least include land for the Kelurahan office and land for other public service supporting facilities.
 4. Other technical requirements as referred to in paragraph (1) letter c include:
 - a. clarity of the Kelurahan boundary using coordinate points in accordance with legal regulations; and
 - b. the name of the Kelurahan to be established.

“Administrative requirements for the establishment of a Kelurahan as referred to in Article 19 paragraph (2) is a decision of the Kelurahan communication forum or other names it may be called.”

1. "The decision of the Kelurahan communication forum as referred to in paragraph (1) must be agreed upon through deliberation and must be attended by all members of the Kelurahan communication forum or other names it may be called."
2. "The decision of the Kelurahan communication forum as referred to in paragraph (1) must be agreed upon through deliberation and must be attended by all members of the Kelurahan communication forum or other names it may be called."

Considering the provisions on the formation of sub-districts as regulated by Government Regulation No. 17 of 2018 on Sub-Districts, it can serve as a guideline for any region wishing to establish a new sub-district in its area. This is to prevent the creation of new sub-districts with less noble intentions that deviate from their true objectives. The formation of new sub-districts is intended to have strategic goals, including: bringing services closer to the public in this era of autonomy, providing opportunities for the community to participate in regional development, and developing the existing potential resources in the area to maximize the welfare of its community.

The Implementation of Sub-District Government in the Era of Regional Autonomy.

"The vision of regional autonomy can be formulated in three main areas of interaction: Politics, Economics, and Socio-Culture. In the Political domain, since autonomy is a product of decentralization and democratization policies, it should be understood as a process to create space for the emergence of democratically elected local government heads, enable responsive governance to the interests of the broader community, and maintain a decision-making mechanism that adheres to the principles of public accountability. In the Economic domain, regional autonomy must, on the one hand, ensure the smooth implementation of national economic policies at the regional level, and on the other hand, open opportunities for local governments to develop regional and local policies to optimize the utilization of economic potential in their areas. In the Socio-Cultural domain, regional autonomy should be managed as effectively as possible to create and maintain social harmony, while at the same time preserving local values that are considered conducive to the community's ability to respond to the dynamics of its surroundings." (Syaukani, et. al, 2012)

Observing this statement, in the era of regional autonomy, there are three areas that serve as the starting point for implementing autonomy in the regions: political, economic, and

socio-cultural. The potentials in these three areas should be absorbed by each region to achieve the goals of autonomy itself. For example, in the political domain, during this era of autonomy, the people are given the opportunity to directly determine their aspirations in developing their regions. This includes electing their leaders democratically and managing their areas according to the aspirations of the local community. However, the reality on the ground is that often, during regional elections (pilkada) and legislative elections (pileg), elites engage in practices such as deceiving, alluring, or even promising something to the electorate to gain votes. Interestingly, when they do not win, they often ask for what was once given to the people to be returned. This indicates a lack of maturity in political engagement, leading to less quality in regional electoral results.

In the economic domain, this era of autonomy provides opportunities to develop and manage regions according to available resources for the maximum benefit of the community's welfare. In the socio-cultural domain, regional autonomy should be managed optimally to achieve social justice and cultural prosperity aligned with the spirit and character of the Indonesian nation, which is based on Pancasila philosophy and ideology.

To achieve these objectives, the role of government leaders, from Governors at the provincial level, Regents/Mayors at the district/city level, Sub-district Heads at the sub-district level, to Village Heads at the village and urban village levels, is crucial and strategic. They are responsible for encouraging and fostering community participation in their respective areas to actively work with the government to develop and advance their regions in accordance with the existing potential and resources, in line with the principles of autonomy." The principles of regional autonomy, as follows:

- (1). "The implementation of Regional Autonomy is carried out with attention to aspects of democracy, justice, equity, as well as regional potential and diversity."
- (2). "The implementation of Regional Autonomy is conducted with broad, real, and responsible autonomy."
- (3). "The implementation of broad and comprehensive Regional Autonomy within a single district or city is placed under the District or City Area, and those crossing districts or cities are placed under the Provincial Area."

- (4). "The implementation of Regional Autonomy must be in accordance with the national constitution, ensuring a harmonious relationship between the central government and the regions."
- (5). "The implementation of autonomy should further enhance the independence of autonomous regions, and therefore, there should no longer be Administrative Regions within Districts and Cities. Similarly, for special areas managed by the government or other parties, such as Authority Bodies, port areas, residential areas, industrial zones, plantation areas, mining areas, new urban areas, tourism areas, and the like, regional autonomy regulations apply."
- (6). "The implementation of Regional Autonomy must enhance the role and function of legislation, oversight, and budgeting in the administration carried out by the Regional Government."
- (7). "The principle of deconcentration is placed under the Provincial Area, in its role as an administrative region to carry out certain government powers delegated to the Governor as the representative of the Government."
- (8). "The principle of assistance tasks may not only be from the Government to the Region but also from the Government and the Region to the Village, accompanied by financing, facilities and infrastructure, as well as Human Resources (HR), with the obligation to report and account to the assigning authority." (Riwu Kaho, 1997)

Considering the principles of regional autonomy, every government official should adhere to these principles in managing, administering, and regulating their respective regions, including village heads, who are at the forefront of local government at the village level. In the era of autonomy, village heads are no longer part of the district/city apparatus but are now part of the sub-district apparatus. As members of the sub-district apparatus, they are accountable to the sub-district head and assist in administrative tasks related to public services, community empowerment, and maintaining public security and order within their jurisdiction, while still upholding the principles of regional autonomy.

In this era of autonomy, regions have significant opportunities to regulate and manage their areas to advance their development and improve the living standards of their communities. However, it is essential to ensure that regions do not act excessively in

exploiting their resources. For example, when managing natural resources, it is crucial to avoid over-exploitation that could lead to environmental damage affecting future generations.

As stipulated in Article 25 of Government Regulation Number 17 of 2018, the status of the village is now as a Sub-district Apparatus. This is different from the previous provision regulated by Government Regulation Number 73 of 2005 concerning Villages, which classified villages as part of the District/City Apparatus. The general provisions of Government Regulation Number 73 of 2005 state, "The regional apparatus of the district/city consists of the regional secretariat, the DPRD secretariat, regional offices, technical regional agencies, sub-districts, and villages." As part of the regional apparatus, village budgets should come from the APBD of each district/city. However, in some places, village budgeting is still tied to the sub-district budget. This has led to some disparities when villages were part of the district apparatus, with village heads having limited influence over local government management and development at the village level due to small or inadequate budgets and lengthy bureaucratic processes. With the enactment of Government Regulation Number 17 of 2018, which also addresses villages, Article 25 states:

1. "The village (Kelurahan) as a subunit of the sub-district (Kecamatan) is responsible for carrying out government administration within the village, led by the village head (lurah)."
2. "In addition to performing the duties and functions as referred to in paragraph (1), the village head is assisted by village apparatus to carry out tasks assigned by the sub-district head (camat)."
3. "The duties of the village head include":
 - a. "Implementing village government activities;
 - b. Implementing community empowerment;
 - c. Providing public services;
 - d. Maintaining public order and security;
 - e. Maintaining infrastructure and public service facilities;
 - f. Performing other tasks assigned by the sub-district head; and
 - g. Carrying out other tasks in accordance with statutory regulations."

Regarding funding, as the source of village finances is regulated in Article 30, which states:

1. "The district/city local government allocates a budget in the regional income and expenditure budget for the development of village infrastructure and community empowerment in the village."
2. "The budget allocation referred to in paragraph (1) is included in the sub-district budget under the village budget to be utilized in accordance with statutory regulations."
3. "In the implementation of the budget for the development of village infrastructure and community empowerment, the village head serves as the budget authority."
4. "The village head, in implementing the budget for the development of infrastructure and community empowerment as referred to in paragraph (3), appoints a financial administration officer for the activities in accordance with statutory regulations."
5. "Determination of activities for the development of village infrastructure and community empowerment as referred to in paragraph (1) is carried out through village development deliberations."
6. "The implementation of the budget for the development of local village infrastructure and community empowerment involves community groups and/or social organizations."
7. "For urban areas without villages, the budget allocation as referred to in paragraph (1) is at least 5% (five percent) of the regional income and expenditure budget after deducting special allocation funds."
8. "For districts with villages and cities with villages, the village budget allocation as referred to in paragraph (1) is at least the lowest village fund received by a village in the district/city."
9. "Further provisions regarding the determination of activities for the development of village infrastructure and community empowerment as referred to in paragraphs (5) and (6) are regulated by Ministerial Regulation."

In the perspective of governance, the community is a crucial and determining factor for receiving attention from every government official. As a government official at the lower level, the village head (lurah) is on the front lines of community empowerment. Given this

position, it is strategic for the village head to interact directly with the community. Therefore, the village head is expected to be close to the people. The village head must also be able to empower local wisdom in the village's work area and understand the customs and traditions of the local community. The proverb "Wherever you step, uphold the sky" should be understood by a village head to build harmonious relations between the people and their leader.

4. Conclusion

As regulated in Article 25 of Government Regulation Number 17 of 2018, the position of the Kelurahan (urban village) is now as a Sub-district Apparatus. This is different from the previous provision regulated in Government Regulation Number 73 of 2005 concerning Kelurahan, which stated that the Kelurahan was part of the Regional Apparatus of the Regency/City. In the general provisions of Government Regulation Number 73 of 2005, it is mentioned that "the regional apparatus of the regency/city consists of the regional secretariat, the DPRD secretariat, regional offices, regional technical agencies, sub-districts, and Kelurahan."

As a regional apparatus, the Kelurahan's budget should ideally come from the Regional Budget (APBD) of each regency/city. However, in some places, the budget for the Kelurahan is still tied to the sub-district. This causes some imbalance because, as a regional apparatus, the Kelurahan head (Lurah) cannot do much in managing the governance at the Kelurahan level. This is especially true regarding development at the Kelurahan level, where the Lurah has very limited power. In addition to having a small or inadequate budget allocation, the bureaucracy is also very lengthy. The Kelurahan is included in the regulation due to its position in Law Number 23 of 2014 concerning Regional Government, where the Kelurahan is no longer a regional apparatus but rather a Sub-district apparatus.

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