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Legal Analysis of The Implementation of Village Community Participation In Forming Public Policies (Village Regulations)

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Abstract: Study This aim analyze implementation participation public in formation Regulation Village reviewed from perspective juridical. Research use method law juridical empirical with approach qualitative through studies bibliography, interviews, and documentation. Research results show that participation public has implemented through deliberation village in accordance provision regulation legislation, however Still nature procedural and not yet fully reflect meaningful participation. Barriers main covering low access information, domination of village elites, and Not yet optimally the role of the Consultative Body Village. Therefore that, is necessary strengthening transparency, empowerment society, and optimization BPD function to realize formation Regulation A democratic, participatory and just village.

Keywords: Community Participation, Village Regulations, Public Policy Formation, Participatory Democracy, Village Government.

INTRODUCTION

The development of democracy in post-reform Indonesia is marked by the growing recognition of the principle of public participation in governance. Public participation is no longer viewed as an adjunct to the decision-making process, but rather as a fundamental element in realizing democratic, transparent, accountable, and responsive governance to public needs. In a democratic state governed by the rule of law, the public has the constitutional right to participate in every public policy formulation process that impacts their social, economic, and political lives. Public participation in the public policy process is a crucial instrument for ensuring that the resulting policies reflect the aspirations, needs, and interests of citizens (Asshiddiqie, 2023).

Public participation is a key principle in a modern democratic system of government. In the concept of a democratic state, the public is not only positioned as an object of policy but also as a subject with the right to participate in the process of formulating, implementing, and monitoring public policy. Public involvement in public policy formation is a crucial indicator in realizing transparent, accountable, and responsive governance to community needs. This principle is gaining increasing attention in the Indonesian government system along with the growing spirit of decentralization and the strengthening of regional autonomy, including at the village government level (Rahmawan, 2023).

As the smallest administrative unit, villages hold a strategic position in the administration of national governance and development. Through Law Number 6 of 2014 concerning Villages, the state recognizes the authority of villages to regulate and manage the interests of their communities based on ancestral rights and local customs. One form of this authority is realized through the establishment of Village Regulations (*Perdes*) as a legal instrument for village governance. Village Regulations serve as the legal basis for village governments in implementing development programs, public services, village financial management, and village community empowerment (Qudsi & Widayati, 2024).

The formation of Village Regulations is part of the public policy process, which must accommodate the aspirations of the community as the primary stakeholders. Community participation in the village legislative process serves not only as a means of conveying aspirations but also as an instrument of social control over the policies being enacted. With community involvement, the resulting regulations are expected to address the community's real needs and gain strong legitimacy in their implementation (Mar'ah, Malinda, & Pramesta, 2023).

Normatively, public participation in the formation of Village Regulations has been guaranteed in various laws and regulations. Article 69 of Law Number 6 of 2014 concerning Villages affirms that the public has the right to provide input on draft Village Regulations. Furthermore, Minister of Home Affairs Regulation Number 111 of 2014 also stipulates that the public can provide input, both verbally and in writing, at every stage of the Village Regulation formation process. These provisions demonstrate that public participation is a legal obligation that must be implemented by village governments in the process of formulating public policy (Rahmawan, 2023).

However, the implementation of community participation in the development of Village Regulations still faces various challenges. In practice, community participation often remains merely an administrative formality. Village deliberations, which should be democratic forums for gathering community aspirations, are often dominated by village officials, certain community leaders, and local elite groups. As a result, the aspirations of the majority of the community are not optimally accommodated in the development of Village Regulations (Selan, Tupen, & Lamantaro, 2023).

The low level of public participation is also influenced by various factors, such as a lack of public awareness regarding draft Village Regulations, low public legal awareness, limited access to information, and limited public capacity to understand the substance of the regulations being discussed. Furthermore, the village government's top-down communication pattern leaves the community with insufficient space to actively participate in the public decision-making process (Alfiyani & Prihatmoko, 2023).

Another problem is the continued strong dominance of village governments and local elites in determining the substance of village policies. In some cases, communities are only involved in consultations without significant influence over the final decisions. This situation indicates that community participation has not yet reached the substantive level expected in the concept of participatory democracy (Zaelani & Dewi, 2023).

Theoretically, this study utilizes Carole Pateman's Grand Theory of Participatory Democracy. This theory emphasizes that the quality of democracy is largely determined by the level of community involvement in the public decision-making process. The greater the opportunity for community participation in policy-making, the higher the quality of democracy achieved. In the context of Village Regulation formation, community participation serves as a means to ensure that the resulting policies truly reflect the needs and interests of village residents (Pateman, 1970).

In addition to the theory of participatory democracy, this study also utilizes the theory of good governance, which places participation as one of the key principles of good governance. According to this theory, the success of a public policy is determined not only by the quality of

the policy's substance but also by public involvement in its development process. Effective participation will increase transparency, accountability, and legitimacy of the resulting public policy (UNDP, 2023).

Previous research has shown that community participation in the formation of Village Regulations still faces various obstacles. Rahmawan's (2023) research found that the implementation of community participation in the formation of Village Regulations did not fully meet the principles of meaningful participation. Meanwhile, Zaelani and Dewi's (2023) research showed that the Village Consultative Body (BPD) has not optimally carried out its function of community representation in the village legislative process. Research by Selan, Tupen, and Lamantaro (2023) also revealed that low levels of community education and the dominance of village elites are the main factors hindering community participation in the formation of Village Regulations.

Based on the results of previous research, it appears that the majority of studies have focused more on the sociological and political aspects of community participation in the formation of Village Regulations. Research specifically examining the implementation of community participation from a legal or juridical perspective is still relatively limited. However, the juridical aspect is crucial for assessing the extent to which community participation complies with applicable legal provisions in the regulation-making system at the village level.

Therefore, the novelty of this research lies in its legal analysis of the implementation of community participation in the formation of Village Regulations by examining the conformity between current practices and the legal provisions stipulated in the Village Law, the Minister of Home Affairs Regulation on Village Regulations, and the principles of good regulatory formation. This research will also identify legal barriers that influence the effectiveness of community participation and their implications for the quality of the resulting Village Regulations.

LITERATURE REVIEW

Public Participation in Public Policy Formation

Public participation is the involvement of citizens in decision-making processes related to the public interest. In a democratic system of government, public participation is a crucial indicator for achieving transparent, accountable, and responsive governance. Participation is not only defined as public presence in deliberation forums, but also includes active involvement in providing ideas, input, criticism, and oversight of policies that will be or have been implemented. According to Rahmawan (2023), meaningful participation must provide space for public involvement from the planning, drafting, discussion, and evaluation stages of a public policy.

In the context of village governance, community participation plays a crucial role because the village is the government closest to the community. Community involvement in the village policy-making process can increase policy legitimacy, strengthen public trust in the village government, and produce policies that better meet community needs. Therefore, community participation is a key principle in democratic village governance (Mar'ah, Malinda, & Pramesta, 2023).

Village Regulations as Village Legal Products

Village Regulations (Perdes) are statutory regulations established by the Village Head after being discussed and agreed upon with the Village Consultative Body (BPD). Village Regulations serve as legal instruments used to regulate various government affairs, development, community development, and community empowerment at the village level.

Village Regulations play a strategic role because they serve as the legal basis for the implementation of village authority as stipulated in Law Number 6 of 2014 concerning Villages.

The formation of Village Regulations must meet the principles of good legislative regulation, including clarity of purpose, appropriateness of type and content, implementation, transparency, and community participation. According to Qudsi and Widayati (2024), community participation in the process of forming Village Regulations is a form of implementation of the principle of transparency, which aims to ensure that the regulations formed align with the needs and aspirations of the village community.

Participatory Democracy Theory

This research uses the Participatory Democracy Theory proposed by Carole Pateman as a grand theory. This theory emphasizes that the public must be given the opportunity to participate directly in the public decision-making process. Democracy is not only defined as a mechanism for electing representatives but also encompasses active public involvement in all government processes. According to Pateman, public participation can improve the quality of public decisions while simultaneously shaping public political awareness in a democratic society.

In the development of Village Regulations, the theory of participatory democracy positions the community as the primary subject, empowered to provide input and influence the substance of the policies to be enacted. The higher the level of community participation, the greater the opportunity for the creation of democratic policies oriented toward the community's interests.

RESEARCH METHODS

This research uses empirical juridical legal research with a qualitative approach. Empirical juridical research aims to examine the implementation of legal norms in community life by combining studies of legislation and facts on the ground. This research focuses on analyzing the implementation of village community participation in the formation of public policies in the form of Village Regulations and their compliance with applicable legal provisions (Muhaimin, 2023).

The approaches used include a statutory approach and a conceptual approach. The statutory approach is conducted through a review of Law Number 6 of 2014 concerning Villages, Regulation of the Minister of Home Affairs Number 111 of 2014, and other related regulations. Meanwhile, the conceptual approach is used to examine the theory of participatory democracy and the concept of community participation in public policy formation (Marzuki, 2023).

The research data consists of primary and secondary data. Primary data was obtained through interviews with the Village Head, Village Consultative Body (BPD), village officials, community leaders, and residents. Secondary data was obtained from laws and regulations, scientific journals, books, and documents related to the formation of Village Regulations (Irwansyah, 2024).

Data collection techniques included literature studies, interviews, and documentation. The collected data were analyzed using descriptive qualitative analysis methods through the stages of data reduction, data presentation, and conclusion drawing to obtain an overview of the effectiveness of community participation in the formation of Village Regulations (Miles, Huberman, & Saldaña, 2023).

RESULTS AND DISCUSSION

Object study This is implementation participation public village in formation policy public in the form of Regulation Village (Perdes) as one of the product the law that becomes

base organization government village regulations Village is instrument the law that has position strategic in arrange organization governance , implementation development , coaching community and empowerment community at the level village . Therefore that , the process of formation No only become not quite enough answer Government Village and Consultative Body Village (BPD), but also places public as stakeholders interest main thing that has right For participate in every stages its formation .

Study This focused on implementation participation public in the process of being drafted Regulation Village with examine suitability between practices that take place in the field with provision regulation applicable laws and regulations . Analysis done to all over stages formation Regulation Village , starting from the planning process , preparation design , discussion with the Consultative Body Village , implementation deliberation village , giving input from the community , up to determination Regulation Village as product binding law all over inhabitant village . Focus research is also directed at the extent to which society get real opportunity For convey aspirations , opinions , and object to substance design Regulation The village is currently arranged .

In organization government village , Government Village own authority For organize and manage interest public based on right origin proposal and authority local scale village as arranged in Constitution Number 6 of 2014 concerning Village as has changed with Constitution Number 3 of 2024. One of the form implementation authority the realized through formation Regulation The village is arranged in a way together between Head Village and Consultative Body Village with involving community involvement public become very important element Because Regulation Village in essence is regulations that will be arrange life public village in a way direct .

As object study law empirical , research This No only study norm the laws that govern participation society , but also evaluate implementation norm the in practice organization government village . Research done through interview to Head Village , Consultative Body Village , device village , figures community , religious leaders , youth leaders , and public village as parties who are direct involved in the process of formation Regulation Village . Besides that , the research is also supported by studies documentation to document formation Regulation Village , minutes of deliberation village , minutes meetings , and various document related laws with the legislative process village .

From the results identification beginning to object study known that mechanism formation Regulation Village in general has follow stages as arranged in Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations . However Thus , the implementation participation public in every stages formation Regulation Village show diverse characteristics . In some stages , society has involved through a deliberation forum village , while at the stage other involvement public Still nature limited and more Lots dominated by the government village and the Consultative Body Village . Difference the become focus main study For evaluate effectiveness implementation principle participation public in formation policy public at the level village .

Object study This chosen Because participation public is one of the indicator important in realizing governance government democratic , transparent , accountable and responsive villages to need society . Besides that , participation society also becomes mandate various provision regulation legislation , including the Law Number 6 of 2014 concerning Village as has changed with Constitution Number 3 of 2024, Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations , as well as principle openness in Constitution Number 12 of 2011 concerning Formation Regulation Legislation as has changed final with Constitution Number 13 of 2022. Therefore that , research This expected can give description about to what extent the provisions law the has implemented in practice formation Regulation Village , at the same time identify supporting factors and

hinder realization participation meaningful society in the process of formation policy public at the level village .

Research result show that implementation participation public in formation Regulation Village in a way normative has implemented through mechanism deliberation villages that involve Government Village , Consultative Body Village (BPD), figures community , religious figures , figures women , youth, and element public others . Deliberation the become the main forum in netting aspirations public to design Regulation Village before set become product law village . From the results interview with government village known that every design Regulation Village always started with internal government discussions village and BPD before delivered to public through a deliberation forum village .

Although Thus , research find that level participation public Still dominated by form participation consultative . Most of public present as participant deliberation without own equal opportunity For influence substance design Regulation Village . Condition This show that involvement public more nature fulfil procedure administrative than give spacious room to taking decision in a way together .

In a way juridical , condition the Not yet fully reflect mandate Article 69 of the Law Number 6 of 2014 concerning Village as has changed with Constitution Number 3 of 2024 which provides right to public For give input to design Regulation Village . Provisions the emphasized in Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations that regulate that public can give input in a way oral and written during the drafting process Regulation Village . Legal norms the show that participation public No just complement procedure formation Regulation Village , but rather is right constitutional must facilitated by the government village .

Findings research also shows that mechanism delivery information about compilation Regulation Village Still Not yet walk optimally . Information about timetable deliberation , substance design Regulation Village , as well as document supporters generally only delivered to device village and figures public certain . As a result , some public No get equal opportunity For understand the material to be discussed so that quality participation become low . Limitations access information the cause public tend agree decisions that have been made formulated previously without give input that is substantive .

Phenomenon the contradictory with principle openness as arranged in Constitution Number 12 of 2011 concerning Formation Regulation Legislation as has changed final with Constitution Number 13 of 2022. Principles openness want that the entire formation process regulation done in a way transparent so that public own chance as wide as possible For give input . In context formation Regulation Village , principles the should realized through dissemination design Regulation Village , delivery of discussion agenda to society , as well as giving access to documents to be discussed before implementation deliberation . The study also found that the role of the Consultative Body Village as institution representation public Not yet walk optimally . BPD is more Lots operate function administrative in discussion design Regulation Village compared to function representation aspirations society . Aspirations developing society in the deliberation forum Not yet all of it translated become substance norm law in Regulation Village . Some decision strategic still dominated by the government village with reason effectiveness organization government .

Condition the show that checks and balances function between government village and BPD still Not yet walk in a way maximum . Even though Article 55 of the Law Number 6 of 2014 concerning Village give authority to BPD for discuss and agree design Regulation Village together head village as well as accommodate and distribute aspirations society . With thus , in a way normative BPD has not quite enough answer For ensure that every policy village truly reflect need public .

If associated with Theory Democracy Participatory as proposed by Carole Pateman, the results study show that implementation participation public Still be at the level formal participation . According to Pateman, the quality of democracy determined by involvement public in a way direct in the process of taking decisions . True participation No only marked by the presence of public in the forum of deliberation , but also by the ability public influence results end something policy public . Based on findings research , society of course has given room For present in deliberation village , however influence public to substance Regulation Village Still relatively limited .

Findings it also shows that practice formation Regulation Village Not yet fully fulfil the concept of meaningful participation. Meaningful participation requires existence access adequate information , opportunity convey opinion in a way free , and existence guarantee that input public considered in the process of taking decision . In study This Still found existence dominance of village elites , low literacy law society , as well as limited mechanism bait come back to the proposal submitted public .

Furthermore , if analyzed use Good Governance theory developed by the United Nations Development Programme (UNDP), implementation participation public in formation Regulation Village show that principle participation has implemented , but principle transparency , accountability , responsiveness , and inclusiveness Still need strengthening the government village basically has open room deliberation as a communication medium with society , but mechanism the Not yet capable ensure involvement all over group public in a way proportional . Group women , people with disabilities disabilities , poor communities , and future generations young Still own level relative participation low compared to figure public and device village .

The research also identified a number of influencing factors low quality participation community factors First is low level understanding public about function and position Regulation Village as product binding law all over inhabitant village . Most of public Still consider compilation Regulation Village as affairs government village so that not enough pushed For give input . Factor second is lack of socialization carried out government village about substance design Regulation Village before implementation deliberation . Factors third is culture paternalistic which still exists develop in public village so that public tend deliver decision to head village and figure society that is considered own authority more tall .

Besides that , research find that Not yet there is mechanism systematic evaluation to effectiveness participation public after Regulation Village determined by the government village generally only do evaluation to implementation Regulation Village without evaluate the quality of the formation process . As a result , various weakness in mechanism participation public Keep going repeated in formation Regulation Village next .

In a way overall , results study show that implementation participation public in formation Regulation Village has fulfil formal provisions as arranged in regulation legislation , however Not yet fully fulfil substance democracy participatory and the principles of good governance. Participation public Still nature procedural so that Not yet capable produce meaningful engagement in formation policy public at the level village . Therefore that , is necessary strengthening capacity society , improvement transparency information , optimization function of the Consultative Body Village , as well as compilation mechanism more participation inclusive so that the formation Regulation Village truly reflect aspirations and interests public in accordance with mandate Constitution Village as well as principles of the rule of law democratic .

CONCLUSION

Based on the research results, the implementation of community participation in the formation of Village Regulations has generally been carried out in accordance with the

mechanisms stipulated in the legislation. However, its implementation still tends to be procedural and has not fully realized meaningful participation. Community involvement is still dominated by the consultation stage, while its influence on the substance of the policy is relatively limited. This condition indicates that the principles of participatory democracy and good governance have not been optimally implemented. Therefore, it is necessary to increase transparency, strengthen the function of the Village Consultative Body, expand access to information, and empower community capacity so that the formation of Village Regulations is more democratic, accountable, inclusive, and in accordance with applicable legal provisions.

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