

**SOCIAL CULTURE AS KING OF VILLAGE GOVERNMENT  
“Perspective of Village Chief Election System Distortion Analysis  
in Pucung Village, Kismantoro District, Wonogiri Regency”  
BUDAYA SOSIAL SEBAGAI RAJA PEMERINTAHAN DESA**

**Anwar Sanusi**

Universitas Muhammadiyah Ponorogo  
anwarsanusi98@gmail.com

**Bima Wahyu Bintoro**

Universitas Muhammadiyah Ponorogo  
bimaw74@gmail.com

**Graha Dwi Wijaya**

Universitas Muhammadiyah Ponorogo  
Grahaw12@gmail.com

**Alfalachu Indiantoro**

Universitas Muhammadiyah Ponorogo  
Intoro60@gmail.com

**Abstract**

The village chief election is a form of village autonomy in the political aspect which aims to choose a prospecting leader of the village. It is a form of democracy in the village level. This is because the society is directly involved in it.

The problem which arise regarding the Village Chief Election in Indonesia is the deviation of campaign activities which is against the regulation. Some deviations found by the researcher include incitement from the supporters to the society. This incitement is done by insulting other prospecting village head or negative campaign which may disturb the village head election system.

Based on the Constitution No. 6 year 2014 Article 36 paragraph 3, “Prospecting Village Chiefs may undergo campaign based on the condition of the village society and the provisions of the constitutional regulations”. Yet, the reality is sometimes not according to the regulations

**Keywords** : *Autonomy, Village, Village Chief Election*

**INTRODUCTION**

**A. Background**

According to the Constitution No. 6 of 2014, the process of village chief election is directly by and from the villagers who are Republic of Indonesia’s citizens, with the requirement of 6 (six) term of office years since the date of inauguration. The village chief may serve at a maximum of 3 (three) terms of office

either consecutively or inconsecutively. Meanwhile, the Customary Village Chief's filling of position and the terms of leadership is based on the provision of the customary law in the Customary Village as long as the provision is still valid and it is in accordance with the community development, as well as the principles of the Unified Republic of Indonesia which is stipulated in the Regency Decree based on the Government Decree.<sup>1</sup>

**The Constitution Article 39 concerning Village:**

Another Article which regulates the same topic is **Article 47 paragraph (2) of the Government Decree concerning Village** which also stated that the village chief may serve at most 3 (three) terms of office, either consecutively or inconsecutively. To explain the regulation above, there is a **General Explanation Number 8 of the Constitution concerning Village**, which stated that the village chief may serve at most 3 (three) terms of office, either consecutively or inconsecutively. While the filling of position and the terms of serving as a Customary Village Chief is applied based on the provisions of the customary law in the Customary Village as long as the provision is still valid and in accordance with the community development, as well as the principles of the Unified Republic of Indonesia which is stipulated in the Regency Decree based on the Government Decree.<sup>2</sup>

However, as we know, the Customary Law is very well-respected by the people in Pucung village, Kismantoro Sub-district, Wonogiri Regency. One of the problems which arise is the implementation of the village head's term of office, which is supposed to be two periods, becomes more than two periods due to the village discussion. In this case, it is a collective decision in the scope of customary law. It shows that the collective discussion is more important than the government regulation. It needs to be reviewed that this regulation is applied in the village because they follow the customary law which prioritize the village welfare. The positive law is a law which is applied in a particular region and place. Every positive law in every country is certainly different and diverse, including Indonesia. The positive law in Indonesia is divided into two kinds, which are the written and the

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<sup>1</sup> Undang-undang No. 6 Tahun 2014

<sup>2</sup> Sunardjo, Unang. 2004. *Pemerintahan Desa dan Kelurahan*. Bandung : Tarsito

unwritten law. The written positive law is the law whose source is regulated based on statutory regulations, such as the Civil Code or the Criminal Code. Nevertheless, the most fundamental source of written law and the basis of other regulation is the 1945 Constitution.

To settle this issue, it needs an effective and efficient solution by unifying the customary law and the written law by socializing these two laws so that people know the relation between the two. The law which shall be applied according to national law is the written positive law and has been legally endorsed by the State. Hence, the utilization of customary law is actually can be applied but by still prioritizing the written or codified positive law.

## **B. Research Problem**

Based on the background above, the formulated problems are as follows:

- a. How is the system of village chief election in Pucung village, Kismantoro Sub-district, Wonogiri Regency?
- b. Is the system of village chief election in Pucung village, Kismantoro Sub-district, Wonogiri Regency in accordance with the Constitution No. 6 of 2014?

## **C. Research Objective**

Based on the problems above, the objectives of this research are:

- a. To comprehend how the system of village chief election in Pucung village, Kismantoro Sub-district, Wonogiri District is.
- b. To determine whether or not the system of village head election in Pucung village, Kismantoro Sub-district, Wonogiri District is in accordance with Constitution No. 6 of 2014.

## **D. Research Significance**

- a. For the author

It can increase the ability in doing the community service and increasing work experience, as well as overcoming the legal problems in the community.

b. For the community

It can provide the legal insight and resolve the customary law issues so as to create legal order in the community.

## DISCUSSION

Prof. Soeripto:

The customary law is a set of customary rules/regulations regarding legal behaviors in all life aspects of Indonesian people, generally unwritten. It is considered by the people worthy and the rules bind them legally, because there is the awareness of general justice, that this rule/regulation must be maintained by the law enforcement officers and the people by force or threat of punishment (sanction).<sup>3</sup>

According to Amirmachmud, as quoted from Moh. Mahfud MD, he argued that the democratic state is a state organized based on the desire and the will of the people, or if viewed from the organizational perspective, it (democracy) means organizing the state which is carried out by the people themselves or with the people's consent because the sovereignty is in the hands of the people.<sup>4</sup> It can be said that democracy is a form of government of the people, by the people and for the people. Hence, it is not wrong if Indonesia implements a decentralized government system as a bridge for the people's involvement in determining the governmental policies, especially at the lowest level of government, namely the Village.<sup>5</sup>

One characteristic of the democratic government is organizing elections. *Pemilihan Kepala Desa* (the village chief election) is a form of direct election, hereinafter abbreviated to *Pilkades*. Moreover, the village chief also carries the task of building the villagers' mentality, in the form of growing and developing a spirit of

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<sup>3</sup> Manarisip, Marco. *Lex Crimen. Eksistensi Pidana Adat dalam Hukum Nasional*. Vol 1. No 4.

<sup>4</sup> Moh. Mahfud MD. 2003. *Demokrasi dan Konstitusi di Indonesia, Studi tentang Interaksi Politik dan Kehidupan Ketatanegaraan*. Jakarta :Rineka Cipta, Cet. II). hlm. 19.

<sup>5</sup> Mariana, Dede. 2008. *Demokrasi dan Politik Desentralisasi*. Yogyakarta : Graha Ilmu

development that is imbued by the principle of collective effort and family value. The village head election aims to elect a village chief candidate who competes in the election to be able to lead the village. The village head election is carried out directly by the registered villagers by directly voting for the village head candidate whom they consider as able to bring the people's aspirations and increase the village's development. The village chief election is regulated in the Government Decree No. 72 of 2005 concerning Village, and regulated in Article 46 paragraph 1 and 2, namely: (1) The village chief is directly elected by the villagers from the eligible candidates. (2) The village chief election is direct, general, independent, confidential, honest, and fair.<sup>6</sup>

According to Constitution No. 6 of 2014, the village head is directly elected by and from the villagers of Republic of Indonesia citizen, with the requirement of 6 (six) years term of office since the date of appointment. The village head may serve at most 3 (three) consecutively or inconsecutively term of office. While the position filling and the terms of Customary Village Head apply the provision of the customary law in the Customary Village as long as the provision is still valid and in accordance with the community development, as well as the principle of the Unified Republic of Indonesia which is stipulated in the Regency Decree based on the Government Decree.

### **The Constitution Article 39 concerning Village**

Another Article regulating or emphasizing the same thing is **Article 47 paragraph (2) Constitution concerning Village** which also stated that village head may serve at most 3 (three) consecutively or inconsecutively for the terms of office. Hence, the system of village chief election in Pucung Village, Kismantoro Subdistrict, Wonogiri Regency uses dual general-election system, namely by using customary law and written law in accordance with the Constitution No. 6 of 2014.

Pucung Village is a village located in Kiswantoro Subdistrict Wonogiri Regency. It is located in the mountainous area. Based on the objective, the village is located in quite a remote area from the downtown Wonogiri . From the village management system, based on factual reality, Pucung village Kiswantoro Subdistrict Wonogiri Regency has a library located in the village office of Pucung village. The

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<sup>6</sup> Janwandri. 2013. *Proses Pemilihan Kepala Desa*. *Jurnal eJournal Ilmu Pemerintahan*. Vol 1, No 1:235-247

management system makes a pretty good percentage because the library is sufficient to meet the human resources epistemology of the people which is still classified as middle to lower class. Based on the fact, the population of Pucung village is 3,065 and there are 923 families. The majority of the village occupancy is still relatively weak in terms of human resources, there are 635 elementary school graduates, 35 junior high school graduates, 20 high school graduates, 2 Diploma 1/2 graduates, 13 Bachelor graduates, and none of Master and Doctoral graduates. From the Human Resource Epistemology percentage of the people, it is still quite weak, but the metaphysical nature of people in general is the same, it depends on how we interpret that no knowledge is useless.

Pucung Village, Kismantoro Subdistrict, Wonogiri Regency is led by a village chief named Mr. Kateno, he is a native inhabitant of Pucung village. He has been elected as Village Head for 2 periods, the first period is on 2007-2012 and the second period is on 2013-2019. From his biography, he graduated from high school and is currently pursuing a social science degree in Sleman, Yogyakarta. The election system of Pucung village is housed in the village hall, with the number of voters of around 1800 locals. Regarding the official campaign period, it only happens for one day starting at 8a.m. until 1 p.m. in the afternoon with a democratic system, it is the people who vote. Regarding the budget or the funds, the funds are prepared from the Regency government, which is 8 million depending on the number of local residents. The campaign in Pucung village is also a dialogic to convey the vision and the mission to the local residents within a day.

Regarding the universal survey, the village head who served 2 periods was quite rare. It is more difficult to serve 2 periods, but Mr. Kateno was good enough to have served 2 periods and further want to serve 3 periods. Based on a survey on the local residents, Mr. Kateno can serve 2 periods because in terms of sociology, he is loyal towards the people, humanist and accountable. Although from the sociological perspective Mr Kateno is good, there is another supporting element, namely political money which still occurs during the election in Pucung village. If viewed from the village head's own budget, the range is around 60 million for the official campaign period which is only 1 day but it is a distortion.

The Government Decree No. 72 of 2005 concerning Villages was made on the basis of Constitution No. 8 of 2005 which is an amendment from the Constitution No. 32 of 2004 concerning Regional Administration. Despite the amendment, the basic principle of village is still maintained which consists of diversity, participation, genuine autonomy, democratization, people empowerment.<sup>7</sup>

The village head is elected directly through the Direct Election of Village Head (*Pilkades*) so that the villagers are involved in the village autonomy system. BPD (Village Consultative Body) members are the villagers' representatives, based on regional representation which is filled in democratically and in accordance with the statutory regulations. To carry out its duties and authority, the Village Government and the BPD need to form a regulation in the form of Village Regulation, Village Head Regulation, Village Head's Joint Regulation. The Village Regulation which is in the form of Village Regulation draft, containing matters regarding The Village's Budget and Expenditure (*APBDes*), spatial planning, contribution and Village Government organizations must obtain an evaluation from the Regent/Mayor before being stipulated as a Village Regulation in accordance with Article 69 paragraph 4 of the Constitution No. 6 of 2014. In carrying out its authority and duties, the position of Village Government uses the principle of recognition and subsidiarity. It is in accordance with the Constitution No. 6 of 2014 concerning Villages, on Article 3. The recognition principle is a recognition toward the rights of origin.<sup>8</sup> The recognition principle also means the recognition and the respect of the State toward the community units of customary law, which none other than Village.<sup>9</sup>

The village is a customary law unit and part of the Indonesian constitutional system. In addition to fully recognizing that the Village has the right of origin, the Village Government in deciding or making a policy must be in accordance with the villagers' interests. Only the village can decide and make decision according to the

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<sup>7</sup> Lihat Penjelasan Peraturan Pemerintah Nomor 72 Tahun 2005 tentang Desa

<sup>8</sup> Lihat penjelasan tentang asas rekognisi di dalam Undang-Undang Nomor 6 Tahun 2014 tentang Desa.

<sup>9</sup> Sutoro Eko, *Kedudukan & Kewenangan Desa*, Australian Community Development and Civil Society Strengthening Scheme (ACCESS) Tahap II, Forum Pengembangan Pembaharuan Desa (FPPD), Yogyakarta, 2014, hal 7.

subsidiarity principle. The subsidiarity principle is the stipulation of local scale authority and local decision making for the villagers' interests.<sup>10</sup>

A village was formed on the initiative of the community by taking into account the origin of the village and the socio-cultural conditions of the local community.<sup>11</sup> The formation of the village has to meet requirements including population, area, part of the work area, the officials, and government facilities and infrastructure. The village formation might be in the form of merging several villages, or adjoining villages, or splitting a village into two or more, or forming villages aside from the existing villages. The dividing process from one village into two or more is able to be carried out after reaching at least 5 (five) years of village administration.<sup>12</sup>

If within a village occurs a condition where the community and its area no longer meet the requirement, the village would either be exterminated or merged. One of the requirements of village forming is the existence of village government. The village government consists of village head and village officials. Village head is responsible for carrying out the government, the development and community affairs and is elected directly by and from villagers who is citizen of the Republic of Indonesia and must meet the requirements, with term of office of 6 (six) years, starting from the time he was appointed.<sup>13</sup>

Someone who has been chosen as a village head will not be able to be appointed on the next term of election. In carrying out their duties, the village head is basically responsible for the people, whose accountability procedures are carried out to the Regent through the Subdistrict Head. And to the Village Consultative Body/*Badan Permusyawaratan Desa* (BPD), the village head is obliged to submit a report on the village's accountability report and submit information on the main points of responsibility. Village Head has duties, authority, and obligations and is entitled salaries and benefits, health insurance, legal assistance, leave and receiving awards for his work performance, furthermore in the framework of strengthening the Village Government, Regency Government, and District Government, they must carry out guidance to the Village Head and other village administration. The village head is elected directly by

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<sup>10</sup> Lihat penjelasan tentang asas subsidiaritas di dalam Undang-Undang Nomor 6 Tahun 2014 tentang Desa.

<sup>11</sup> Pasal 2 ayat (1) PP No. 72 Tahun 2005 tentang Desa.

<sup>12</sup> Pasal 2 ayat (4) PP No. 72 Tahun 2005 tentang Desa.

<sup>13</sup> Pasal 52 PP No. 72 Tahun 2005 tentang Desa.



the villagers of the candidates who meet the requirements. The election of village head is direct, general, free, confidential, honest, and fair.<sup>14</sup>

The election of village heads is conducted through the nominating and election stages. In these stages, there are procedures which has to be fulfilled while implementing the village head election process.<sup>15</sup> The implementation of the village government is a sub-system of the government administration system, in order for the village to have the authority to regulate and manage the interests of its people. In addition, the implementation of the village government has to be in accordance with Constitution No. 32 of 2004 concerning Regional Government.

The Village Head is the main element in the village administration system. The village government is led by a village head elected by the villagers with voting rights and is carried out in a democratic manner according to the state government system. The village head election is inseparable from the political participation of villagers. Essentially, political participation is considered as a measure to determine the quality of citizens' understanding in interpreting various symbols of power (policies in the welfare of society alongside with its steps) into personal symbols.

Substantively, community participation might involve three things which includes: *First*, voice, which means that each citizen has rights and space to express their opinion regarding government processes, which then demand the government to accomodate each opinion within the community prior consider them as a basis in decision making. *Second*, access, which means that each citizen has opportunity or influence in policy-making, including access to public services and access to the flow of information. *Third*, contol, which means that every citizen has the opportunity and the right to supervise the performance, the policy management, and the finance of the government.<sup>16</sup>

Generally, the interest of community in the selection of Village Head is high enough to participate in Village Head Election process, as for some people there is no longer political pressure and intimidation from any party, yet for the other part of community, there is coercion from one of the candidates through his success team by

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<sup>14</sup> Pasal 46 ayat (2) PP No. 72 Tahun 2005 tentang Desa.

<sup>15</sup> Pasal 46 ayat (3) PP No. 72 Tahun 2005 tentang Desa.

<sup>16</sup> Solekhan. 2012. *Penyelenggaraan Pemerintahan Desa: Berbasis Partisipasi Masyarakat dalam Membangun Mekanisme Akuntabilita*. Malang: Setara Press. hlm. 9.

distributing T-shirts and stickers as well as the pressures of *pembotoh* or the existence of them during the election process. The term *pembotoh* itself means someone who is involved in the village head election, they usually will harness the election to gamble on which candidate to win.

Those *pembotoh* give money to some people for them to choose a certain candidate chosen by *pembotoh*, many people grant such request as prior entering the voting booth, they are given rewards. On the other side, some people choose a certain candidate based on the familial relationship they share with the said candidate.

Aside from those who actively participate in the village head election process by being participant and by supervising the whole process, there are some people who choose to be apathetic towards the village head election. Those people have little to no interest regarding the whole election process, from the candidacy stage, up until the day of election. They are also able to choose not to vote any candidate during the election process. Based on the description above, the village head election is full of interests of various parties which all lead to power and/or money. Therefore, these parties will not remain silent if there is any disruption which may threaten and harm their personal interests. They surely will do various ways to protect their own interest such as filing protests to the committee, re-election requests, filing complaints to the authorities if it is believed that there is fraud in organizing the election, to the extent of causing chaos/commotion. They also will not hesitate in mobilizing the masses to force their demands through demonstrations both directed to the committee, the village head/BPD, sub-district head, or even the regent.

Therefore, to be able to eliminate/reduce the issues above, during the implementation of the Village Head Election, an effective election-organizing committee is needed for the election to be conducted safely, orderly, and successfully without disruption. Effectiveness is indeed needed in various activities, including the selection of head village election committee as an organization. The effectiveness of the election committee today is an important issue in implementing the whole election process. It is considerably a difficult, complex, and relatively long activity to conduct as it also requires a lot of time.

According to Amir Machmud, as quoted by Moh. Mahfud MD, he stated that a state whose form of government is democracy, is a State organized based on the will of

its citizens, or if viewed from the point of organization, democracy means the organization of the State is carried out by the citizens themselves or with its citizens' consent as sovereignty is in the hands of the citizen.<sup>17</sup>

Hence, the implementation of the decentralized government system as a bridge for community-involvement is deemed to be the right way in determining government policies in Indonesia, particularly at the lowest level of government, which is the village. Election is one of the characteristics of a democratic governance, which includes direct village head elections hereinafter abbreviated as *Pilkades* (*Pemilihan Kepala Desa/Village Head Election*). Historically, *Pilkades* has been undeniably a prototype of Indonesia's direct election/*Pemilihan Umum* (*Pemilu*). However, during the implementation, *Pilkades* seems to be the most static and traditional, as if neglected within the unity of electoral system in Indonesia. In fact, many villages in various regions in Indonesia, including in Madura, whose cost of election is borne by prospective village heads. It is contrary to the fact that *Pilkades* is a government agenda which should be funded from the state/regional budget.

Furthermore, in Government Regulations/*Peraturan Pemerintah* (PP) No 72 Year 2005 concerning Villages, Article 1 paragraph (5) which states:

“Village or what is referred by other terms, hereinafter referred to as village, is a legal community unit which has territorial boundaries authorized to regulate and manage the interests of the local community, based on local origins and customs which are recognized and respected in the Republic of the Indonesia Government system.”

From the said description, the key word is obtained, “legal community unit which has the authority to regulate and manage their own interests”. This means, a village has autonomy rights. However, the village autonomy is different compared to other formal autonomies such as the ones owned by the provincial, district, and city governments, yet its autonomy is limited to the origins and local customs with an autonomy which has been present for a long time and has inherent into a custom in the village concerned.

While the affairs which are under the authority of the village include:

1) Village Market Management,

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<sup>17</sup> Mahfud MD. 2003. *Demokrasi dan Konstitusi di Indonesia, Studi tentang Interaksi Politik dan Kehidupan Ketatanegaraan*. Jakarta: Rineka Cipta. hlm. 19.

- 2) Village Granary,
- 3) Village Irrigation,
- 4) The Sacred Tomb Management,
- 5) Traditional Ceremonies Implementation, et cetera.

As explained by Saparin, there are numerous ways to refer a village, as example: people from Aceh uses the term *Gampong* or *Meunasah* for the lowest jurisdiction. People from Batak refers a village-level legal area as *Kuta* or *Huta*. People from Minangkabau refers a village-level legal area as *Nagari*, while the combined area(s) as *Luha*. In East Sumatera, the lowest legal area is referred as *Suku*. In South Sumatera (Kerinci, Palembang, Bengkulu) a legal area is referred as hamlet, while a joint area is *Mendopo* or *Marga*. In Lampung, it is referred as *Dusun* or *Tiuh*, Minahasa people refer it as *Wanu*, *Gaukung* in Ujungpandang, *Metowa* in Bugis, *Toraja* in Toraja, and *Dusun Dati* in Maluku. Village government, in PP No 72 Year 2005 concerning Village, Article 1 paragraph (6) states, that the Village Government is the administration of government affairs by the Village Government and Village Consultative Body/*Badan Permusyawaratan Desa* (BPD) in regulating and managing the interests of the local community based on local origins and customs which are acknowledged and respected in the system of Government of the Unitary State of the Republic of Indonesia. Thus, the administration of village governance is carried out by Village Government and Village Consultative Body/*Badan Permusyawaratan Desa* (BPD). Village government is a village governance organization, which consists of:

- a. The leadership element, which is village head;
- b. The element of assistance village head, which consists of:
  1. Village secretary, a staff or service element which is led by the village secretary;
  2. Technical manager elements, which is the element of village head assistant who carry out technical matters in the field such as irrigation, religious affairs, et cetera;
  3. Territorial elements, which is the village head assistant in their working areas such as an orchard head<sup>18</sup>.

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<sup>18</sup> Nurcholis. 2011. *Pertumbuhan & Penyelenggaraan Pemerintahan Desa*. Jakarta: Erlangga, hlm. 73.

The Election of Village Heads, or often abbreviated as *Pilkades* (*Pemilihan Kepala Desa*/Village Head Election), is a direct election which is conducted by local villagers.<sup>19</sup> While *lurah* as headman of the village is considered as Civil Servant, the village head is a position which can be occupied by the commoners. *Pilkades* is conducted by poking the picture of the village head candidate to vote. *Pilkades* has been present long before the era of Direct Regional Head Election/*Pemilihan Kepala Daerah* (*Pilkada*). Lately, there has been tendency of *Pilkada* is held simultaneously in one district, facilitated by the Regional Government.

It is conducted in such manner so that the election process will be more effective, efficient, and coordinated in terms of security. On the contrary, the village head election is a democratic practice in rural areas which involves aspects of legitimacy of power and aspects of determining power which might incite competition from minority groups to seize the position of village head. So essentially, active participation from the community is mandatory in order to elect the befittingly head of their village.

Considering that the function of the Village Government Apparatus is highly peremptory, the elected village head should not only be someone who wins most votes in the election, meets administrative requirements of being village head, and is warmly welcomed by the villagers. He is also expected to be able to carry out governmental tasks, growing as a good counselor, and an exemplary role model for the villagers. Therefore, only one true *Pancasila*-ist who is thoroughly dedicated and has high loyalty is fit for this position.

The Village Head Election is also able to be adopted as a means of public political education. In a rather narrow sense, political education might be interpreted as a conscious effort to alter the process of political socialization in order for them to understand and appreciate the values contained in an ideal political system to be built. The Village Head Election in the customary law community unit along with their traditional rights—while still actively implemented and is recognized for its existence, complies to the provisions of the local customary law stipulated in the Regional Regulation/*Peraturan Daerah* (*Perda*) based on Government Regulation/*Peraturan*

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<sup>19</sup> [http://id.wikipedia.org/wiki/Pemilihan\\_kepala\\_desa](http://id.wikipedia.org/wiki/Pemilihan_kepala_desa), diakses pada tanggal 25 Juni 2013, pukul 19:45 WIB

*Pemerintah (PP)*. In PP No 72 Year 2005 concerning Villages, it is stated that the Election of Village Heads is directly elected by the villagers of the candidates who meet the requirements, the selection of Village Heads is direct, general, free, confidential, honest, and fair which is carried out through the nominating and election stages. For the nomination and election of the Village Head, the Village Consultative Body/*Badan Permusyawaratan Desa (BPD)* forms an election committee consisting of elements of village officials, the management of social institutions, and community leaders.<sup>20</sup> The village head election aims to elect potential village head candidates to compete in the election in order to administer the village. In the context of electing the Village Head, the principles of direct, general, free, confidential, honest, and fair are as follows:

- a) Direct Principle means that voters have the right to vote directly according to his conscience without intermediaries and without levels.
- b) General Principle means that fundamentally, all villagers as Indonesian citizen who have meet the requirements for being at least 17 years old or have/have been married has the right to vote in Village Head Election.
- c) Free Principle means that the voters are guaranteed the security of their rights in making their own choices without any pressure from anybody through anything.
- d) Confidential Principle means the voters are guaranteed by the legislation that the votes casted during the election will not be disclosed to anyone and in any way.
- e) Honest Principle means that during holding an election; the administrator/implementer, the government and political parties participating in the General Election, election supervisors and observers, including voters, as well as all parties involved indirectly, has to act and behave in an honest manner in accordance with applicable laws and regulations.
- f) Fair Principle means that each voter and election participant deserve to be treated equally and is also free from fraud from any party.

The general election is a democratic means in deciding who is fit to hold the position in political institutions, which applies to bothe the legislative and the executive roles. One kind of general election is the election of village chiefs, which is regulated in the Constitution No. 6 of 2014 regarding Villages. It is regulated in article 34 paragraphs (1), (2), and (3), which are as follows:

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<sup>20</sup> Pasal 47 PP No. 72 Tahun 2005 tentang Desa.

- (1) The village chief is chosen directly by village inhabitants.
- (2) The village chief election is direct, public, free, secret, honest, and fair.
- (3) The village chief election is done through stages of candidacy, voting, and appointment.

Based on the data obtained from a research done at Pucung Village, Kismantoro District, Wonogiri Regency, the village chief election in that area is not according to the Constitution No. 6 of 2014 on Villages. Based on that regulation, Article 36 paragraph (3), "Prospecting village chiefs may undergo campaign based on the condition of the village society and the provisions of the constitutional regulations". Yet, the reality in Pucung Village, Kismantoro District, Wonogiri Regency is not according to the said regulation. This is because in that village, there are distortions regarding the implementation in the campaign process. According to Republic of Indonesia's Decree of Ministry of Internal Affairs No. 112 of 2014 Article 30 paragraph (1), it has regulated the forbidden things in undergoing campaign for the election of Village Chiefs.

The deviation found in the general election system of Village Chiefs in Pucung village is regarding the overwhelming implementation of the general election, thus it may instigate the people's views on the prospecting village chiefs. It is stated that in the Decree of Ministry of Internal Affairs No. 112 of 2014 Article 30 letter (d) that there may not be any instigations and bringing individuals or the society into conflicts in the electoral campaign. The campaign rules violations in the campaign period of the prospecting village chiefs' supporters include negative campaign. The head of the committee admitted that there are violations in the form of negative campaign by instigation done by the village chief supporters to the society. That is done by saying bad things regarding other village chief candidates if they are chosen as the chief. Yet, for this campaign violation, the sanction given is only a warning to those who underwent negative campaign through the head of the sub-village.

This is included as a deviation which violates the Constitution. Apart from that deviation, in the system of Village Chief election in Pucung village, there is also a deviation in the form of money politics, where the candidate and his/her team approach the society by bribing them with money. Many people misuse their rights to vote by accepting some money from the village chief candidate. Apart from that, other deviations include promises which are not parallel with his/her vision and mission. So,

basically, the majority of the village inhabitants choose the village chief candidate not based on their values or their conscience, yet their motivation is only the money they received from the candidates.

Thus, it can be concluded that that action may be said as a deviation from the principles of direct, public, free, secret, honest, and fair. Deviation in the form of money politics can be said as a violation of the Minister of Internal Affairs' Decree No.112 of 2014 Article 1 letter j, which states that it is forbidden to give money or other things in undergoing an election campaign. Apart from that, according to the Constitution Article 73 paragraph (3) of 1999 which states that<sup>21</sup> in the establishment of a general election, when people as stated in this constitution gives money or promises to bribe to someone with the aim so that that person does not implement their rights to vote or so that the right is used in a certain way, thus according to this constitution, the perpetrator will receive a criminal sanction with imprisonment for three years. This sanction is also given to the voter who receives bribery in the form of giving promises or making something. Thus, both the briber and the bribed who accepted promises of items or actions will be given sanctions. Thus, both parties will be given sanctions based on the regulations written in this constitution.

Based on the Constitution above, thus, money politics may be sensed as an effort to influence others with the compensation of giving them material things. This definition can generally have the same meaning as giving money or things to someone, with the aim of reaching hidden political goals. Such practices which are clearly illegal is a form of a criminal act of corruption. Based on the Regional Regulation of Wonogiri Regency No. 17 of 2016 Article 4 regarding the election, validation, appointment, coronation, and resignation of Village Chiefs, the stages of the village chief election in Wonogiri Regency are as follows:

- a. Preparation Stage
- b. Prospecting Stage
- c. Voting Stage
- d. Appointment Stage

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<sup>21</sup>Undang-undang Pasal 73 ayat 3 Tahun 1999



## CONCLUSION

The election of village chiefs is a form of the village autonomy in the political sector which aims to choose the prospecting leader of the village. It is a form of democracy in the village level. This is because the people are directly involved in the village chief election process. Nowadays, the problems which arise in Indonesia regarding the village chief election system is the distortion in the implementation, where the campaign system is against the regulations which apply. Some distortions which the researcher has found includes incitement by supporters to the society. Such incitement is done by saying bad things about other village chief candidates. Apart from that, another distortion in the process of village chief election is negative campaign which disturbs the system of election process.

The procedures in the village chief election implementation is already according the the stages regulated in the regional regulation No. 17 of 2016, which are the the election, validation, appointment, coronation, and resignation stages. Generally, the village chief election has been implemented according to the stages determined. Yet, the implementation system cannot go maximally as the substances involved do not really understand the regulations determined by the government. Another problem is that the legal culture is very influencing. Money politics is a political culture which happens widely in Indonesia. It is an awaited moment by the people as the Village Chief election is the party of the people. Even though the village chief candidates have understood this regulation, yet, by educating the people, the researcher believes that there will be changes in the future. This distortion is a form of the democratic setback in Indonesia. Thus, educating the people regarding the true definition of democracy is crucial.

Keywords : Distortion, System, Village Chief Election

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