

Formation of Participatory Village Regulations in the Implementation of Democratic Village Government Based on Pancasila Democracy

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Abstract

The purpose of this article is to analyze the institutionalization and implementation of the formation of participatory village regulations, the importance of the formation of participatory village regulations for the implementation of village democracy, the model of the formation of participatory village regulations based on Pancasila democratic values. Problems in the practice of forming village regulations show that so far the community in general has only given its trust to the village head and the Village Consultative Body (BPD) in forming village regulations. This study uses a normative legal research method using a statutory regulatory approach and a conceptual approach. The results of this study indicate that the participatory model of village regulation formation based on Pancasila Democracy is an approach that aims to strengthen village governance through an inclusive, transparent, and accountable legislative process. Village deliberation is the main mechanism in this model, providing a deliberative forum where various views and interests can be conveyed and discussed openly. Thus, the village government needs to adopt an effective communication mechanism to convey information related to the legislative process to the community.

Keywords: Village Regulations, Participatory, Democracy, Pancasila.

Introduction

The issuance of Law Number 6 of 2014 concerning Villages, became a starting point for the hope of villages to be able to determine their position, role and authority over themselves. Based on the Village Law, it is stated that a Village is a legal community unit that has the authority to regulate and manage the interests of the local community that is recognized in the National Government system and is in the Regency Area. Regulating means the authority to make policies that are regulatory in nature (policy making) while managing means the authority to make implementing regulations (policy implementation). A legal community unit that has the authority to regulate and manage its own interests means that the legal community unit has autonomy because it has the authority to make policies that are regulatory in nature and at the same time has the authority to make implementing regulations (Mulyadi, 2017).

Village Regulations are a further elaboration of higher laws and regulations by showing the socio-cultural conditions of the local village community. In the implementation of Village Government which is intended to regulate and manage the interests of the Village, the Village should be able to form and compile regulations in its area.

In the context of the formation of village regulations, community participation is manifested in the form of consultation obligations and the right to provide input on draft village regulations. Community participation in the formation of village regulations is designed in 2 (two) forms, namely the obligation to consult and the right to provide input on draft village regulations. However, in this case, there is still no legal certainty about the meaning of the obligation to consult and the right to provide input. Legally, the community's right to participate will be violated if the village regulation makers do not open up space for it.

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Referring to the provisions on community participation in the formation of village regulations in Government Regulation Number 43 of 2014 concerning Implementing Regulations of the Village Law and Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations, it can be said that there is a process of simplifying the regulations regarding the meaning of community participation in the formation of village regulations. The simplification of the meaning of community participation in the formation of village regulations can be seen from the regulation that consultations are carried out only for the purpose of obtaining input, with the phrase in Article 83 paragraph (3) of Government Regulation Number 43 of 2014 concerning Implementing Regulations of the Village Law, namely "... must be consulted with the Village community to obtain input".

Likewise, the provisions in Article 6 paragraph (2) of the Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations state that "The Draft Village Regulation that has been prepared must be consulted with the village community and can be consulted with the sub-district head to obtain input". In other words, the consultation carried out by the village regulation makers is only in order to obtain input on the draft village regulation. The question then is, what about the process of exchanging ideas to obtain the best possible conclusion. In this regulation, it seems that there is no process of exchanging ideas to obtain the best possible conclusion, as is appropriate for the definition of consultation. In fact, the problems in the practice of forming village regulations show that so far the community in general has only given trust to the village head or the Village Consultative Body (BPD) in forming village regulations.

The consultation process in order to exchange ideas to get the best possible conclusion can also be degraded by the fact that the BPD still lacks trust from the community. This can be seen from the tendency of villagers who prefer to convey their aspirations to people who are considered close in power to the village head, the hamlet head with the hope that the person will convey it directly to the village head. Based on the description above, the problem that will be described in this article is how is the model for the formation of participatory village regulations based on Pancasila democratic values?

Method

This article is the result of research written using the normative research method (I Gede AB Wiranata, 2017) which was conducted using a conceptual approach and a statutory regulatory approach (Peter Mahmud Marzuki, 2012).

Results and Discussion

Participatory Village Regulation Formation Model Based on Pancasila Democracy Values

In the implementation of village governance in the process of forming village regulations, the thing that must be maintained is the realization of democratization in village society. As expressed by Muhammad Hatta, that the democracy that is developed is not a complete imitation of western democracy, but a democracy that is rooted in the character of the indigenous Indonesian people, namely family democracy based on deliberation (Ina Junaenah and Lailani Sungkar, 2017). Democratization, because it is an effort to achieve democratic life through democratic means (Noman Kresna Martha, 2020).

The significance or important value of Village democratization is based on two things. First, in the Village arena, democracy is an effort to redefine the relationship between the Village community and the elite or organizers of the Village Government (Village Head and staff and BPD). Through democracy, the general definition of power also applies in the Village, namely that power comes from and is in the hands of the people. Based on this definition, it means that the community or Village residents are the true owners of power (Village), not the elite or organizers of the Village Government. The organizers of the Village Government are merely executors of the power of the Village people, not the owners of power or even the owners of the Village. The second background is related to the progress marked by the Village Law in viewing the position of the Village. One of the most important parts of the Village Law is the State's

recognition of the original rights of the Village (called the principle of recognition) and the determination of local-scale authority and local decision-making for the benefit of the Village community (called the principle of subsidiarity). With these two principles, the Village has very great authority to manage itself (Naeni Amanulloh, 2015).

Village democratization at least pays attention to four things. First, social relations in the village are built from personal social interactions between fellow villagers that have been going on for a long time. These relationships often form patterns of attitudes and social behavior. Second, the relationship between the village and space also takes place with very high intensity. For the village, the land and space they live in are not merely dead spaces that can be abandoned at any time or processed and monetized (sold) at will. Third, long, intense interactions that take place in a living life with space create or unique village socio-cultural patterns. Fourth, the solidarity formed in the village is usually mechanical and thick with collectivistic nuances. Village society becomes a subjective category that is bound by a sense of togetherness and mutual support. Village society as subjects or actors can act as individuals (Naeni Amanulloh, 2015).

The four things that need to be considered in the democratization of the village which then give rise to the characteristics of village democratization with reference to the principles of recognition and subsidiarity, namely recognizing the capacity of the village as a self-governing community, namely a community that is able to regulate itself in its own unique way. This capacity which varies between villages is the door to a more massive democratization process. (Naeni Amanulloh, 2015). The self-governing community is what the author believes is the basis for each village to form village regulations. The formation of village regulations is one form of village democratization based on recognition and subsidiarity.

The above description can be simplified with a table that describes the scheme of "people's government" at the village level. The philosophy of "from" is identical to input that comes from people's participation, "by" is a government process based on accountability and transparency, and "for" is an output in the form of government responsiveness that is useful for the people. (Naeni Amanulloh, 2015).

Table 1. Scheme of People's Government in the Village

1	Philosophy	"From"	"By"	For
2	System	Input	Process	Output
3	Substance	Participation	Accountability and transparency	Responsiveness

Source: (Naeni Amanulloh, 2015)

If the state-centered view understands democracy from the perspective of accountability, transparency and responsiveness of governance, then the societal view understands that the main pillar of democracy is civil society. A societal view sees democratization not merely as a limited period of transition from one set of formal regime rules to another, but rather as a continuous process, an eternal challenge, a struggle that continues to recur. (Naeni Amanulloh, 2015).

The theory of democracy teaches that democratization requires the presence of a civil society that is strongly organized, independent, vibrant, pluralistic, civilized, and participatory. Participation is the main keyword in civil society that connects ordinary people with the government. Participation is not just community involvement in the election of village heads and BPD, but also participation in daily life that deals with village development and government. Theoretically, participation is open involvement (inclusion) and involvement (involvement). Both have similarities but different points of emphasis. Inclusion concerns who is involved, while involvement talks about how society is involved. Involvement means giving space for anyone to be involved in the political process, especially groups of poor people, minorities, small people, women, and other marginalized groups. (Naeni Amanulloh, 2015).

Substantively, participation includes three things. First, voice: every citizen has the right and space to convey their voice in the government process. The government, on the other hand, accommodates every voice that develops in society which is then used as a basis for decision-making. Second, access, namely every citizen has the opportunity to access or influence policy-making, including access to public services. Third, control, namely every citizen or element of society has the opportunity and right to supervise (control) the course of government and the management of government policies and finances.(Naeni Amanulloh, 2015).

Village governance is framed by a modern democratic system: elections and representation. Elections and representation are minimal indicators of procedural democracy that must exist in village governance. In addition, the concept of representation and deliberation cannot be diametrically opposed, such as opposing the Village Representative Body (representative model) and the Village Consultative Body (deliberative model), or opposing the concept of election (voting) with deliberation. The concept of deliberation is actually not a forum or institution (such as the Village Consultative Body or Village Consultative Institution), but rather a collective process for making decisions. Therefore, to build deliberative democracy (deliberation) cannot be done by forming a Village Consultative Body which is very limited in number, but can form other larger institutions (for example the Village Consultative Assembly) or a kind of fluid forum such as a citizen forum. The most important thing in deliberative democracy (deliberation) is the process of collective discussion and debate to seek the common good, which goes beyond the election process (voting).(Naeni Amanulloh, 2015).

Representative democracy through the establishment of representative institutions (village parliaments) is certainly very relevant for deepening village democracy. Why? First, representative democracy is a substitute solution for direct democracy amidst the demographic and sociological complexity of village society. Direct democracy in the form of electoral democracy is only possible in the process of electing village heads and electing village parliaments. In addition, it is impossible for all adult residents in the village to be directly involved in decision-making every day. However, participatory democracy and deliberative democracy involving the people are still needed for purposes such as five-year or annual village planning. Second, representative democracy institutions are formal institutions that play a role every day in decision-making and control over village executives. Third, amidst the complexity of the village population, representative village institutions become a forum for representing village community groups, especially marginal groups such as women and the poor. Fourth, representative representative institutions are a good place for the process of political education and political cadreship for local leaders from below (grass roots). Fifth, the Village Parliament is intended to support the processes of implementing democratic, transparent, accountable, responsive and participatory Village governance, so that a sense of justice and welfare for the Village community can be realized.(Naeni Amanulloh, 2015).

In the theory of deliberative democracy, village deliberation is considered as the ideal form of decision-making process. This theory emphasizes the importance of rational and inclusive public discussion in reaching legitimate and legitimate decisions. Village deliberation, with clear structures and procedures, allows for focused and fact-based discussions. This process improves the quality of the substance of village regulations, because the decisions taken are based on logical and valid arguments.

Community participation in village deliberations also provides long-term benefits for strengthening local democracy. By getting used to participating, village communities will better understand their rights and responsibilities as citizens. They are not only legal objects but also active subjects in determining the direction of village development. This process strengthens the participatory political culture that is the foundation of Pancasila Democracy.

As a deliberative forum, village deliberations also serve to strengthen social solidarity. In discussions involving various parties, people learn to listen to each other and respect differences. This solidarity is important for maintaining social harmony and preventing potential conflicts that can hinder village development. Thus, village deliberations not only contribute to the formation of fair regulations but also to strengthening social cohesion.

Village deliberations are also relevant in the context of village autonomy, as regulated in Law Number 6 of 2014 concerning Villages. Village autonomy gives villages the authority to regulate and manage their own interests. However, this authority must be implemented with the principles of participation and local democracy. Village deliberations are a means to realize village autonomy that is responsible and oriented towards common interests.

However, the implementation of village deliberations is not without challenges. One of the main obstacles is the low level of community participation, especially from vulnerable groups such as women and young people. Therefore, efforts are needed to increase community awareness and capacity to participate. Political and legal education at the village level is a strategic step to overcome this obstacle.

Information technology can also be utilized to support the implementation of village deliberations. By using a digital platform, village deliberations can be accessed by more participants, including those outside the village area. This technology not only increases participation but also the efficiency of the legislative process. This is in line with the spirit of Pancasila Democracy which emphasizes openness and innovation (Malicia Evendia et al, 2025). Information technology can be utilized to increase community participation in the formation of village regulations. By using a digital platform, the community can easily access information, provide input, and participate in the village deliberation process virtually. This technology not only increases the efficiency of the legislative process but also expands the reach of participation.

Evaluation of the implementation of village regulations is also an important part of the implementation of Pancasila Democracy. This evaluation aims to assess whether the regulations produced have been effective in achieving their goals and whether they are still relevant to the conditions of the community. If necessary, village regulations can be revised or adjusted based on the results of the evaluation.

Within the framework of Pancasila Democracy, the village government and BPD have the responsibility to facilitate community participation. They must ensure that the legislative process runs in accordance with the principles of Pancasila Democracy, including openness, inclusiveness, and justice. This role requires a strong commitment to listening to and accommodating the various views that exist in the community.

Support from the central and regional governments is also very important in the implementation of Pancasila Democracy (Yulia Neta et al, 2021). This support can be in the form of regulations that facilitate community participation, as well as the provision of adequate resources to support the legislative process at the village level. Collaboration between various levels of government ensures that the principles of Pancasila Democracy can be applied consistently. As a system that emphasizes the importance of harmony, Pancasila Democracy also encourages peaceful conflict resolution. In the process of forming village regulations, differences of opinion are often unavoidable. However, through deliberation and consensus, these conflicts can be resolved in a constructive and respectful manner.

Pancasila Democracy is also relevant in creating legal sustainability at the local level. Village regulations formed based on the principles of Pancasila Democracy are not only valid for the short term but are also designed to provide long-term benefits. This sustainability is important to ensure that village regulations can continue to be relevant and effective as community conditions change.

Pancasila Democracy provides a solid foundation for the formation of participatory village regulations. By integrating the principles of community participation, social justice, and unity, Pancasila Democracy ensures that the resulting village regulations are not only legally valid but also have strong social legitimacy. The implementation of Pancasila Democracy in the village legislative process is a real manifestation of democracy that is rooted in local values and aims for the common welfare.

Conclusion

Based on the results of the discussion that has been conducted, it can be concluded that: The participatory model for the formation of village regulations based on Pancasila Democracy is an approach that aims to strengthen village governance through an inclusive, transparent, and accountable legislative process.

Pancasila Democracy, with the principle of deliberation for consensus, places the community as the main subject in the decision-making process. This model ensures that the resulting village regulations reflect the collective will of the community and meet local needs without ignoring the legal principles that apply nationally. Community participation in the formation of village regulations is not only a right, but also an obligation guaranteed by Law Number 6 of 2014 concerning Villages. By involving the community in every stage of the legislative process, from problem identification to policy evaluation, this model not only increases the legitimacy of village regulations but also strengthens the community's sense of ownership of the resulting regulations.

Village deliberations are the main mechanism in this model, providing a deliberative forum where various views and interests can be expressed and discussed openly. In the context of Pancasila Democracy, village deliberations are a concrete manifestation of the principle of people's sovereignty guided by the wisdom of wisdom. This deliberative process allows for decisions that are not only legal but also just. The social legitimacy gained from the participatory process in village deliberations strengthens the community's acceptance of the resulting regulations. This is important to ensure that village regulations are not only obeyed but also supported by the community. Thus, village regulations become more effective in achieving village development goals and improving community welfare. The novelty of this model lies in the integration of local values with the principles of Pancasila Democracy in the legislative process. This model encourages villages to accommodate local values, such as customs and traditions, in village regulations, as long as they do not conflict with national law and Pancasila values. This integration ensures that village regulations are not only legally relevant but also socially accepted by the community.

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