

LEGAL ASPECTS OF INSTITUTIONAL ARRANGEMENT FOR COMMUNITY-BASED RURAL AREA DEVELOPMENT (A STUDY IN SOMAGEDE SUBDISTRICT, BANYUMAS REGENCY, INDONESIA)

ABDUL AZIZ NASIHUDDIN¹, KADAR PAMUJI², RIRIS ARDHANARISWARI³, SUPRIYANTO⁴ and SLAMET ROSYADI⁵

^{1,2,3,4,5}Universitas Jenderal Soedirman, Indonesia. Corresponding author Email : abdul.nasihuddin@unsoed.ac.id

Abstract

Law Number 6/2014 on Village has explicitly stated that to strengthen village development, rural areas area development should also be well facilitated. This law is intended to accelerate and improve the community-based service, development, and empowerment quality. We argue that the success of community-based rural area development is due to the legal and institutional aspects. The research method applied a normative juridical study using legislation and legal documents as well as research reports. To contextualize our study, we used focus group discussion with the involving stakeholders to deepen the research analyses. Our study shows that the legal aspects do not only include principles and norms, but also institutions, processes, and procedures to realize the law. The relationship between law and institution must be interpreted as an authority which formulation is in legislation. The function of institution is to realize what has become the authoritative content of institution.

Keyword: Law, Institution, Community, Rural Area Development

INTRODUCTION

The government system of the Republic of Indonesia according to the 1945 Constitution has provided the flexibility to the Regions performing their Autonomy. In the recent regional autonomy, the villages are given broader authority to regulate and manage the community interests. The mandate of Law Number 6 Year 2014 on Village has explicitly stated that to strengthen village development, the government should also develop the rural areas. Thus, these efforts can rapidly improve and accelerate the community service, development, and empowerment quality in rural areas using a participatory development approach (Article 83 paragraph (2) of Law Number 6 Year 2014 on Village).

Participation is generally defined as a person or group of community members in an activity. It can also be interpreted that participation is an action to take part and activity or a statement to take part in an activity to obtain benefits. Meanwhile, community participation is defined as an activity to identify problems and potentials existing in the community, select and make decisions for the alternative solutions dealing with problems and efforts to overcome the difficulties as well as the community involvement to evaluate the occurring changes. Participation is a form of interaction and communication to distribute authority, responsibility, and benefits.

Participation is defined as a person or community group involvement in development processes, in the form of statements and activities, by providing thoughts, energy, and time as well as expertise, capital, and/or material, to participate in the utilization and gaining the development results. Thus, it is clear that community participation is an important factor in development, where community participation is the control over the growth and development of village development. The efforts to grow and develop the community participation can be pursued through community empowerment activities made through the development communication activities. Thus, it must be understood that the purpose of development communication is not just to promote the development and deliver the development messages, but more importantly to grow, mobilize, and maintain the community participation in the development process.

Participatory in rural area development is defined as inter-village development made to accelerate and improve the rural community service and empowerment quality through the implementation of participatory approach in some rural regions determined by the Regent/Mayor. Thus, the development of rural areas can also be referred to as the government's efforts to encourage the acceleration of villages in managing the development through inter-village cooperation in the regional units. The process requires the development of democratic governance including inter-village cooperation, cross-sectoral cooperation, and other stakeholders (Directorate of Rural Area Development Planning, Module 1: 2017).

In addition, the determination of rural areas as stipulated in the Minister of Villages, Development of Disadvantaged Regions, and Transmigration Regulation (Permen Desa PDTT) Number 5 Year 2016 on Rural Area Development is a process of strengthening the capacity of government and village communities to develop the areas at the economic, social service, and economic levels. The economic and infrastructure development as well as dignified building and equal relations with the other stakeholders to achieve these goals. This means that the determination of rural areas needs to involve the community participation, such as village officials, and all development actors in rural areas, including the community groups.

Quoting from what was conveyed by Sahat M. Pasaribu, even though the development uses the most comprehensive approach, if harmonious and integrated elements or institutions give no support, many gaps will continuously arise resulting in various problems (Pasaribu S.M.: 2011). This seems to be the problem that the government will try to answer by coordinating various village-based ministries/institutions. Since this commitment continues to the regional level, especially in its implementation in the field, strengthening is still needed.

Strengthening, in terms of institutions, should be made by the government, considering the role of institutions as the main pillar of rural area development. According to Chambers, in his book on Participatory Rural Appraisal (PRA), the role of institutions or organizations is greatly essential in developing the rural areas, especially the internal supporting factors from the related institution, such as consistency, leadership, and staff-owned (R. Chambers: 1996). Meanwhile, Soetomo explained that in the Integrated Rural Development (IRD) approach, the rural area development must be multifunctional and multi-sectorally implemented using a

System Approach requiring interactions from various parties (Soetomo: 2013). The interactions are not only between the government agencies, in which two approach models above view that non-government institutions, such as NGOs and universities, also have a significant role to succeed the development, especially in rural areas.

Community as a leading actor in the development of rural areas does not only stand alone in the process. There is a collaboration network to prepare the areas to develop further in the future. The supporting actors include banks, private companies, donors, universities, government, non-government organizations, and the other related parties. The support is not only limited at the village and sub-district level, yet the potential can be developed by the supported and encouraged regions to a national, and even international level.

The discussion related to the above theme contains at least three variables: legal aspect, institutional aspect, and community-based rural area development. Legal aspects have a very broad spectrum and can be defined from various points of view or perspectives. To review this paper, the author refers to the opinion stated by Mochtar Kusumaatmadja, that law is basically not just principles and rules (norms), but also institutions as well as processes and procedures that embody law in reality. To see the connection between law and institutions, the law must be interpreted as an authority which formulation is found in various laws and regulations. In this case, the institutions have the functions to realize what have become the contents of the related authority. Institution requires the legitimacy of authority; without authority of institution, it has no meaning (Gatot DHW, 2009: 127-144). Meanwhile, community-based rural area development is an aspect expected to be the result of an institutional approach process (Institutional-Based Management) relying on the integration of both government institutions handling the rural area development and communities as community institutions.

Based on the above logical thinking, this study aims to analyze the legal and institutional aspects underlysing the success of community-based rural area development. This paper begins with authority in a theoretical perspective, followed by village authority in rural area development, institutional studies on community-based rural area development, integration as one of institutional solutions to increase the legality in institutional organization, and conclusion drawing.

RESEARCH PROBLEMS

1. What is the authority concept in the theoretical perspective of community-based institutional organization?
2. How is the harmonization and synchronization of the institutional Organization for community-based rural area development referring to Law Number 6 Year 2014 on Village?
3. What is the institutional organization model for the community-based rural area development referring to Law Number 6 Year 2014 on Village?

METHODOLOGY

Research on Rural Area Development is classified into a normative juridical study. This method was conducted using literature studies examining the secondary data in both legislation and other legal documents as well as the results of research, studies, and other references related to the problems under study. This normative juridical method used FGDs (focus group discussions) and meetings with the involving stakeholders to deepen the research analyses.

To solve the research problems, an approach was needed. According to Peter Mahmud in his book entitled "Legal Research", several approaches might be used for legal research, such as statute, case, historical, and comparative, and conceptual approaches. (Peter Mahmud Marzuki: 2005). In the context of this research, the statute approach was conducted by examining the statute regulations (regeling) and policy regulations (beleidsregel) related to the Rural Area Development.

The research data were collected through library research using document studies which data sources are obtained from:

- 1) Primary legal materials in the form of the 1945 Constitution of the Republic of Indonesia, statute regulations, and other legal documents related to the Rural Area Development.
- 2) Secondary legal materials explaining primary legal materials including minutes of court proceedings and regulatory drafting documents related to this research and the discussion results from various media.
- 3) Tertiary legal materials or supporting legal materials, such as legal dictionaries and other materials outside the field of law to complete the research data.

Field research was conducted to support the accuracy of secondary data obtained through the library research to obtain information directly from the primary data sources. Information was obtained through the structured interviews with the competent and representative sources.

The research data were then qualitatively analysed. The collected written legal materials were classified in accordance with the problems under study, a systematic content analysis was conducted to the legal material documents, and then compared with the information obtained from the informants to answer the arising research problems.

RESEARCH FINDINGS AND DISCUSSION

A. The concept of authority in the theoretical perspective of community-based institutional organization

According to the Great Dictionary of the Indonesian Language, the word authority is defined as the right and power to act, make decisions, govern and delegate responsibilities to the other people/agencies (Kamal Hidjaz: 2010).

H.D Stout in Ridwan HR stated that authority is an understanding coming from the law of government organizations, explained as all rules related to the acquisition and use of government powers by the public legal subjects in public legal relations (Ridwan HR: 2009).

According to Bagir Manan, the authority in legal language is different from power. Power only describes the right to do and not to do. Meanwhile, authority means rights and obligations (Nurmayani: 2009).

Authority is the right to use authority belonging to an official or institution based on the applicable provisions. Authority also concerns on legal action competences through formal rules. So, authority is a formal power belonging to an official or institution. constitutional law and state administrative law are greatly important, so that F.A.M. Stroink and J.G. Steenbeek considered authority as a core concept in constitutional law and state administrative law (Ridwan HR: 2009).

According to Henc van Maarseveen, in public law, authority consists of at least 3 (three) components: 1. influence, that is, the use of authority intended to control the legal subject behaviours ; 2. basic law, that is, authority should always be able to become the legal basis; and 3. legal conformity, that is. The existence of authority standard, both general and particular standards (Sinamo Nomensen: 2010).

According to Prajudi Atmosudirdjo, government authority can be explained into 2 (two) meanings: right to implement a government affair and right to significantly influence the decisions taken by the other government agencies.¹² Meanwhile, Peter Leyland and Terry Woods firmly stated that public authority has 2 (two) main characteristics: first, every decision made by a government official bind the power to all community members, in which all community members must obey the decision; second, each decision made by the government officials have the public functions or perform the public services (Prajudi Atmosudirdjo: 1981).

In addition, according to S.F. Marbun in Nomensen Sinamo, authority means the ability to perform a public legal action or juridical, the ability to act given by the applicable law to perform legal relations. Thus, government authority has the following characteristics: (1) express implied, (2) clear intentions and objectives, (3) bound at certain time, (4) subject to written and unwritten legal restrictions and (5) general and concrete authority content (Sinamo Nomensen: 2010).

Based on the authority definitions above, it can be concluded that authority is a right owned by an official or institution to perform its authority based on the provisions of regulations and laws.

Safri Nugraha et al., argued that the government authority includes 3 (three) aspects: always bound to a certain period, subject to the specified limits, and implementing the government authority bound by the written and unwritten laws. It was further explained that authority is always bound to a certain period determined clearly and firmly through the statute regulation. The authority validity duration is also stated in the underlying regulations. Thus, if the

government authority is used and is not used in accordance with the government authority, the actions or government actions can be said to be invalid or null and void (Safri Nugraha: 2007).

In a law state, government authority comes from the applicable laws and regulations. R.J.H.M. Huisman stated that a government organ cannot assume that it has its own government authority. Authority is only granted by law. Legislators can give the government authority to government organs and employees or special agencies or even to private legal entities (Ridwan HR: 2013).

Theoretically, the authority coming from laws and regulations is obtained through 3 (three) ways: attribution, delegation, and mandatedefined by H.D. van Wijk as follows: (Ridwan HR: 2013).

1. Attribution is the government authority granted by the legislators to government organs;
2. Delegation is the government authority delegated from one government organ to the others; and
3. Mandate occurs when a government organ allows its authority performed by the others on the behalf of government.

In contrast to van Wijk, F.A.M. Stroink and J.G. Steenbeek stated that there are only 2 (two) ways for government organs to obtain authority: attribution and delegation. Attribution is related to new authority delegation. In contrast, delegation concerns on the existing authority delegation from an organ with attributive authority to the others. So, delegation is logically always preceded by attribution (Ridwan HR: 2013).

Experts expressed their opinion on source of authority, such as Indroharto stating that authority is obtained through attribution, delegation, and mandate, each explained as follows: invitation. In this case government's authority is born. The existing authority is delegated by TUN Agency or Position obtaining government's attributive authority to another TUN Agency or Position. Delegation is, therefore, always preceded by attribution of authority. There is no new authority or delegation of authority granted from a TUN Agency or Position to another in the mandate (Indroharto: 1993).

Philipus M. Hadjon, in Ridwan HR, said that government's each action must be under legal authority. This authority is obtained through three sources: attribution, delegation, and mandate. Attribution of authority is usually determined by the constitution on state's power division, while delegation and mandate of authority are powers obtained through delegation. Philipus M Hadjon later distinguished delegation from mandate. When delegation process is derived from one governmental organ to another by statutory regulations, the responsibility and accountability shifts to the delegate. The delegate can no longer use that authority, unless the delegation is revoked in compliance with the "contrarius actus" principle. This means that any change to or revocation of legislation implementing regulation is performed by the official stipulating the concerned regulation and with equivalent or higher regulation. In terms of mandate, delegation procedures are under routine superior-subordinate relationship

context. The responsibility and accountability shall remain in the hands of the mandate giver. At any time, mandate giver can use the delegated authority (Ridwan HR: 2013).

Bagir Manan stated that in the Constitutional Law, power describes the right to do or not to do. Authority means rights and obligations. Right contains the freedom to do or not to do certain actions or to demand other parties to do certain actions. Obligation contains the obligation to do or not to do certain actions. In state administrative law, government's authority derived from legislation is obtained through attribution, delegation and mandate (Bagir Manan: 2000).

Attribution occurs of when new government's authority by some provisions in legislation. Attribution of authority in legislation means granting authority to form legislation that is ultimately granted by the 1945 Constitution or a Law to a state or government institution. This authority is continuously inherent and can be enforced on its own initiative as necessary. In this case, a new authority is born or created (Ridwan HR: 2013). Legislators competent to attribute government's authority are divided into: Original legislators, in this case at the central level are MPR (People's Consultative Assembly) as the Constitutional Law makers and DPR (People's Representative Council) together with the Government as law makers. In relation to regional interests, it is regulated by the constitution with DPD's involvement. At regional level, DPRD (Regional People's House of Representatives) and regional government produce Regional Regulations. Article 22 paragraph (1) of the 1945 Constitution authorizes President to make a Government Regulation in Lieu of Law in case of compelling interest. Delegated legislators, in this case such as the president who under the law issues government regulations, creating government's authorities for certain state administrative agencies or positions.

In delegation, there is a transfer of an existing authority by a state administrative agency or position with government's attributive authority to another state administrative agency or position. Therefore, delegation is always preceded by an attribution of authority (Ridwan HR: 2013). For example, Presidential Regulation Number 47 Year 2009 on Establishment and Organization of State Ministries Article 93 states: (1) Echelon I structural officials are appointed and dismissed by President with the concerned Minister' recommendation (2) Echelon II and lower structural officials are appointed and dismissed by the concerned Minister. (3) Echelon III and below structural officials of echelon III and below can be appointed and dismissed by official delegated with authority by the concerned Minister (Ridwan HR: 2013).

The definition of mandate in the State Administrative Law principles is different from the definition of mandated party in the construction of a mandated party according to the explanatory note to the 1945 Constitution before amendment. In the State Administrative Law, mandate is defined as an order to perform superior's order, the authority can be performed at any time by mandate giver, and there is no transfer of responsibility. Based on this description, the authority obtained by a government organ through attribution is genuinely from legislation, or from certain articles in the legislation. The receiver can create new authority or expand the existing authority with internal and external responsibility for the

authority's implementation entirely attributable to the receiver of authority (atributaris) (Ridwan HR: 2013).

Article 83 paragraph 4 - Law Number 6/2014 clearly states that "Rural Area development plan is mutually discussed by the Government, Provincial Government, Regency/City Government and Village Government." This article has implications for Law Number 23/2014 on Regional Government that was created later related to division of "affairs authority", explained as follows:

In Article 9 Law Number 23/2014, what is meant by Government Affairs are:

- a. Absolute affairs, fully under the central government's authority.
- b. Concurrent government affairs, divided into those of Central Government and Provincial and Regency/Municipal Government. Concurrent government affairs handed over to regions become the basis for regional autonomy implementation.
- c. General government affairs, under the authority of President as the head of government.

Article 13 paragraph (1) explains, "The division of concurrent government affairs into those of the Central Government and the Provincial and Regency/Municipal Governments as referred to in Article 9 paragraph (3) is based on the accountability, efficiency, and externality principles, and the national strategic interests." The principles are explained as follows:

- a. Accountability principle is that the person in charge of administering a government affair is determined based on the closeness to the extent, quantity, and range of impacts caused by the administration of a government affair.
- b. Efficiency principle is that the administration of a government affair is determined based on the comparison to the highest possible level of usability.
- c. Externality principle is that the administration of a government affair is determined based on the extent, quantity and range of impacts arising from the implementation of a government affair.
- d. National strategic interest principle is that the administration of a government affair is determined in consideration of maintaining the nation's integrity and unity, maintaining state sovereignty, implementing foreign relations, achieving national strategic programs and other considerations as set forth in the provisions of legislation.

Article 20 paragraph (3) in Law Number 23 Year 2014 states, "Concurrent government affairs under regency/city's authority shall be carried out by the regency/city or their implementation can be partially assigned to villages."

Villages are built under two development approaches: development through authority approach (affairs/activities authority) and development through spatial approach (regional authority). In the authority approach, there are two principles of village authority: activity's character principle and activity service scale. With regard to activity's character, Article 19 of

Village Law clearly states that village's authorities include origin right based authority and village-scale local authority. Furthermore, Article 20 reiterates that all activities under these two characteristics of authority are fully regulated and managed by village. Moreover, for other characteristics of village's authority that are assigned by a higher government, village is only entitled to handle its implementation.

B. Harmonizing and synchronizing institutional organization for community-based rural area development based on Law Number 6 Year 2014 on Village.

According to Kamus Besar Bahasa Indonesia (Ministry of National Education, 2012), the term sinkron (synchronous) means happening or applicable at the same time; simultaneously; in line; in parallel; in conformity; aligned. In connection with this research's title, the term synchronization means synchronizing, synchronization.

According to Endang Sumiarni (2013), the concerned synchronization is to observe the suitability or alignment of legislation vertically based on positive law systematization between a higher laws and a lower law. Synchronization of legislations often creates conflicts regarding which legislations are more suitable for certain cases. Therefore, law enforcers need to pay attention to the legislation enforcement principles.

According to Peter Mahmud Marzuki (2011), with regard to synchronization of legislations, there is the *lex superior derogat legi inferiori* principle explaining that in case of conflict between hierarchically lower and higher legislations, the hierarchically lower legislation should be abandoned.

Law Number 25 Year 2000 on National Development Programs (State Gazette Number 206 Year 2000) states that one of the development programs is the legislation formation program with target of harmonization of legislations in accordance with the people's aspirations and development needs.

Article 46 paragraph (2) of Law Number 12 Year 2011 on Establishment of Legislations states that harmonization, unanimity, and consolidation of Bill conception originating from DPR are coordinated by the DPR's apparatuses that specifically handle legislation.

Based on Kamus Besar Bahasa Indonesia (Ministry of National Education, 2012), the term *harmonis* (harmony) is defined as something in regard to harmony, or unanimous; while the term "*harmonisasi*" is defined as harmonization, or efforts to seek harmony. In this paper, the term harmonization is also used as an effort to seek conformity between legislations. Harmonization is also related to approach to legislation and it is necessary to understand the *lex specialis derogat legi generali* principle. This principle refers to two legislations which are hierarchically of the same position, but their scopes of content are not the same, in which one is a special arrangement for the other (Peter Mahmud Marzuki, 2011). The differences between the terms harmonization and synchronization are of the legislations studied. The term harmonization is used to examine the suitability of horizontal or equivalent legislations in the positive law systematization. In this case, what will be studied is equal legislations regulating the institutional organization of community-based rural area development.

As a law state, all social, national and state life aspects, including the government, must be based on laws that conform to the national legal system (General Explanation of Law Number 12 Year 2011 on Establishment of Legislations as amended by Law Number 15 Year 2019), since the rule of law principle adopted by Indonesia is a modern state, that is the law state of Pancasila, thus legislation does not only serve to form the values and norms living in the community and is not only the state's function in regulation, but legislation is one of the most powerful methods and instruments available to regulate and direct people's lives towards their expected goals.

Based on the concept above in regard to the rural area development, the image of village conditions from time to time becomes apparent elements of system context system. The concept of village development planning as regulated in the Village Law is progressing and changing compared to the substance regulated in Government Regulation Number 72 Year 2005 on Villages. Previously, village planning was part of regency/city planning. Now, village development planning is independent village self-planning that is decided by village.

Previous Regional Government Laws (Law Number 22 Year 1999 and Law Number 32 Year 2004) have regulated rural area development. However, the two law regimes do not discuss rules on rural area development. Law Number 22 Year 1999 does not explicitly refer rural area development, Article 110 states: "regency governments and third parties planning to develop parts of Village into residential, industrial, and service areas are required to include village government and Village Representative Body in the planning, implementation and monitoring". While Law Number 32 Year 2004 has explicitly regulated rural area development as part of inter-village cooperation, it is not detailed. Law Number 23 Year 2014 regulates villages in chapter XVIII in 2 (two) articles: Article 371 and Article 372. These two articles do not explain rural area development, but focus more on village finance, since in the same year (2014), Law Number 6 Year 2014 on Villages was promulgated, regulating rural development.

Differently from the three law regimes above, the Village Law, with its vision of realizing strong, independent, prosperous, and democratic villages, sets sufficient regulations on rural area development. Provisions on rural area development are mandated in this law to be set in regional regulation. The substance of Village Law is that Rural Area Development is a combination of inter-village development in 1 (one) Regency/City. Government's potential collaboration in a consensus built will accelerate rural area development as an effort to accelerate and improve the quality of service, development, and empowerment of rural communities in rural areas through a participatory developmental approach by understanding village conditions in the existing system context.

C.1. Institutional organization model for community-based rural area development based on Law Number 6 Year 2014 on Village.

Based on Law Number 6 Year 2014 on Village Article 1, Village Government is the administrator of government affairs and local people's interests and Indonesian Government system. That a village government is established in an area is essentially basic fulfillment of

the community or as a government that serves the community. In satisfying basic needs, a village certainly has affairs to do governmental functions. Village government's affairs include governance, village community empowerment, community welfare and environmental order, while the village government's affairs become units in village government's organization. However, with its change, Law Number 6 Year 2014 on Village states that village government's organizational structure does not necessarily refer to its affairs. However, village head has the right to propose for village organizational structures and working procedures (Article 26 of Law Number 6 Year 2014 on Villages).

With Law Number 6 Year 2014 on Villages regulating village government's authority, Article 18 of Law Number 6 Year 2014 on Villages sets village government's divisions classification, covering village governance implementation, village development implementation, village community development and community initiative based village community empowerment, rights of origin and village customs. With the divisions organized, village government's organizational structure will have its technical unit changed from Head of Affairs to Head of Division.

With its enactment, Law Number 6 Year 2014 on Villages is expected to combine the functions of self-government community with local self-government. Integrated adat law communities which are part of village area are organized in such a way to become Villages and Traditional Villages. Traditional Villages and Villages perform almost the same tasks with difference being only in implementation of right of origin, especially with regard to social preservation of Traditional Villages, customary area regulation and management, customary peace trial, keeping peace and order for adat law communities, and implementation of governance organization based on their original structure.

The Village Law is supported by Government Regulation Number 43 Year 2014 on Implementing Regulations of Law Number 6 Year 2014 on Villages and Government Regulation Number 60 on Village Funds sourced from State Budget (APBN), providing the basic foundation related to village administration, village development implementation, village community development, and village community empowerment based on Pancasila, the 1945 Constitution of the Republic of Indonesia, the Republic of Indonesia, and Bhinneka Tunggal Ika. For village fund distribution acceleration, the Government issued a Joint Decree of Minister of Home Affairs, Minister of Finance, and Minister of Villages, Development of Disadvantaged Regions and Transmigration Number 900/5356/SJ, Number 959/KMK.07/2015, Number 49/2015, on Acceleration of Distribution, Management and Use of Village Funds in 2015, in consideration that in the context of accelerating village fund distribution from Regency/City Governments to Villages, they can be used effectively for Village development.

The other potential that can be optimized in this regulatory change is rural area development. Rural areas have agriculture as their main activity, including natural resource management with area's functional structure as the place for rural settlement, government services, social services, and economic activities. According to Article 83 (1), Rural Area Development combines inter-village development in 1 (one) Regency/City. Rural Area Development is

performed to accelerate and improve the quality of services, development, and empowerment of rural communities in Rural Areas through a participatory development approach.

Rural Area Development covers using and utilizing Village areas in determining areas to develop in accordance with Regency/City spatial planning, services performed to enhance rural communities' welfare; Infrastructure development, enhancing rural economy, and developing appropriate technology; and empowering Village community better access to services and economic activities. The Rural Area development plan is discussed jointly by the Government, Provincial Government, Regency/Municipal Government, and Village Government.

With various parties' involvement, in case of mapping and identification, rural area development can have villages advanced in collaboration with the various parties' resources. Collaboration begins with consensus on a development plan as discussed by the Central Government, Provincial Government, Regency/City Government, and Village Government. The concept of Collaborative Governance as an alternative basis is considered capable of accelerating and implementation rural area development. Collaborative Governance is a process in which various stakeholders are involved in promoting each agency's interest in achieving common goals (Cordery, 2004; Hartman et al., 2002).

Collaborative Governance is also defined as an organization regulating one or more public institutions that are directly involved with non-public stakeholders in a formal, consensus-and discussion-oriented collective decision-making process aiming to create or implement public policies or manage public programs or assets (Ansell and Gash, 2007).

C.2. Institutional Model Based on Regulation of Minister of Home Affairs Number 84 Year 2015.

A. Self-Reliant Village

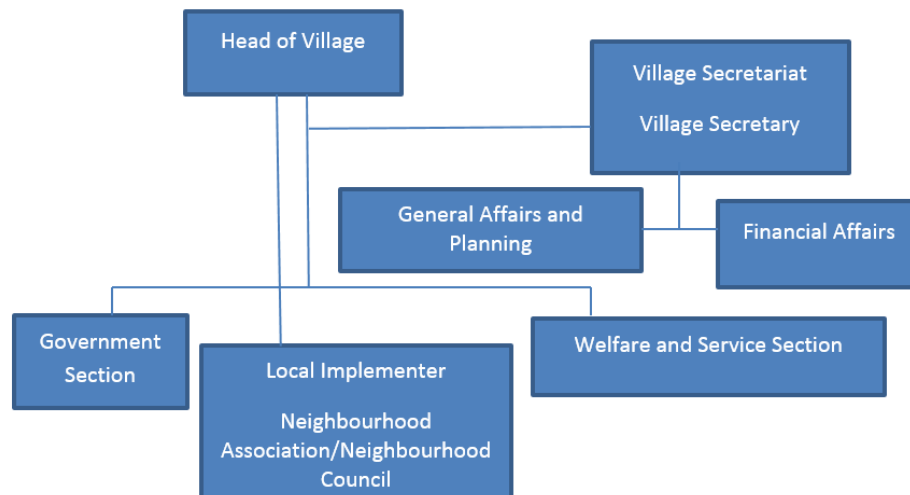
Self-Reliant Village is a traditional village that still tends to be isolated from external life, with the following characteristics:

1. People's livelihoods are still greatly dependent on the nature;
2. Subsistence farming (to fulfill their own needs);
3. Not good village administration;
4. Non-functioning or non-existing village institutions;
5. Low education and health;
6. Difficult access to village;
7. Obedience to customs;

A self-reliant village is traditional, thus social changes in the community are determined by the traditional community's culture or habits. According to Article 11 paragraph (5) of Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's

Organizational Structure and Working Procedure, there must be 2 (two) organizational units and 2 (two) sections. The structure is as follows:

Figure 1: Self-Reliant Village Government Institutional Model



B. Self-Sufficient Village

A self-sufficient village is more advanced than Self-working Village, where community's customs are no longer binding. Likewise, human relationships are rational. The population's livelihoods are already diverse and moving to tertiary sector. New technologies have been used in agriculture; thus, its high productivity is in balance with adequate village infrastructure.

Its economic development is directed to regional and national activities, this village minimally has four strategic factors, including:

1. Stimulating products initiative.
2. Ever-changing production techniques as per new discoveries.
3. Easy access to transportation and communication.

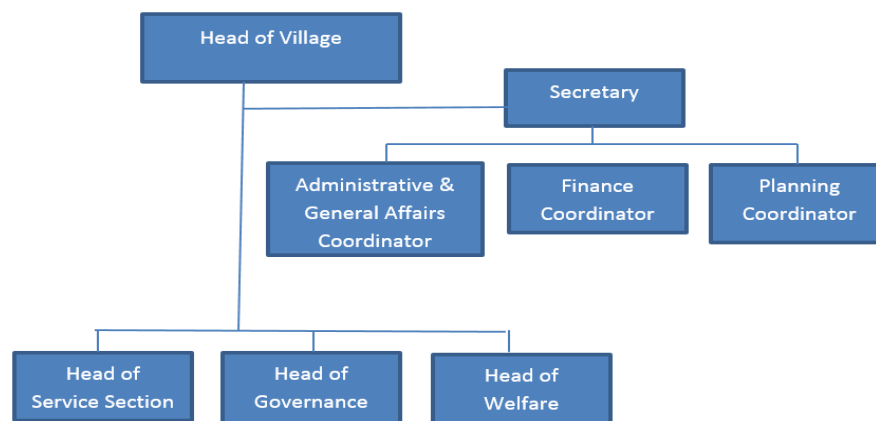
A Self-Sufficient Village has norms inherent in it, including:

1. Livelihoods in tertiary sector, in which most of the population is engaged in trade and services.
2. Village output, that the amount of village's whole production expressed in Rupiah in agriculture, plantation, animal husbandry, fisheries, handicrafts or small industries, trade and service sectors is high.
3. Community's customs and beliefs are no longer binding.
4. Village institutions and government are effective both in their duties and functions. Rural development is well planned.

5. People's education and skill levels are high, with more than 60% of the population completing primary school.
6. Community's self-reliance or community work has been manifested, that community work is implemented based on discussion or consensus among community members with a full awareness and sense of responsibility in line with development norms or time.
7. Adequate production, transportation, marketing and social infrastructure, and smooth relations with surrounding cities.

With the criteria of Self-Sufficiency Village according to Article 11 paragraph 2 of Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure, it is stated that a self-sufficient village has three units of affairs and three units for technical services in its village government. The village government's organizational structure model is as follows.

Figure 2: Village Government's Organizational Structure Model



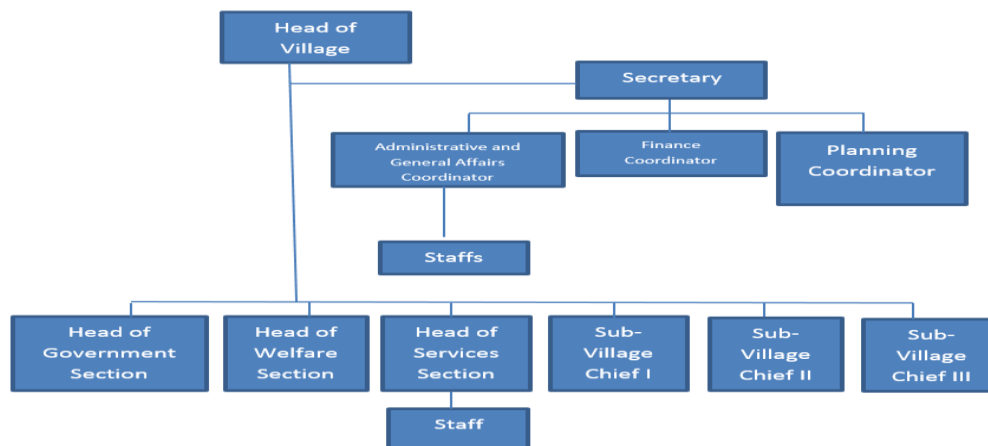
Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure states that a village with self-sufficient village criteria has three units of affairs and three sections in its organizational structure. According to Miztberg, a public organization must have five organizational elements. These include strategic apex, middle line, support staff, technostructure, and operating core. In the figure above, the corporate model presented has five basic elements of public organization.

C. Government's Institutional Model of Klinting, Kemawi and Tanggeran Villages in Somagede District based on Regulation of Minister of Home Affairs Number 84 Year 2015

Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure serves as the basis for changes in village government's organizational structure. As this regulation is enacted, it will clarify the position of authority and implementer of technical services in Village Government.

The Government's design or organizational model of Klinting, Kemawi and Tangerang Villages conforms to Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure are as follows.

Figure 3: Organizational Model of Klinting, Kemawi and Tangerang Villages



Klinting, Kemawi and Tangerang villages are of Janggolan villages (villages without curved land), which means that they cannot manage or regulate their government on their own and their need for food has been met by agriculture. Janggolan Village means one with source of income mostly from local villagers' contribution (Banyumas Regent Regulation Number 18 Year 2016 on Second Amendment to Banyumas Regent Regulation Number 80 Year 2014 on Fixed Income, Allowances, Additional Income, Appreciation for Village Head and Village Officials).

However, upon application of Law Number 6 Year 2014 on Villages, it is assured that each village receives budget allocation for village head and village officials' income (article 66, paragraph 1). The source of budget for village head and village officials' income is from balancing fund of state budget (APBN), which is transferred to and later stipulated in APBD (article 66, paragraph 2). In addition to income, village head and village officials also receive allowances from their respective village budget (APBDes) (article 66, paragraph 3) and health insurance (article 66, paragraph 4). With income certainty for village head and village officials, Janggolan village will find it no longer difficult to assure village government's income.

Even if there is assurance of village government's income, villagers still face poverty. Based on the level of welfare, rural communities are divided into four: KS1, KS2, KS3 and KS3 plus. Pre-Prosperous class is the population with the lowest welfare level, while KS3 plus is those with the highest level of welfare.

Table 1: Villagers' Welfare Level

No	Village	Pre-Prosperous	KS 1	KS 2	KS 3	KS 3 PLUS	Total
1	TANGGERAN	98	441	126	149	62	876
2	KLINTING	125	298	187	109	79	798
3	KEMAWI	363	573	245	254	101	1636

Source: Kecamatan dalam Angka, District Somagede.

The data show that KS1 is the most dominant among the categories, followed by pre-prosperous. Therefore, the people's welfare in the three villages tends to be at a low level. Analyzed per village, the data show that Kemawi has the highest number of the poor under the pre-prosperous and KS1 categories compared to Tangerang and Klinting. However, Kemawai also has more prosperous population category than Tangerang and Kemawi. This is related to its population which is more than Tangerang and Klinting.

Interestingly, although the villages' socio-economic conditions are at a low level of welfare, the village government institutions, especially those of Klinting, Kemawi and Tangerang Villages have expanded. The three villages are not only focused on village government's administration and public services organization in their respective village. In 2017, the three villages developed the initiative to establish inter-village cooperation under the regional development framework. Based on the focus group discussion with village officials, auxiliary village organizations, community figures and selected people, it was revealed that one form of the cooperation between Janggolan Villages, such as in institutional sector, needs to be established to create synergy, which will later have impacts on improving the community's welfare (FGD, 15 July 2019).

The three villages' synergy in establishing the rural area development model is motivated by the motive to improve public services' functions not to be bound by administrative boundaries. The FGD reveals that with the proposed government's organizational model of Klinting, Kemawi and Tangerang villages in conformity to Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure, the Village Governments are ready to implement these changes, since changes in the functionalism-based organizational structure which may support public services' quality are highly expected (FGD, 15 July 2019). The three villages' collaboration in building the rural areas is supported by Banyumas Regency government, as shown with a series of policies set by the regency government and the formation of a coordination team to assess the rural area establishment proposal's feasibility.

The basis of policy for preparing the Rural Area Development Plan for the Agro-tourism Area in Somagede District consists of 2011-2031 RTRW of Banyumas Regency, 2013-2018 Medium-Term Development Plan of the village (RPJMD) of Banyumas Regency, Regent Decree Number 414/514/the Year 2017 On Establishment of Rural Area Development Coordination Team (TKPP) at Banyumas Regency Level in 2017, Regent Decree Number 414/879/ Year 2017 on Determination of Location for Rural Area Development for Gunung

Kendeng Agro-tourism, Somagede District, Banyumas Regency, Banyumas Regent Decree Number 410/996/2017 on Coordination Team for Rural Area Development in Gunung Kendeng Agro-tourism Area, Somagede District, Banyumas Regency, Kemawi Village RPJM 2014-2019, Klinting Village RPJM 2018-2023, and Tanggeran Village RPJM 2014-2019.

Table 2: Basis of Policy for Rural Areas Establishment in Somagde District

No	Document	Period	Related Policies
1.	RTRWof Banyumas Regency	2011-2031	Planned areas allocated for agriculture as sustainable agricultural crop areas, one of which in Somagede District.
2.	Medium-Term Development Plan for Villages/RPJMD of Banyumas	2013-2018	<ol style="list-style-type: none"> 1. Competitive agribusiness development plan through improving the quality of institutions, human resources and agricultural infrastructure. 2. Agribusiness development plan policies in Banyumas Regency as the form of sustainability, diversification, and deepening of agricultural development based on competitive local advantages and specialties capable of achieving comparative and competitive advantages in an the more accessible and competitive world economy. 3. Indications of priority program plans formulated into Improvement, Marketing of Agricultural/Plantation Products Program.
3.	Regent Decree Number 414/514/Year 2017 on Establishment of Rural Area Development Coordination Team (TKPP) at Banyumas Regency Level in 2017	2017	<ol style="list-style-type: none"> 1. TKPP team formation to encourage performance of village and rural development. 2. TKPP team is assigned to synchronize and coordinate better in planning, implementing, monitoring and evaluating rural area development related development programs.
4.	Regent Decree Number 414/879/Year 2017 on Stipulation of Rural Area Development Locations for Agrotourism in Gunung Kendeng, Somagede District, Banyumas Regency	2017	<ol style="list-style-type: none"> 1. Stipulation of location for agro-tourism-based rural areas development in Somagede District. 2. Stipulation of Kemawi, Klinting and Tanggeran Villages, Somagede District as the location for Gunung Kendeng agro-tourism rural area development.
5.	Banyumas Regent Decree Number 410/996/Year 2017 on Coordination Team for Rural Area Development in Gunung Kendeng Agrotourism Area, Somagede District, Banyumas Regency.	2017	<p>Establishment of Coordination Team for Rural Area Development in Gunung Kendeng Agrotourism Area, Somagede District, Banyumas Regency to:</p> <ol style="list-style-type: none"> a. Propose for rural area development; b. Develop a rural area development plan jointly with with TKPP at Regency Level; c. Implement a rural area development plan in case it is appointed by Regent/TKPP at Regency Level; d. Monitor, evaluate, and reporte rural area

			development and report to TKPP at Regency Level.
3.	Medium-Term Development Plan/RPJM of Kemawi Village	2014-2019	<ol style="list-style-type: none"> 1. Plan for Kemawi Village area development into an agro-tourism village. 2. Plan for local potentials development into excellent products. 3. Plan for local cultural potentials development in support of tourism. 4. Development of potentials and history of Kentheng and Gemawang waterfall sites. 5. Building village kiosks as the instrument to increase agricultural products sale and purchase activities. 6. Development of infrastructures supporting agricultural products marketing. 7. Outreach for and development of farmers through farmer groups. 8. Training on agricultural products management skills.
4.	Medium-Term Development Plan/RPJM of Klinting Village	2018-2023	<ol style="list-style-type: none"> 1. Development plan for Gunung Gujil tourism area. 2. Development Plan for Curug Gong tourism area. 3. Development Plan for Gardu Pandang tourism area. 4. Watu Lintang tourism area development. 5. Padaleman Pura Giri Kendheng tourism area development. 6. Sentar Durian agro-tourism development. 7. Village dam development. 8. Local village products development. 9. Community's capacity building and human resource development through various trainings and local products cultivation. 10. Local cultural arts development through procurement of infrastructures and facilities for various local cultural arts activities 11. BUMDes Bangun Mandiri development.
5.	Medium-Term Development Plan/RPJM of Tanggeran Village	2014-2019	<ol style="list-style-type: none"> 1. Plans for excellent durian, nutmeg and coconut nursery and planting. 2. Plan for developing the awareness of preservation of local cultures and arts through guidance and briefing for art groups.

That there is strong policy basis at both regency and village levels shows that rural area development institutions have strong legal basis. Besides, sociologically, the community's support as represented in Medium-Term Development Plan of the village/RPJMDes preparation process of the three villages shows the social capital needed to strengthen inter-village institutional cooperation. Thus, according to Regulation of Minister of Home Affairs Number 84 Year 2015 on Village Government's Organizational Structure and Working Procedure, the institutional model of village government does not prevent village government from developing inter-village cooperation. In the context of rural area development, inter-

village cooperation can be focused on public service functions that can be performed in synergy, such as agro-tourism development. Therefore, rural area development is expected to optimize the human resources and natural resources' potential in Klinting Village, Kemawi Village and Tanggeran Village.

CONCLUSION AND IMPLICATION

Authority concept within a theoretical perspective in the arrangement of community-based institutional organization Villages are basically built based on two development approaches through authority approach (activity-based authority) and spatial approach (regional authority). The authority approach has two village authority principles: activity characters and activity service scale. Meanwhile, the activity characters had the village authority including authority based on the rights of origin and village-scale local authority, so that the implementation is fully regulated and managed by the village. The other character of village authority is an assignment from a higher-level government, so that the village is only entitled to its implementation.

Harmonization and synchronization of institutional organization are required for community-based rural area development based on Law Number 6 Year 2014 on Village. Various provisions of laws and regulations following up to Law Number 6 Year 2014 on Village has been enacted, harmonized, and synchronized with various managements, especially in the institutional field. However, the fact in the field synchronizing three villages in one institution is not easy due to the existence of village egos and non-populist policies affecting the village credibility (especially those only once governing) resulting in the other disharmonic problems in the village institution organization.

Institutional organization model of community-based rural area development should refer to Law Number 6 Year 2014 on Village. The Collaborative Governance model as the basis for rural area development is considered maximizing the potential of various parties' involvement in the rural areas area development. The potential to develop the village by collaborating the resources belonging to various parties can be started by collaborating the development plans from the Central Government, Provincial Government, Regency/City Government, and Village Government through a consensus, by involving various stakeholders related to the village interests and potentials of each agency to achieve mutual objectives. Thus, the rural area development achievement in accelerating and improving the service, development, and empowerment quality of village communities in rural Areas through a participatory development approach by integrating the development between villages in one Regency/City can be well realized. In the context of institutional organization for community-based rural area development, a breakthrough is greatly required, so that the authority is in line with the development through a spatial approach (regional authority). In addition, the harmonization and synchronization of laws and regulations, institutional organization for community-based rural area development have been well synchronous and harmonious. However, a humanist approach is still needed to implement these regulations. Therefore, the implementation of institutional model for the community-based rural area

development requires intensive coordination between villages and related agencies supported by a strong local government commitment.

References

- Anselin, L. (1992). *Spatial Data Analyses with GIS: An Introduction to Application in The Social Sciences*, National Centre for Geographic Information and Analysis Technical Report 92-10, August 1992, University of California, Santa Barbara.
- Anselm Strauss & Juliet Corbin. (1990). *Basic of Qualitative Research: Grounded Theory Procedure and Techniques*. Beverly Hills, SA: Sage Publications.
- Ansell dan Gash. (2007)... *Collaborative Governance in Theory and Practice*, Journal of Public Administration Research and Theory. Published by Oxford University Press.
- Balogh, Stephen, ET. al. (2011). *An Integrative Framework for Collaborative Governance*, Journal of Public Administration Research and Theory.
- Budiarti, T, Suwanto, Muflikhati, I. (2013). *Pengembangan Agrowisata Berbasis Masyarakat pada Usahatani Terpadu guna Meningkatkan Kesejahteraan Petani dan Keberlanjutan Sistem Pertanian*, Jurnal Ilmu Pertanian Indonesia (JIPI), Vol 18 (3): 200-207
- Burano, R.S. (2017). *Pengembangan kawasan pedesaan berkelanjutan berbasis pertanian lahan basah*. Journal Pertanian Faperta UMSB, Vol. 1 No.1.
- Chase, L.C, Stewart, M, Schilling, B, Smith, B, Walk, M. (2018). *Agritourism: Toward a conceptual framework for industry analysis*, Journal of Agriculture, Food Systems, and Community Development, Vol.8, Issue I/spring 2018, p. 13-18
- Dwiyanto, Agus. (2011). *Manajemen Pelayanan Publik: Peduli, Inklusif, dan Kolaboratif*. Yogyakarta. Gajah Mada University Press.
- Febrian, A.A. (2016). *Collaborative Governance Dalam Pembangunan Kawasan Perdesaan (Tinjauan Konsep Dan Regulasi)*. WEDANA, Vol. II Nomor 1.
- Gatot, D.H.W. (2009). *Aspek Hukum Dan Kelembagaan Dalam Peningkatan Efisiensi Dan Efektivitas Pengelolaan Wilayah Pesisir*. Jurnal Hukum No. 1 Vol 16.
- Harrison, L. (2007). *Metodologi Penelitian Politik alih bahasa Tri Wibowo*, Jakarta: Kencana Prenada Media.
- Hartman, C., et al. (2002). *Environmental collaboration: potential and limits*. In T. de Bruijn & A. Tukker (Eds.), *Partnership and Leadership: Building Alliances for a Sustainable Future* (pp. 21-40). Dordrecht: Boston: Kluwer Academic Publishers. And, Cordery, J. (2004). *Another case of the Emperor's new clothes?* Journal of Occupational and Organizational Psychology.
- HAW. Widjaja. (2006). *Penyelenggaraan Otonomi Di Indonesia, Dalam Rangka Sosialisasi UU No. 32 Tahun 2004 tentang Pemerintahan Daerah*. Raja Grafindo Persada. Jakarta.
- Heimans, J. (2002), *Strengthening Participation in Public Expenditure Management: Policy Recommendations for Key Stakeholders*, OECD Development Centre Policy Brief, and No. 22.
- Indroharto. (1993). *Usaha Memahami Undang-undang tentang Peradilan Tata Usaha Negara*, Jakarta: Sinar Harapan.
- Kamal Hidjaz. (2010). *Efektivitas Penyelenggaraan Kewenangan Dalam Sistem Pemerintahan Daerah Di Indonesia*, Makasar: Pustaka Refleksi.
- Kompas.com. (2018). *Kesejahteraan warga desa menurun*. Diambil dari <https://kompas.id/baca/utama/2018/09/10/kesejahteraan-warga-desa-turun/>

- Kumorotomo, Wahyudi, et. al. (2013). Transformasi Pelayanan Jakarta Commuter Line: Studi Tentang Collaborative Governance di Sektor Publik. Jurusan Manajemen dan Kebijakan Publik, FISIPOL UGM
- Laporan Penelitian Riset Institusional Kadar Pamuji dkk, Pengembangan Model Partisipasi Masyarakat Dalam Penyelenggaraan Pemerintahan Desa Berdasarkan Undang-Undang No. 6 Tahun 2014 Tentang Desa Di Kabupaten Banyumas, 2015-2016.
- Lawrence Newman, Social Research Methods: Qualitative and Quantitative Approachs, Boston: Allyn and Bacon, 1994.
- Manan, B. (2000). Hubungan Antara Pusat dan Daerah Menurut UUD 1945, Jakarta: Pustaka Sinar Harapan.
- Murray, C, Abugov, D, Alexander, N, Blackwell, B, Blowney, J, Geringer, D, Godfrind, A, Horhammer, M, Kothuri, R, Pitts, R, Rao, V, Ravada, S, Wang, J, Yang, J 2006, Oracle Spatial User's Guide & Reference, 10g Release 2 (10,2), Oracle Corporation, Redwood City.
- Nomensen Sinamo, 2010, Hukum Administrasi Negara, Jakarta: Ghalia Indonesia.
- Nurmayani, 2009, Hukum Administrasi Daerah, Bandarlampung: Universitas Lampung.
- Panday, P.K & Rabbani, M.G. (2011). Good governance at the grass-roots: Evidence from Union Parishads in Bangladesh. South Asian Survey 18 (2): 293-315.
- Peter Mahmud Marzuki, (2005). Penelitian Hukum, Jakarta; Kencana Prenada Media Group.
- Pimoljinda, T dan Siriprasertchok, R. (2017). Failure of public participation for sustainable development: A case study of a NGO's development projects in Chonburi province. Kasetsart Journal of Social Sciences, Volume 38, Issue 3, pp. 331-336
- Prajudi Atmosudirdjo. (1981). Hukum Administrasi Negara, Jakarta: Ghalia Indonesia.
- Purwanti, Nurul D. (2016). Collaborative Governance (Kebijakan Publik dan Pemerintahan Kolaboratif, Isu-Isu Kontemporer), Yogyakarta, Center for Policy & Management Studies, FISIPOL UGM
- Putnam, R. (1993). Making democracy work: civic tradition in modern Italy. Princeton University Press, Princeton.
- Rambodagedara, R.M.M.H.K, Silva, D.A.C.S, Perera, S. (2015). Agro-Tourism Development in Farming Community: Opportunities and Challenges, Hector Kobbekaduwa Agrarian Research and Training Institute, Sri Lanka
- Ridwan HR. (2009). Hukum Administrasi Negara, Jakarta: PT Raja Grafindo Persada.
- Safri Nugraha. (2007). Hukum Administrasi Negara, Jakarta: Fakultas Hukum Universitas Indonesia.
- Silbergh, David M. (2001). Doing Dissertations in Politics: A Student Guide, London: Routledge, 2001.
- Soepomo. (1982). Bab-Bab Tentang Hukum Adat, Jakarta: Pradnya Paramitha.
- Soerjono Soekanto. (1986). Kedudukan Kepala Desa sebagai Hakim Perdamaian. Jakarta: Rajawali.
- Songorwa, A.N. (1999), Community-based wildlife management (CWM) in Tanzania: Are the communities interested? World Development, Vol. 27 No. 12, pp. 2061–2079.
- World Health Organization (WHO). (2016). Toolkit on Social Participation, World Health Organization Regional Office for Europe, Copenhagen.