

BARRIERS TO THE HANDOVER AND IMPLEMENTATION
OF VILLAGE GOVERNMENT AUTHORITY
:A CASE STUDY OF FAFINESU B VILLAGE, TIMOR TENGAH
UTARA DISTRICT, INDONESIA

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ABSTRACT

The purpose of this study was to identify the barriers to the handover of Fafinesu B village government authority as mandated in Law No. 6/2014 by *Timor Tengah Utara* (TTU) district government and to its implementation at the village level. Data were collected from participants using in-depth interview method. Purposive sampling technique was employed to recruit the participants, and data analysis was conducted using a thematic data analysis framework. The study results indicated that lack of communication and socialisation of Law No. 6/2014 and lack of initiative of the Chief of the district, were the barriers to the handover of Fafinesu B village government authority by the district government, hence hampered its implementation at the village level. Limited human resource at the village government level was also a factor supportive of the delay of the handover of the village government authority. Disposition such as lack of commitment of the leaders at district government level to implementing the mandate of the Law, and bureaucratic structure which is inflexible and does not provide clear command and coordination line, were also associated with the delay of the handover of village government authority and its implementation. Lack of collaboration among the district government departments responsible for implementing the mandate of the Law, was an added hindering factor for the handover of the village government authority and its implementation. These findings indicate that there is need for communication and socialisation of the Law and

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collaboration among departments at district level, and for supporting human resource of the village government to ensure that the authority is implemented as mandated in the Law.

Keywords: barriers, village government authority and its implementation, Law No. 6/2014, Fafinesu B village, TTU, Indonesia

INTRODUCTION

Village is an area inhabited by a number of people who know each other on the basis of kinship and / or political, social, economic, and security interests, which grows into customary law community unit so as to create bond between each of its citizens, and is administratively under the district / city [1-3]. In other words, village is a "legal entity" and "Governing Body", which is a part of a district or the surrounding areas [4].

As a government body, a village chief has the authority to run his or her government or administration at the village level. Authority implies the ability to perform an act of public law or juridically is the ability to act given by the law to perform legal relations [5, 6]. It is the right of an official to take the necessary measures so that his or her tasks and responsibilities can be performed well [7]. According to Law No. 6/2014, village authority is the authority that owned the village government, covering the authority in running or organizing the village administration, guiding rural community, implementing rural community development and empowerment, based on the community initiatives, the right origin and customs [8]. The authority based on the right of origin is the right or heritage and rural community initiatives, which are in accordance with the development of community life. Based on this authority, village government has the right to access natural resources located in its juridical area, form administration, solve problems using cultural norms, and preserve the local customs and cultures [7-9]. Besides, local authority at the village scale is the authority to regulate and manage the interests of rural communities that have been run by the village government or that arise due to the development of village and rural community initiatives [7, 9].

However, the implementation of village government authority is often hampered by a variety of factors. In general, several previous studies [10-12] have reported several barriers to the implementation of village government authority including communication, lack of resources,

disposition and bureaucratic structure. A study by Muslani [10], for example, reported lack of communication among the leaders at the district government level as the barrier to the handover of such authority by the district government, hence hampers its implementation at the village level. Lack of resources including human resources, financial resources, facilities and infrastructures, have also been indicated in several studies [10, 13] as the barriers to the implementation of the village government authority. Likewise, disposition which is related to the implementers' characteristics including integrity, commitment and responsibility, is also another barrier associated with the implementation of the village government authority [11, 13]. Besides, bureaucratic structure is also reported to play a role in hampering the implementation of the village government authority [10, 12, 14].

Although, the implementation of the village government authority seems stagnant, limited evidence on the barriers to its implementation is available. Therefore, the purpose of this study was to identify barriers to the handover of Finesu B village government authority as mandated in Law No. 6/2014 by *Timor Tengah Utara* (TTU) district government, and to its implementation at the village level.

Village authority according to Law No. 6/2014

Implementation of village government authority based on the right of origin and at the village scale has been stipulated in Law No.6/2014 [8]. This Law regulates that the authority of the village government should be handed over by the district government so that its implementation does not overlap.

Village government authority based on the right of origin includes several aspects:

1. Reformation of the organisational system of indigenous peoples: this means that the government at the village level should recognise organisational system of indigenous peoples and its original structure.
2. Customary law: meaning that the village government should recognise systems and norms that apply in indigenous organisation, and which are in line with the positive law and customary law.

3. Traditional rights ownership: meaning that the rights of indigenous peoples should be protected by the village government.
4. Management of indigenous lands: this means that indigenous peoples are free to process their resources and the government should not intervene.
5. Agreement among the indigenous peoples to solve customs dispute based on the customary laws which prioritise problem solving by consensus and are in line with human rights.
6. Management of communal lands: meaning that the village government should recognise and protect the existence of communal lands based on the customary laws, and the communal lands should be used or processed with the main aim to increase the well being of indigenous peoples.

Local authority at the village scale covers several sectors including:

1. Rural development, including basic services, facilities and infrastructure, and local economic development at the village level, and utilisation of natural resources that belong to a village.
2. Government at the village level, covering determination and confirmation of a village border, development of administrative and information system of a village.
3. Data collection and classification about labour within a village, etc.
4. Village community, comprising maintain security, discipline and peace within a village, solve problem, and preserve and develop mutual cooperation among the villagers.
5. Rural community development, including development of local art and culture, organisation such as establishment of social and indigenous organisations, formation of groups such farmers group, fishermen group, art and culture group, and provision of social benefits to poor families

METHODS

Study setting

Fafinesu B village established since the Dutch period is located at the south of the capital city of Insana Fafinesu sub-district, TTU district, with the altitude between 99 and 100 miles above the

sea surface. Its natural condition consists of valley and hills with the average rainfall of 5 to 6 months every year, and the average daily temperature of 30⁰ to 35⁰ [15]. The number of inhabitants in this village is 1,059 people, comprising 532 male and 527 female. The village has 273 households and its population density is 100 households per 1 kilometre [15]. The majority of the population in the village accounting for 70.80 percent are farmers [15].

Study design and data collection

A qualitative inquiry was conducted in 2016. The use of qualitative research in this study was useful because it enabled researcher to directly interact with the respondents, and provided researcher with the opportunities to observe the situation and setting where the respondents lived, worked and interacted [16-18].

Data were collected using focus group discussion (FGD) and in-depth interview methods. Participants (n=15) were recruited using purposive sampling technique and consisted of traditional leaders, village chief and the head of village council and the head of community empowerment and rural development body, village chief, regional secretary, the chief of TTU district, vice chief of TTU district, and legislators of TTU district. Each FGD and interview took approximately 45 to 60 minutes and conducted in Bahasa.

Prior to each FGD and interview, participants were advised that the Ethical Approval for this study was obtained from Nusa Cendana University. They were also informed that their participation in this study is voluntary and there will be no benefits or consequences if they decide to withdraw during the FGD or interview. They were told that information they provide in this study will be treated confidentially and anonymously because each participant will be assigned with a study identification number to ensure that data in this study will not link back to any individual in the future. Each participant signed and returned a written consent form prior to each FGD and interview.

Data analysis

The recorded data were transcribed into coding sheets and analysed to identify the emerging themes. The thematic data analysis involved five main steps including familiarisation with the data by reading them repeatedly and making comments, development and refinement of a

thematic framework, indexing and coding of data using the framework, charting the data, and mapping and interpretation of the chart [19, 20]. Based on these five steps, open coding was made to produce a long list of themes, followed by close coding where all the similar themes were grouped under the same theme to reduce the list of themes to a manageable number of themes.

RESULTS

Communication

Data from the fieldwork indicated that lack of communication among leaders at the district government was a barrier associated with the delay of the handover of Fafinesu B village authority by the TTU district government. Several participants, for example, commented that lack of communication and socialisation of the content of Law No. 6/2014 both among the leaders at district level, and between the leaders at district level and the leaders at sub-district level, had led to the delay in the handover of the village government authority by the district government, hence hampered its implementation at the village level.

“Communication has been one of the hindering factors for the handover of village government authority by the district government. We do not communicate or socialise the Law [No.6/2014] among us as the leaders at district level and to the staffs so that they can form analysis and evaluation team that can help the implementation of the Law” (Respondent 1).

“So far there is no communication between us as Regional Work Units [SKPD] and the Chief and Vice Chief of TTU district in relation to village authority as mandated by Law No.6/2014. I admit that the Law and all the related regulations therein have not been implemented” (Respondent 7).

Lack of initiative of the leaders at district level and of knowledge about village government authority, were found to be the main reasons underlying the lack of communication about the implementation of Law No. 6/2014. A few interviewees put forward that initiative of the Chief of TTU district is needed to start and support the implementation of the Law. Others emphasised

lack of information and understanding on village government authority as the barriers to the implementation.

“It seems like there is no initiative of the leaders [the Chief of TTU district and staffs] to start the communication and socialisation on the handover of the village government authority. I myself and many other staffs do not know about this authority because of limited information and references regarding this Law” (Respondent 9).

Resources

Human resource as well as financial resource seemed to have a significant influence on the handover of village government authority by the district government, hence hindered its implementation at the village level. A few participants acknowledged that human resource of the village government has been the major constraints on the handover of the authority. The delay of the handover was mainly due to the consideration that human resource of the village government is insufficient to implement the authority as mandated in the Law.

“Human resource as well as financial resource is our main consideration in the process to handover the village government authority. But we will try to form analysis and evaluation team so that they can work to facilitate the handover process even though we have limited resources. The authority of the village government will be handed over and village chief and staffs are responsible to implement them without intervention of the district government” (Respondent 2).

In relation to human resource in particular, level of education and understanding of the village chief and staffs were discovered to be the hindering factors for the handover of the village government authority and its implementation. Several respondents indicated that many of the village chiefs and staffs in the TTU district have low level of education, which makes it difficult for them to understand the Law and the authority they have.

“The problem facing us during the process to handover the village government authority as mandated by Law No. 6/2014 is resources. Human resource, for instance, includes the capability of the implementers which can be seen from their level of education and understanding about the goals and objectives of the authority, and their ability to communicate and guide the implementation process” (Respondent 15).

“Human resource is the main factor that supports the implementation of the authority of the village government. Therefore, we do pay attention to human resource available at the village government level. Many village chiefs have low level of education. This is worrying” (Respondent 3).

Disposition

Disposition or characteristics of implementers were also associated with the delay of the process to hand over the authority of the village government by the district government. For example, lack of commitment of the leaders at district government level to handing over such authority to the Fafinesu B village government, and helping the village chief and staffs to implement the authority correctly, was indicated to be a major barrier to the handover of the authority and its implementation at the village level.

“As the staffs at regional work units of the district government, we wait for the instructions from the Chief of our district. But so far we haven’t got any instructions regarding the formation of analysis and evaluation team to handle the process to hand over the village government authority. We cannot do it without any instructions from the top because we do have the authority to do it. I would say that there is a lack of commitment of the top leader of this district to implementing what has been mandated by Law No.6/2014” (Respondent 8).

“We are committed to handing over the authority of the village government but we haven’t got mandate from the chief of TTU regency, so we cannot do anything” (Respondent 3).

Bureaucratic structure

Bureaucratic structure seemed to also hamper the handover of the village government authority. Several participants commented that the bureaucratic structure at district level looked very inflexible and slow in responding to what has been mandated in Law No. 6/2014.

“Our bureaucratic structure is too slow and inflexible. We can see that Law No. 6/2014 should have been implemented since 2 to 3 years ago but we haven’t done anything about it” (Respondent 10).

“The current bureaucratic structure in our government often makes things complicated. Law No. 6/2014 is one of many other things we do not implement because of too many procedures” (Respondent 11).

The complicated bureaucratic structure can be seen in the unclarity of command line and coordination line between the leaders and staffs, and among the staffs themselves. Several participants expressed that it was not clear about who should first give the commands or start the process of handing over the village government authority. It seemed that everybody just waited and kept silent. There was no clear guideline of command and coordination line among them at the district government.

“It is unclear about who is fully responsible for this process. There are several departments at the district level that should be involved in handling over the village government authority. However, the command and coordination line is unclear, and I think that is the reason why the process is stagnant” (Respondent 6).

Collaboration

Findings from the fieldwork indicated that lack of collaboration was an important influencing factor that hampers the handover of the village government authority. A few participants stated that lack of collaboration among the departments at the district level was the main reason why the analysis and evaluation team responsible for this process of handing over village government authority has not been established, hence, hindered its implementation by the village government.

“There is no collaboration among departments at the district level and as the consequence, we haven’t had yet the analysis and evaluation team to help district government to hand over village government authority. The consequence is that the process is stagnant, and this reflects the fact that we do not obey the principles as mandated in the Law and other related regulations therein”

(Respondent 15).

“One of the reasons why the district government has not yet handed over the authority of the village government is lack of collaboration between the chiefs of the departments responsible for handing over the village government authority” (Respondent 11).

DISCUSSION

Copious studies and reports have indicated a variety of factors that hamper the implementation of government policies and programmes. Supporting the previous findings of the studies by Edward III [21], Tahir [22, 23], Anggara [24] and Syaini [12], the current study suggests that lack of communication and socialisation of the content of Law No. 6/2014 were the barriers to the handover of Fafinesu B village government authority by TTU district government, hence hampered its implementation at the village level. This study also reports lack of initiative of the district government to hand over the village government authority as an added factor hindering its implementation at the village level as mandated in the Law. Limited resources including human resource as well as financial resource, which is in line with the findings of previous studies [11, 12, 21, 24, 25], was also reported in this study as the barriers to the handover of the village government authority by the district government and to its implementation by the village chief and staffs. In relation to human resource aspect in particular, low level of education and lack of understanding of the village chief about the content of Law No. 6/2014 and other related regulations therein, were the main factors causing the delay of handover of the village government authority by the district government.

The results of the present study confirm the previous findings elsewhere [10, 12, 21, 24], indicating that disposition such as lack of commitment of the chief of the district to implementing what has been mandated in Law No. 6/2014 was another barrier to the handover of Fafinesi B village government authority by the district government. As the consequence, the village government does not know and implement its authority. Likewise, bureaucratic structure which is often inflexible and slows down the implementation of policies and programmes as has been reported in the prior studies [10-12, 24], was also diagnosed in the current study. This study also reports unclarity of the command and coordination line as the consequence of the

complicated bureaucratic structure at the district government, which caused the delay of the authority handover process as well. Besides, the findings of the current study also present that lack of collaboration among the chiefs of departments at the district government, responsible for the implementation of Law No. 6/2014 has led to a number of consequences including the delay in the formation of analysis and evaluation team to facilitate the handover of the village government authority by the district government and the implementation of the authority by the village government.

CONCLUSIONS

This study reports several barriers to the handover of the village government authority by the district government and to the implementation of the authority by the village government as mandated in Law No. 6/2014. They include lack of communication and socialisation about the Law leading to lack of understanding about its content, limited human resource as well as financial resource required for the implementation of the authority, lack of commitment of the chief of the district to handing over the village government authority, and bureaucratic structure which is often inflexible and slows down the implementation of policies and programmes. This study also reports lack of collaboration among the departments at district level as a barrier to the handover of the village government authority and its implementation at the village level. The findings of this study indicate that there is need for communication and socialisation of the Law and collaboration among departments at district level, which can increase understanding among leaders, staffs and village chiefs about the content of the Law and other related regulations therein, and to fasten the formation of analysis and evaluation team that can facilitate the authority handover process. The study findings also indicate a need for supporting human resource of the village government to ensure that the authority is implemented as mandated in the Law.

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