

ANALYSIS OF IMPLEMENTATION LAW KOLILANANG VILLAGE HEAD ELECTION ADONARA DISTRICT, EAST FLORES REGENCY BASED ON REGULATION NUMBER 3 OF 2020

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Abstract - The research aims to determine the implementation of the election for the head of Kolilanang Village, Adonara Sub-district, East Flores Regency based on regional regulation Number 3 of 2020. The inhibiting factors in implementing regional regulation Number 3 of 2020 concerning the election of village heads in Kolilanang Village, Adonara Sub-district, East Flores Regency. The research method used is empirical normative research by combining materials from books and laws and regulations as well as conducting interviews with related parties. The results showed that the implementation of village head elections in Kolilanang Village, Adonara Sub-district, East Flores Regency started from the preparation stage, the nomination stage, the voting stage, and the determination stage. At the preparatory stage, namely notification of the Village Consultative Body to the village head regarding the end of the term of office. Formation of a village-level committee by the BPD and voter registration. The nomination stage of the committee screens and verifies the village head's file and determines the candidate for the village head. The voting stages took place safely and smoothly even though community participation was still lacking in electing village heads. Whereas in the designation stage after the village head was appointed by the elected village head committee, Kolilanang Village did not issue a decree regarding approval and appointment by the East Flores Regent. The implementation of village head elections in Kolilanang village has not been carried out optimally with blood regulation Number 3 of 2020 concerning procedures for selecting and dismissing village heads. As for the obstacles in implementing village head elections in Kolilanang Village, there were several obstacles, namely the lack of socialization related to village head elections, the committee did not update data, and not maximally carrying out data collection so some people not registered as voters in village head elections, lack of community involvement and the implementation period village head elections.

Keywords: village head elections; regional regulations

INTRODUCTION

Every citizen in their actions and activities is always based on the law as a logical consequence of a legal state that regulates the course of social and state life (Dilapanga et al, 2023). It has become an agreement that law is the constitutional basis which is further regulated in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia that "Indonesia is a country of law" (Harun et al, 2021). With this affirmation, the Indonesian State is a state based on law (Rechtsstaat), not based on mere power (Machtstaat). So, it becomes a consequence that every activity in social and state life must be based on the law (Sara et al, 2020). As the embodiment of the rule of law state, the law is always used as a system that regulates every act of governance both at the central and regional levels (Werenfridus et al, 2021).

Referring to the constitutional basis mentioned above, regulation becomes the basis for behaving and acting, including in the election and dismissal of village heads through legal instruments (Bustaman et al, 2018). The implementation is through the Regulation of the Minister of Home



Affairs Number 112 of 2020 concerning village head elections. This arrangement gives authority to each region to further regulate the implementation of village head elections through regional regulation Number 3 of 2020 as an amendment to regional regulation Number 9 of 2014 as the legal umbrella for village head elections in East Flores Regency. As a legal umbrella, regional regulations regulate the conditions for village head election specifically regulated in Article 21 paragraph (1).

Based on legal arrangements through regional regulations, the law is intended to create legal certainty in the election and dismissal of village heads (Shadiq & Karim, 2023). Legal certainty is a guarantee that the law can work properly, meaning that with legal certainty the individual who has the right is the one who gets the decision from the legal decision itself (Young et al, 2020). As long as it is not regulated, it means that it is permissible, as long as there are no clear and regulated procedures, it means that it is not allowed (Karim et al, 2023). This is what confuses society about what rules must be used or applied so that there is no certainty about the rules that are applied to regulate things or circumstances that occur.

Based on the provisions of Law Number 23 of 2014, namely Article 1 number 25, it confirms that regional regulations are provincial regional regulations and regency/city regional regulations. Furthermore, Article 236 Paragraph (1) of the Regional Government Law it is emphasized that regional regulations are formed to carry out regional autonomy and co-administration tasks (Karim et al, 2021). Paragraph (2) is formed by the regional people's representative council with the joint approval of the regional head. Paragraph (3) states that regional regulations contain content, namely: (a) Implementation of regional autonomy and co-administration tasks. (b) Further elaboration of higher statutory provisions.

Regional regulations are a form of statutory regulations under laws, government regulations, and presidential regulations, but in terms of their content and the mechanism for their formation, regional regulations are similar to laws (Abduh et al, 2023). Regional regulation content material is regulatory material contained in a regional regulation that is prepared according to legal drafting techniques or statutory regulation preparation techniques (Indartuti et al, 2020). In Article (14), Law Number 12 of 2011 concerning the formation of legislation, it is stated that the content material for provincial regional regulations and regency/city regional regulations contains content material in the context of implementing regional autonomy and co-administration tasks as well as accommodating regional special conditions and/ or further elaboration of a higher law (Refly \$ Esti, 2020).

1. Definition of Village Head Election

Article 31 of Law Number 6 of 2014 stipulates that village head elections are held simultaneously in all districts/cities. The district/city regional government stipulates a policy in implementing village head elections simultaneously with the district/city regional regulations (Shadiq, 2022). This rationale is important, this is because the village head election process is very long and intertwined, starting from registration to finding candidates and selecting and appointing village heads who are dedicated, capable, and capable of carrying out their duties in administering village government as a legal community (Dewi et al, 2021). the unit authorized to regulate and manage the interests of the local community based on the rights of origin and local customs (Zubaidah et al, 2022).

Village head elections or so-called village head elections are village head elections to find the best leader who will have the power and authority to control village development as long as he is elected and serves as village head who prioritizes public interests and the public interest (Surachman, 2020). the welfare of the village community which is carried out directly, openly, and clandestinely by the local population (Amalia et al, 2021).

From a legal political perspective, the enactment of Law 6/2014 on the village is the fruit of a long political struggle, as well as a struggle of thoughts to make the village the basis for developing the quality of people's lives (Karim et al, 2023). Legal politics is closely related to the use of power in governing the state, nation, and people. Associated with legal politics in the regions, legal politics is embodied in the nuances of life within local communities (Li et al, 2022). In the village head

election, several stages must be carried out, starting from the preparation, nomination, voting, and determination stages (Rosadah & Samadi, 2022).

2. Termination of the Village Head

The dismissal of village heads consists of 2 types, namely temporary dismissal and permanent dismissal (Susan & Budirahayu, 2018). Before the permanent dismissal of the village head, several stages must be carried out, namely reporting, examination, and higher legal processes such as trials (Watrianthas et al, 2020). The village head who is temporarily or permanently dismissed must be approved through a regent/mayor decision through the Camat which is then issued with a decree by the regent/mayor after being examined and deemed fit to be dismissed.

A Village Head resigns from his term of office due to several reasons such as death, at his request, or due to being dismissed (Iznillah & Basri, 2018). The village head can be dismissed due to several factors, including (1) The end of his term of office; (2) Has been unable to carry out his duties on an ongoing basis or has been permanently absent consecutively for 6 to six months; (3) Not meeting the requirements as a village head; (4) Was declared to have violated the conditions as a village head; (5) Not carrying out his obligations as village head, and; (6) Doing the ban as village head

METHOD

The type of research used by researchers in writing is descriptive normative research which combines material from books and laws and regulations. In addition, in this study, the authors conducted direct interviews with the parties concerned to complete the data in writing. The types and sources of data used in this study are divided into 2, namely: (1) The primary materials used consist of statutory regulations and official notes of treatises in statutory regulations. In this study the primary legal materials used are as follows; (a) Law Number 6 of 2014 concerning Villages; (b) Government Regulation Number 72 of 2005 concerning Implementation of the Village Law; (c) Regulation of the Minister of Home Affairs Number 112 of 2014 concerning Village Head Elections; (d) Regional Regulation Number 3 of 2020 concerning procedures for electing and dismissing village heads. (2) The main secondary materials are textbooks because books contain the basic principles of legal science and views that have high qualifications. In this study, the secondary materials used were; (a) Scientific books in the field of law; (b) Scientific journals; and (c) Tertiary legal materials are materials that provide instructions and explanations of primary materials and secondary materials, such as dictionaries, encyclopedias, and cumulative indexes.

To obtain data relevant to the discussion of this paper, the authors carried out the following data collection techniques: (1) Library Research, the collection of library data obtained from various data related to the things studied, in the form of books and literature related to this research. Besides that, the data taken by the author comes from important documents or applicable laws and regulations. (2) Field research (using direct interviews with parties related to the implementation of the Village Head Election in East Flores Regency. (3) Documentation study is a technique of collecting materials by studying documents to obtain data or information related to the problem under study.

RESULT AND DISCUSSION

The residents of Kolilanang Village, based on the latest data on the 2022 RKPDes document, can be seen in the following table:

Table 1. Total Population of Kolilanang Village

Year	Total population			Total of heads of families
	Male	Female	Total	
2022	618	657	1,275	322

Source: Research result, 2023.

To the explanation from the chairman of the village consultative body for the election of the village head Mr. Karolus Kopong Wulan, the formation of the Kolilanang Village election committee was carried out by deliberation for consensus involving various elements from both government and community leaders. The involvement of various elements in the formation of the Kolilanang Village

head election committee illustrates that the village consultative body has carried out the election mechanism by applicable procedures and has not forgotten the culture of deliberation by democratic principles.

After forming the village head election committee, the committee then conducts voter registration for 7 days after the election committee is formed according to regional regulation Number 3 of 2020. After voter registration is carried out, the committee updates and validates village population data to compile and establishes a provisional voter list. The following is the provisional list of voters for Kolilanang Village:

Table 2. Provisional total turnout

Total population	Provisional total turnout
1,275 people	739 people

Source: Research result, 2023.

After the committee determines the provisional voter list, the committee then submits it to the community with the time period specified in the regional regulation as a reference in carrying out village head elections in Kolilanang Village. At the time of submission, the committee then made improvements if there was information from the public regarding voter data improvements. The following is a list of additional voters:

Table 3. Additional voter list

Total population	Additional voter list
1,275 people	42 people

Source: Research result, 2023.

Then the committee announced to the community in a strategic place easily accessible by the community regarding the final voter list that will exercise their right to vote in the implementation of village elections in Kolilanang Village. The following is the final voter list:

Table 4. Fixed voter list

Total population	Fixed voter list
1,275 people	781 people

Source: Research result, 2023.

From the fixed voter list above, the committee then announced to the people who were registered as voters who exercised their right to vote in the election of the village head in Kolilanang Village as follows:

Table 5. Recapitulation of voter lists

Provisional voter list	Additional voter list	Fixed voter list
739 people	42 people	781 people
Who uses the right to vote		Those who do not use the right to vote
723 people		58 people

Source: Research result, 2023.

At the voting stage, the committee then carried out the vote count which was held at 14.00-16.00 WITA to see the results of the village head election in Kolilanang Village. The following is the official report on the recapitulation of the vote count:

Table 6. Vote recapitulation results

No	Name of village head candidate	Vote acquisition
1	Karolus Kopong Wulan	11
2	Yakobus Peka ola Ama	2
3	Ferdinand B Bain	362
4	Emanuel Kopong Bele	5



5	Siprianus Kopong Koli	340
Total votes		723
Total of valid votes		720
Invalid total of votes		3

Source: Research result, 2023.

Based on the minutes of the results of the recapitulation of the vote count for the Kolilanang Village head candidate mentioned above, the candidate with the highest number of votes was won by Ferdinand B. Bain, with a vote of 362 votes. Thus, the committee determined the elected candidate with the official report on the determination of Number 008/PPKDS.TA 21/KL/X/2021 regarding the determination of the elected village head candidate. Then the committee immediately reported the voting results to the village consultative body and the ransom was immediately sent to the sub-district head to be forwarded to the regent.

From this report, according to regional regulation Number 3 of 2020, the district head is required to issue a decree regarding approval and appointment of the elected village head no later than 30 days after the report from the village consultative body or the Camat is received. Furthermore, the inauguration of the elected village head was carried out directly by the regent or an official appointed by the regent since it was determined by a regent's decree. The inauguration of the village head is contained in Article (22) of regional Regulation Number 3 of 2020 as follows: (1) The district head is obligated to issue a decision regarding the validation and appointment of the Village Head no later than 30 (thirty) days after the village consultative body or Camat report is received; (2) The elected Village Head is appointed by the Regent or the appointed official no later than 30 (thirty) days after being stipulated by a Regent's Decree.

However, the facts that occurred on the ground at the stage of determining the elected village head were not in line with regional regulations, due to objections from the community who questioned the stages of selecting village heads in Kolilanang Village due to irregularities in determining the final voter list. There are around 33 community members who are not included in the final voter list. while the community is still in Kolilanang Village. This was immediately responded to by the Chair of the Committee in an interview as follows: *"At the time of filing objections by people who were not accommodated in the fixed election list, after the vote counting was complete, but when the voting process reached the election results stage, there were no objections from Those 33 people."* So that in determining the elected village head candidate based on the results of the vote count at the village head election in Kolilanang Village, Adonara Sub-district, East Flores Regency, a Decree was not issued concerning the ratification and appointment by the East Flores Regency Head.

The starting point of organizing the Pilkades is to elect a leader who will carry out the mandate from the community to develop the village. Both from infrastructure and superstructure, creating prosperity amid society, improving the quality of human resources, and renewing all sectors in the village. From all of these descriptions, it requires an implementation of quality village head elections, and this requires community maturity in politics. Not only that, good and adequate legal instruments in the implementation of village head elections are also the most important requirement, this is intended as an effort to create justice, certainty, and benefits in holding village head elections.

In holding village head elections held in Kolilanang Village, Adonara Sub-district, East Flores Regency which were held on October 16, 2021. The author analyzes that the implementation of Regional Regulation Number 3 of 2020 which is used as the basis of reference in carrying out village head elections in East Flores Regency has been carried out by the provisions of the law. Starting from the stages of preparation, nomination, voting, and determination. However, the implementation of Regional Regulation Number 3 of 2020 was not carried out optimally in the village head election held in Kolilanang Village, specifically in Article 8 letter a, which concerns the committee's obligations which read: *The committee is obliged to disseminate information to the community regarding the requirements, procedures, and processes for selecting village heads.* However, in reality, what happened in the field, the village head election committee did very little

outreach related to the village head election, resulting in minimal community involvement in the village head election in Kolilanang Village.


CONCLUSION

he implementation of village head elections in Kolilanang Village, Adonara Sub-district, East Flores Regency starts from the preparation stage, the nomination stage, the voting stage, and the determination stage. In the preparatory stage, namely notification of the village consultative body to the village head regarding the end of the term of office, the formation of a village-level committee by the village consultative body, and voter registration. The nomination stage of the committee screens and verifies the village head's file and determines the candidate for the village head. The voting stages took place safely and smoothly even though community participation was still lacking in electing village heads. Whereas in the designation stage after the village head was appointed by the elected village head committee, Kolilanang Village did not issue a decree regarding approval and appointment by the East Flores Regent. So that the implementation of village head elections in Kolilanang Village was not carried out optimally by blood regulation Number 3 of 2020 concerning procedures for selecting and dismissing village heads.

The inhibiting factor for the implementation of village head elections was the lack of socialization related to the election which resulted in many people not being registered as voters. The committee did not update population data and did not record voters optimally, there was a lack of community involvement in the election of the village head in Kolilanang Village, and the holding period for village head elections in Kolilanang Village.

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