

Guarantees and Limitations of the Sustainability Village Autonomy Through Rules of Recognition: Indonesia Experiences

MUHAMMAD ADDI FAUZANI

Abstract This research examines whether the village authority inventory norms regulated in Law Number 6 of 2014 concerning Villages (Village Law). have guaranteed or limited the sustainability of village autonomy. The object of the research is an analysis of village authority inventory arrangements in several districts or cities in Indonesia: Badung Regency, Banyuwangi Regency, Sambas Regency, Sleman Regency, and Sungai Penuh City. The research method is normative research with a statutory and conceptual approach. The study concludes, first, that the village authority regulation model has two sides, on the one hand, it has been regulated in various and different ways both in terms of the type and amount of authority, but on the other hand, village authority is still regulated in a minimalist way. Second, there are still problems in the identification and inventory procedures for the list of village authorities, which have no relevance to the sustainability of village autonomy. The various village authority regulation models are relevant to guarantee the consistency of village autonomy.

Keywords: • guarantees • limitations • sustainable • smart city • village autonomy

CORRESPONDENCE ADDRESS: Muhammad Addi Fauzani, Master of Laws, Lecturer, Universitas Islam Indonesia, Faculty of Law, Department of Constitutional Law, Kaliurang St No.Km. 14,5, Sleman Regency, Special Region of Yogyakarta 55584, Indonesia, e-mail: addifauzani@uii.ac.id (corresponding author).

doi:10.52152/22.4.283-299(2024)

ISSN 1581-5374 Print/1855-363X Online © 2024 Lex localis

Available online at <http://journal.lex-localis.press>.

1 Introduction

This research examines whether the village authority inventory norms regulated in Law Number 6 of 2014 concerning Villages (Village Law). have guaranteed or limited the sustainability of village autonomy (Law Concerning Villages, 2014). The object of the research is an analysis of village authority inventory arrangements in several districts or cities in Indonesia: Badung Regency, Banyuwangi Regency, Sambas Regency, Sleman Regency, and Sungai Penuh City. To see the sustainability or limitations of village autonomy (Silubun, Kalalo, Inggit, Kalalo, & Rahail, 2020). This research will analyze the suitability of village authority inventory arrangements to see whether they fulfill the principle of participatory recognition and how village authority arrangements in several districts should still be able to guarantee the sustainability of village autonomy (Horn-Miller, 2013).

The selection of study objects is based on villages in the area that have received the Independent Village status indicator based on the Developing Village Index (IDM) in 2022 (The Directorate General of Village and Rural Development, 2022). IDM is a government policy which contains a village development map (Astika & Sri Subawa, 2021). This classification confirms the Village's independent status and the interventions that need to be provided. By choosing a research focus on regions with IDM with Independent status, at least the research results can provide a clear and measurable picture of socially, economically, and environmentally resilient villages (Anderson et al., 2012). Apart from indicators of social, economic, and environmental stability as the basis for IDM, this research also offers knowledge about the importance of considering additional indicators, indicators of the state's fulfillment of village justice through village autonomy.

Even though the Village is placed as the lowest autonomous region of the Unitary State of the Republic of Indonesia (NKRI), it has the most crucial role (Phahlevy, 2016; Widjaja, 2008). In the New Order era, the Village was only considered the lowest administrative government unit below the sub-district head (Eko, 2008). But since 2014, (Sukrino, 2010). The Village has received recognition for its diversity and uniqueness as a self-governing community (Mandasari, 2015) through the principles of recognition and subsidiarity. The principle of recognition means that the state has given recognition to the Village's rights of origin so that the Village organizes its government based on community initiative (Rosidin, 2019). Meanwhile, the principle of subsidiarity emphasizes that the state guarantees the Village's authority to determine its authority and make decisions locally for the benefit of the Village community (S. Huda, 2017).

The Village Law regulates provisions regarding village authority in general because it only describes the source of this authority. To further define the authority of the Village, the Regency/City Regional Government must carry out an

identification and inventory of the Village by involving the Village. The regent/mayor stipulates regent/mayor regulations regarding the list of Village authorities. The regent/mayor regulations will be followed up by the Village Government by establishing Village regulations regarding authority based on rights of origin and local authority on a village scale by local situations, conditions, and needs (Government Regulation Concerning Implementing Regulations of the Law on Village, 2014; Rido, 2020).

To assess whether the arrangements for identification and inventory of village authority in Indonesia are regulated consistently or are again trapped in bureaucratic authoritarianism using a top-down instrumental approach, one can assess this using the touchstone of the principle of participatory recognition by looking at the applicability of the asymmetric concept (Jaweng, 2011). This is based on the rationalization that the authority of origin rights and village-scale local authority in one region to another is regulated in a participatory and diverse manner (N. Huda, 2014; Lay, 2018; Mahi, 2016).

In particular, this research is present to prevent the failure of recognition and respect for villages as happened during the New Order, villages which were diverse but which were reduced and standardized by the state through Law Number 5 of 1979 concerning Village Government, which resulted in the suspension of village existence (N. Huda, 2015; N. M. A. F. Huda, 2024). Globally, in other parts of the country, the political structure and functions of the native (village). Governments are widely known in various communities, not only in Indonesia but also in other regions outside Indonesia. For example, *barangays* in the Philippines, *panchayats* in Indo-Pakistan, *sultanates* in Malaysia, small kingdoms in Nepal, *gam sabbawas* in Sri Lanka, villages in Java, and *sakdina* in Thailand. These names represent political structures with specific functions known and practiced for a long time in each society (Syamsu, 2008).

The conflict between efforts to respect village autonomy and the reality of village subjugation through state centralization often occurs in other countries, such as Vietnam, (Huy Tuan, 2006), Papua New Guinea, (Smith, 2002), Tanzania, (Scheba, 2017), India, (Sbriccoli, 2013), China, (Alpermann, 2009), and the Netherlands (Griffiths, 1984). Several of these villages have similar characteristics, in that they are the smallest autonomous regions in a country, so this research has relevance for enriching the horizons of village regulation in several countries.

2 Bridging the rule of recognition and legal pluralism: Literature overview

Guaranteeing village autonomy through regulating village authority inventories by the Regency Government is an elaboration of adopting the recognition principle. Hart indirectly influenced the adoption of the recognition principle with his rule of

recognition (Hart, 2012). In the context of inventorying village authority, the rule of recognition is practiced with a double meaning. First, the inventory of village authority by the Regency Government, which refers to the terms of Village authority as regulated in the Law on Villages, reflects the meaning of specific linguistic entities, acting as a filter element to issue regulations that do not meet the criteria for village authority. Second, the conditions for village involvement in the village authority inventory process reflect the rule of recognition in the sense of social rule, village authority, which is a social rule born from the aspirations of the village community, not a gift.

The requirements for village involvement, which the district government does not have to fulfill, have left it in a condition of weak social rule, even close to implementing the rule of recognition. The opposite of these consequences means that when an inventory of village authority by the district government is carried out vigorously by involving villages in a participatory manner, the inventory results reflect social rules, which leads to the recognition of legal pluralism. Legal pluralism means that there are legal facts in a multicultural society. Legal pluralism is a study material that examines a situation where two or more legal systems work in the same area of social life. In the context of inventorying village authority, legal pluralism explains that the existence of village authority in several regions varies (Griffiths, 1986). The inventory of village authority should not only be the authority of the state or the Central Government with its concept of legal centralism. Still, it must also show accommodation for legal pluralism (Michaels, 2017). Borrowing the concept of legal pluralism archetypes (Swenson, 2018). bridging concepts can be used when faced with legal pluralism. The bridging concept in the context of recognizing the diversity of village authority means that, on the one hand, rules of recognition are still needed; on the other hand, so that village authority is indeed accommodated, so the process of recognizing village authority by districts/cities must indeed involve villages.

The bridging concept is to adopt the rule of recognition and legal pluralism. This concept will also impact legal pluralism archetypes in the complementary category (Swenson, 2018). This means that the state firmly accommodates the diversity of village authority so that complementary legal pluralism archetypes through the rule of recognition create an effective legal system because they reinforce each other (Ellickson, 2017; Mac Ginty, 2008).

3 Methodology

The research methodology of this study is normative. Normative research is legal research that examines principles, theoretics, legal provisions, and also literature studies. This research will examine whether the Village Law has guaranteed or limited the sustainability of village autonomy. This research uses 2 approach models, consisting of a statutory approach and a conceptual approach. A statutory

approach is applied because it will examine statutory regulations related to the research object. Second, a conceptual approach, because the research will identify principles or doctrinal views, at least regarding rules of recognition and village autonomy, so that it can give rise to new ideas that can provide solutions to current legal problems (Hasan, 2002; Marzuki, 2012; Suherman & Sugiyono, 2024; Suratman, 2015; Syamsudin, 2007).

4 Discussion

4.1 Village authority arrangements: Several regions based

The authority of origin rights and village-scale local authority regulated in the Village Law still tends to be very abstract regarding regulations to be implemented by the Village Government. To provide more detailed instructions, the Central Government has regulated more detail regarding Village authority, as follows (Amin & Febrina, 2017; Government Regulation Concerning Implementing Regulations of the Law on Village, 2014; Ministerial Regulation of Villages, Disadvantages Regions and Transmigration Concerning Guidelines for Authority Based on Rights of Origin and Village-Scale Local, 2015; Suartina, 2020; Supriyadi, 2020; Syaputri, 2021).

- 1) Village authority is based on rights of origin that consist of at least 5 authorities. Rights of origin are the rights which are living heritage and Village initiatives or Village community initiatives in accordance with developments in community life, including traditional community organization systems, institutions, customary institutions and laws, Village treasury land, as well as agreements in Village community life;
- 2) Village-scale local authority that consists of at least 11 authorities. Village scale local authority criteria include: a). authority that prioritizes service and empowerment activities public; b). authority that has the scope of regulation and activities only within Village areas and communities that have an internal impact on the Village; c). authority related to daily needs and interests of villagers; d). activities that have been carried out by the Village on the basis of Village initiatives; e). government, provincial government and government activity programs districts/cities and third parties that have been submitted to and managed by the Village; and Village-scale local authority which has been regulated in statutory regulations regarding the division of authority of the government, provincial government, and district/city government; and
- 3) Authority based on the rights of origin of Traditional Villages that consists of at least 8 authorities. Traditional Villages have rights of origin that are more dominant than rights of origin of Villages since Traditional Villages were born as original communities in society. A traditional

village is a customary legal community unit which historically has territorial boundaries and cultural identity formed on a territorial basis and has the authority to regulate and manage the interests of the village community based on their rights of origin.:

To follow up on regulations regarding village authority that apply nationally, therefore at the regional level, the Regency/City Regional Government must carry out identification and inventory of Villages by involving Villages. The regent/mayor stipulates regent/mayor regulations regarding the list of Village authorities. The regent/mayor's regulations will be followed up by the Village Government by establishing Village regulations regarding authority based on rights of origin and local village-scale authority in accordance with local situations, conditions and needs (Government Regulation Concerning Implementing Regulations of the Law on Village, 2014; Suartina, 2020). The question of whether inventory arrangements and inventory of village authority in Indonesia are regulated consistently or whether they are trapped again in bureaucratic authoritarianism using a top-down instrumental approach can be answered by examining norms and the implementation of these norms (Jaweng, 2011).

Several Regency/City areas have established Regent/City Regulations regarding the List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, including Badung Regency, Banyuwangi, Samas, Sleman, and Sungai Penuh City. Several regulatory models can be found after looking at several regional regulations regarding the List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities above. First, the regulation of authority on village origin rights and village-scale local authority as a result of identification and inventory in the 5 (five). Regions are very diverse and different. Apart from being visible from the type or substance of authority held, the diversity and differences in village authority arrangements can be seen from the difference in the amount of authority possessed (N. Huda, 2015; Zanibar, 2003; Sihombing, 2021) as described as follows.

Table 1: Number of village authorities result of identification and inventory in the region

No	Regency/City	The authorities of origin rights	Village-scale local authorities
1	Badung (Badung Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2018).	23 authorities	67 authorities
2	Banyuwangi (Banyuwangi Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2018).	8 authorities	45 authorities
3	Sambas (Sambas Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and	9 authorities	31 authorities

No	Regency/City	The authorities of origin rights	Village-scale local authorities
	Village-Scale Local Authorities, 2018).		
4	Sleman (Sleman Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2018).	2 authorities	13 authorities
5	Sungai Penuh (Regulation of the Mayor of Sungai Penuh Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2020).	5 authorities	24 authorities

The findings regarding these arrangements mean that through these regions, the state has guaranteed consistency in regulating village authority, essentially rights of origin resulting in diversity. This is based on the rationalization that the authority of origin rights and village-scale local authority in one region to another is regulated differently and varied. So, policies regulating various village authorities should adopt an asymmetric recognition model (Fauzani, 2020; N. Huda, 2014; Jaweng, 2011; Lay, 2018; Mahi, 2016; Shah, 2004). Asymmetric recognition emphasizes that the state must not generalize village authorities that are different. Apart from that, the fact of this regulatory model has also at least eliminated concerns about the failure to recognize and respect villages as happened during the New Order, when villages were diverse but were reduced and standardized by the state, resulting in the virtual demise of the village's existence (Fauzani, 2023; N. Huda, 2015).

The fact that there are various models for regulating village authority has also strengthened the guarantee of recognition and respect for village authority, which includes: (Silahuddin, 2015) authority based on origin rights and local village-scale authority. These two authorities relate to the village's authenticity as genuine autonomy; these two authorities have placed the village in state formation, as follows. First, the village is a local community organization with its own government or a self-governing community. A self-governing community means that the local community forms and carries out its government based on local institutions, is self-supporting and autonomous, is not formed by external forces, and is not structurally bound to external organizations such as the state (Mandasari, 2015). Second, the village is a form of government, either autonomous local government or local self-government. This position is the same as the projection of "autonomous villages" put forward by Selo Sumardjan. Local self-government is a form of autonomous local government due to political decentralization (devolution); the state recognizes existing regional governments or forms new regions, which is then accompanied by the division or transfer of authority to local governments.

- 1) Authority assigned by the Government, Provincial Regional Government, or Regency/City Regional Government; and

- 2) Other authorities assigned by the Government, Provincial Regional Government, or Regency/City Regional Government by the provisions of statutory regulations.

The two authorities above have also placed villages in state formation as a form of state government at the local level or local state government. This is another form of centralized government that does not carry out devolution, only deconcentrates. The clearest examples of this type are sub-districts and sub-districts. Neither is an autonomous local government unit receiving decentralization from the state but is simply an extension of the state at the local level (Fadli, 2014).

Second, the regulation of the authority for Village origin rights as a result of identification and inventory in 3 (three). Regions, Badung, Banyuwangi, and Sambas, have been regulated extensively; however, in 2 (two). Regions, Sleman and Sungai Penuh, it is still regulated in a minimalist manner. Meanwhile, the regulation of village-scale local authorities due to identification and inventory in all regions has been regulated extensively. However, Sleman only regulates 13 authorities, and Badung regulates three times that number, 67 authorities.

The reality of minimalist village authority arrangements implies two possibilities. First, this arrangement is purely the result of identification and inventory based on village-scale local authority and origin rights, where the Village only has minimal authority (Griffiths, 1986; Zanibar, 2003; Sihombing, 2021). Second, this arrangement is a form of the failure of the Regency/City concerned in identifying and inventorying authority based on origin rights and local authority measured by Villages, causing village involvement mechanisms to be still subject to weak social rule (Hart, 2012; N. Huda, 2015). The link between the lack of village-scale local authority and origin rights with weak village involvement arrangements will be difficult to dispute.

The second possibility is closer to the truth, considering that the Sleman Regency is one of the Special Region of Yogyakarta (DIY). Regencies. DIY, which has a special status due to its historical aspects (Pratama, 2015) has much more autonomy than other regions. This reality should strengthen villages in DIY so that villages in DIY have broad village-scale local authority and local authority, even though DIY's privilege lies with its provincial government (Tauda, 2018). Moreover, there is the argument that village autonomy is not considered a branch of regional autonomy; in fact, it is village autonomy that provides the inspiration for regional autonomy that is unique to the Republic of Indonesia. Village autonomy must be used as a basis in the division of Indonesia's constitutional structure from the center to the regions, which then leads to village autonomy regulations that remain guided by the authenticity of the "village" as a legal community unit, as well as villages in Sleman, DIY (Syarifudin, 2010).

Regency/City failure to identify and inventory village authority will make it difficult for village autonomy to work optimally (N. Huda, 2015; Zanibar, 2003; Sihombing, 2021). The goal of realizing the implementation of the principle of village autonomy, which is an effort to create a more democratic form of village community life in formulating village policies, will be challenging to achieve. Broad, clear, and specific village authority will accelerate village autonomy. So, efforts to provide a maximum and higher quality public service delivery process to all components of the local village community will continue. Apart from that, implementing village autonomy also aims to create a more democratic life for village communities, provide faster and more efficient public and civil services, and build and foster a sense of trust in village communities towards village independence.

Third, the diversity and breadth of the regulation of village-origin rights authority and Village-Scale Local Authority due to identification and inventory in the region may depend on the presence or existence of traditional villages in the area. This is at least proven in two regions that have traditional villages, so the regulation of village authority becomes extensive, as is the case in the Badung Region, which has 23 authority rights of village origin. And 67 village-scale local authorities (Peraturan Desa Alasmalang, 2021); and Banyuwangi Region, which has eight powers of origin rights Villages and 45 village-scale local authorities. Even though some areas do not have traditional villages, these areas still have diversity and breadth of village authority arrangements, such as in the Sambas Region (Alasmalang Village Regulation Concerning Kebo-Keboan Traditional Institutions, 2016; Kemiren Village Regulation concerning Traditional Institutions, 2015; Nadriana, Negara, & Rato, 2022).

The fact of this regulatory model means two sides; on the one hand, it means the practice of recognizing and respecting the unity of customary law communities (MHA). by the state through traditional villages as mandated by the constitution Article 18B paragraph (2). of the 1945 Constitution of the Republic of Indonesia (Manan, 2002). but on the other hand, this means there is concern over the failure of the Regency/City concerned in identifying and inventorying authority based on the rights of origin and local village-scale authority as previously described.

The existence of the practice of recognizing MHA through the recognition of traditional village authority by the Regent/Mayor Regulation above at least means that there is a spirit that goes beyond the idea of linearity from traditional to modern (Abdurrahman, 2015). In the old understanding, all MHA must be modernized, changing their lifestyle and ways. It is produced into a single model that is easy to control. The perspective that all societies can be engineered to change from traditional to modern has begun to be abandoned and replaced with the view that society will determine its changes as a subject that has its history, civilization, and interests. This aligns with the post-modern paradigm, which aims

to provide diversity so that each subject can interact in competing social spaces. This perspective is supported by the politics of recognition, which recognizes indigenous peoples as legal, social, and political subjects whose existence and rights must be accepted. This is also in line with the principle of self-determination, known internationally.

4.2 A model for setting village authority: Backward and forward

Based on several findings, as previously explained, this subsection will formulate a village recognition and respect model that still guarantees the sustainability of village autonomy. The formulation of this model was to prevent the practice of recognizing and respecting village autonomy by the state, but it failed (N. Huda, 2015). The Village Government Law has caused many reactions and problems in its implementation; failure in the future can be prevented by looking at the formulation and improving the implementation of Law Number 6 of 2014 concerning Villages in the future.

The Indonesian state's failure to respect village autonomy in the past is briefly described as follows. According to Soetandyo Wignjosoebroto, (N. Huda, 2015; Sihombing, 2021), there are 2 (two). Criticisms of the Village Government Law as passed in the New Order era: First, the Village Government Law was created as part of the developmentalism strategy of central power which is considered bureaucratic authoritarian by using an instrumental approach in the field of law by conceptualizing law as a tool of social engineering. Second, even though the Village Government Law considering point b is normatively promising, it ignores the variants that exist in rural life throughout the jurisdiction of the Republic of Indonesia. Therefore, the coercive formatting of rural units in Indonesia is, without exception, uniform by following the village government model developed and constructed in and for Javanese villages.

The failure to recognize and respect village autonomy does not necessarily negate the good intentions of the background to the enactment of the Village Government Law, which can also be used as a learning reference (N. Huda, 2015; Zanibar, 2003; Sihombing, 2021). First, village diversity. The government views village diversity as an obstacle to intensive development and control to improve the standard of living of village residents. Second, the diversity of village government positions differs from the nature of a unitary state. Third, the experience of a leadership crisis in the first half of the 1960s due to the undermining of the interests of political parties gave rise to the government's desire to create a strong village government.

These three reasons can no longer be seen as obstacles. The first two reasons can be managed by borrowing the concept of asymmetric recognition and respect. This underlies the need for a reliable administrative framework for managing local

diversity. This format is motivated as a response to the reality of community diversity as a source of input for its work (Jaweng, 2011). Meanwhile, the last reason can no longer be used as a rationalization because intense leadership crises no longer occur post-reformation.

Theoretically, to recognize and respect village autonomy, the state can take a role, as expressed by Taliziduhu Ndraha (AZ, 2020; Ndraha, 1997). First, village autonomy is classified, recognized, fulfilled, trusted, and protected by the government so that village communities' dependence on the government's "generosity" can be reduced. Second, the position and role of village government are restored, returned to normal, or developed so that it can anticipate the future. The above mandate has generally been embodied in the Village Law, one of which is through the recognition of Village authority based on origin rights and Village-Scale Local Authority. This practice is reflected in the responsibility of Regency/City Regional Governments, which must identify and inventory authority based on rights of origin and local authority on a village scale by involving villages to define the village's authority further.

Villages' involvement in the identification and inventory has at least guaranteed village participation in governance, especially in determining their fate. Such procedures also ensure that village autonomy is indeed recognized and respected. Such village involvement also at least recognizes that village autonomy is positioned as genuine and complete and is not a gift from the government. On the other hand, the government is obliged to respect the genuine autonomy of the village. As a legal community unit with an original structure based on special rights, the village can carry out public and civil law legal actions, own wealth and property, and be sued and prosecuted before the court (Widjaja, 2008).

Based on the identification and inventory results, the regent/mayor shall stipulate a regent/mayor regulation regarding a list of village authorities based on rights of origin and village-scale local authority per the provisions of statutory regulations. The Village Government will follow the regent/mayor's regulations by establishing Village regulations regarding authority based on rights of origin and local village-scale authority by local situations, conditions, and needs. (Government Regulation Concerning Implementing Regulations of the Law on Village, 2014).

Several problems can arise regarding the identification and inventory procedures for the list of village authorities based on the rights of origin and local authority at the village scale, which have also been proven through the analysis in the previous subsection. First, the procedures for involving villages in identification and inventory have yet to be regulated. This strengthens the opinion that although village involvement has guaranteed the existence of recognition provisions that reflect social rules, they fall into the category of weak social rules (Hart, 2012).

Provisions for consequences or legal implications if the regent/mayor regulations regarding the list of authorities based on rights of origin and Village-scale local authority eliminates and denies village participation and has not been regulated. (Government Regulation Concerning Implementing Regulations of the Law on Village, 2014). This proves that village involvement is still under recognition and respect and has not been fully addressed (AZ, 2020; Ndraha, 1997). Even the impression of village involvement procedures without any consequences shows an impression of formality; this reminds us that the Village Government Law was created as part of the developmentalism strategy of central power, which was considered bureaucratic authoritarian by using an instrumental approach in the legal field with conceptualize law as a tool of social engineering (N. Huda, 2015; Sihombing, 2021).

In the future, it would be better if there were provisions regarding the consequences and legal implications if the regent/mayor's regulations regarding the list of authorities based on rights of origin and local village-scale authority eliminate and deny village participation, one of which is by canceling it via the Supreme Court or the Governor as a Representative of the Central Government. This will strengthen the central position of a village, which has a role in making important decisions (AZ, 2020; Ndraha, 1997; Widjaja, 2008).

Second, procedures have yet to be regulated for villages if they object to the results of the identification and inventory determined through regent/mayor regulations. The absence of an objection mechanism shows that the centralization of power by the state or central government over village governments is still extreme (AZ, 2020; Ndraha, 1997). The absence of objections that can close the door and access for Village Governments to voice their aspirations has been ignoring the variants that exist in rural life throughout the jurisdiction of the Republic of Indonesia. This can repeat the state policy, which has coercively formatted rural units in Indonesia without exception to silence their aspirations by following the village government model that the state has established (N. Huda, 2015).

It is hoped that the objection provisions will provide the village with accessibility in fighting for its authority and autonomy. Thus, village autonomy is genuinely positioned as genuine, complete, and complete autonomy and is not a gift from the government (Griffiths, 1986; Swenson, 2018; Widjaja, 2008).

The two problems above are proven by the findings previously explained:

- 1) Sleman region (Sleman Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2018). and Sungai Penuh (Regulation of the Mayor of Sungai Penuh Concerning List of Village Authorities Based on Origin Rights and

Village-Scale Local Authorities, 2020). regulate authority Village origin rights resulting from minimalist identification and inventory;

- 2) Although the diversity and breadth of the authority regulation over village origin rights and village-scale local authority, the results of identification and inventory in a region can depend on the presence or existence of traditional villages in the area. However, some regions do not have traditional villages; these regions still have diversity and breadth. Village authority arrangements such as in the Sambas Region (Sambas Regent's Regulation Concerning List of Village Authorities Based on Origin Rights and Village-Scale Local Authorities, 2018). So the degree of diversity and breadth also depend on the activeness of the Regional Government to include the Village Government.

Efforts to perfect the identification and inventory procedures for the village authority list by the Regent-Mayor by adding the concept of legal consequences for the absence of village involvement and objection access by the village if the results of the identification and inventory are deemed inappropriate refer to the bridging concept. The bridging concept provides the basis that the implementation of recognition of the diversity of village authority by the state means that, on the one hand, rules of recognition are still needed, on the other hand, so that village authority is indeed accommodated, so the process of recognizing village authority by districts/cities must indeed involve villages (Swenson, 2018). Bridging concepts can finally bring together the concepts of rule of recognition and legal pluralism. This concept will also impact legal pluralism archetypes included in the complementary category (Swenson, 2018). This means that the state firmly accommodates the diversity of village authority so that complementary legal pluralism archetypes through the rule of recognition create an effective legal system because they reinforce each other (Ellickson, 1991; Mac Ginty, 2008).

5 Conclusion

Based on the analysis as previously described, this research concludes as follows. First, the model for regulating village authority in Badung, Banyuwangi, Samas, Sleman, and Sungai Penuh districts has two sides. On the one hand, village authority is regulated very diversely and differs in terms of the type or substance of authority and the amount of authority held. However, on the other hand, in terms of breadth and diversity in internal regions, the regulation of authority over Village origin rights as a result of identification and inventory in 3 (three). Regions, Badung, Banyuwangi, and Sambas, have been regulated broadly, in 2 (two). Regions, Sleman and Sungai Penuh are still arranged in a minimalist manner.

Second, there are still two problems in the identification and inventory procedure for the list of village authorities which have no relevance to the sustainability of

village autonomy: a. procedures for involving villages in carrying out identification and inventory have not been regulated, and the implications of violations for the Regent/Mayor that do not involve the Village have not been regulated; b. Procedures still need to be set for the Village if they object to the results of the identification and inventory that have been determined.

The fact that various village authority regulation models are relevant is relevant for ensuring the consistency of village autonomy based on diversity of authority. So, it is appropriate for village authority regulation policies to adopt an asymmetric recognition model. However, in practice, the diversity and breadth of village authority arrangements in these five regions have 2 (two). Possibilities; on the one hand, it depends on the presence or existence of traditional villages in the area; on the other hand, the minimalist authority arrangements are a form of the failure of the Regency/City concerned in carrying out identification and inventory of village authorities.

Based on the conclusions above, this research suggests: First, the Government of Indonesia 1. should regulate provisions regarding the consequences or legal implications if the regent/mayor regulations regarding the list of authorities based on rights of origin and village-scale local authority eliminate and deny village participation and have not been regulated. Clearly. 2. provide access for villages to fight for their authority and autonomy if they object to the results of the identification and inventory of village authority. Second, the Regency/City Government should actively involve villages in identifying and inventorying village authority so that the results of the identification and inventory genuinely reflect the reality of village authority.

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