

THE RELATION BETWEEN PUBLIC POLICY AND DEMOCRACY (Case Study On Village Policy Formulation In Indonesia)

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ABSTRACT

This study describes and analyzes the process of policy regarding the Village in Indonesia and its values that influences it. Methode of this study is mapping policy values on village autonomy or village government from colonial period (1906-1945) until reformation period (1999-now). One of the result from this study showed that there is a relationship between the policies made by the degree of democracy adopted by the higher degree of democracy that was adopted then the nature and content of its policies more inclusive by using a model of political system in policy formulation, namely the Law No 22/1999 on Local Government. The smaller the degree of democracy increasingly closed its policy formulation process, using the model of elite-like mass that appears in the Law No 19/1965 on Village Township, and Law No 5/1979 on Village Government. In the future, this study is important as input to formulated village autonomy policy much better.

KEY WORDS: democracy, policy formulation, village autonomy.

I. INTRODUCTION

Some discussion about the definition, nature or purpose of democracy is not uncommon to require consideration of public policy. Two concepts even though clearly different, but very close association. Democracy is a form of government refers to the systems of power and sovereignty. Talking about democratic theory course revolves around the organization and use of political power in society, which is always associated with "who should govern", "how they should rule", and "for what purpose they rule". Instead, public policies relating to actions taken by public officials and determined that bind residents of a community or country. In simple, public policy is what government chooses to do or not to do (Dye, 1976).

On the other hand, in the organization of the Indonesian government, every public policy is issued can not be separated from political influence. Indonesia has undergone a fundamental change of political systems ranging from the Liberal, Guided, Pancasila and Transition Democracy. If it refers to the *time line* then divided into three era of "Old Order", New Order and "Reform Order". In each era has its own peculiarity when viewed from the resulting product policy.

One such policy is the setting of the village. Before Indonesia's independence, the Dutch have been set in advance through IGOs to villages in Java and Madura while IGOB to villages outside Java. Since Indonesia's independence until now the development of rural policy has undergone a change as much as 7 times the good that has been successfully implemented or not. At first glance there is a correlation between changes in policy regimes and the products it produces. Added another degree of democracy also influence the policy product. This is apparent when IGO and IGOB made and enforced its goal of colonialism, and Law No. 5/1974 on Village Government, and when democracy and decentralization began to be very tough demands, the regime responded by issuing Law No 22/1999 jt. 32/2004 on Regional Government. No denying that the political values, including the degree of democracy play a role in the policymaking process, which is one indicator, can be seen from the issuance of the policy product.

It is therefore interesting to examine the formulation of policy on village autonomy. If this study ignored the autonomy of the village and further existence of the village slowly going extinct, the problem can be formulated is "How does the policy formulation regarding the Village, in terms of": Model Formulation policies and The values that underlie decision making.

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II. MATERIALS AND METHOD

This study using Democracy and Public Policy Concept, especially public policy formulation concept, and policy formulation model as analyze tools. Village autonomy concept in Indonesia was used too. Method of this study is mapping several policies on village autonomy and Local Government from colonial period (1906-1945) until reformation period (1999-now) to see how policy and political values used at policy formulation on village autonomy. First, collecting the document and then analyzed using material tools.

III. RESULTS AND DISCUSSION

3.1. Result

3.1.1. Development of Village Policies

When viewed from a variety of policy regarding the Village of existing arrangements for this then, the political system which is being developed at that time influenced the policies are made. Just as Madison said, that policy is made is always adjusted to the "public interest". Where the "public interest", interpreted by interpretation of the ruling regime and this continues to change the wheels follow the change of government in Indonesia. The map of villages policy based on the historical perspective with reference to the results of the study on Sutoro Eko (2002:8-39)

1). Colonial Period

Historian Onghokham (1975) and Breman (1979, 1988) showed that the socio-economic order most of the villages in Java since the beginning of the 19th century has shown the characteristics of the colonial construction in which a number of regulations and measures have been carried out to determine the relationship between population village leaders and by the intermediary level in the government of high level in the village, such as subdistrict, regency.

The regulation of the village still refers to the *Gemeente-ordonnantie Inlandsche (IGO)* 1906. It is important that has been laid by the Dutch colonial government relating to the setting of the village, is as follows:

- a. Leaving the village status as a distinct legal entity, not just the unity of communal society.
- b. Recognizing the diversity of local contexts with customized village
- c. Laying the basis for the government of "modern" although it is likely nuanced "west" (The Netherlands)

2). Post-Independence Period

- Law No. 1/1945

The first regulation that emerged after independence is the Law No. 1/1945. This law set the position of the village and the power of regional national committees. In it is seen that the bottom is not a district where the autonomy of the village but, as the unity of the people entitled to regulate the household own government. Decentralization just got done until the second level regions.

- Law No. 22/1948 On Local Government

Law No. 1/1945 is considered unsatisfactory, because it is too simple, so it felt necessary to create new laws that rely more in accordance with article 18 of the 1945. Law No. 22/1948 confirms also that the shape and composition as well as the authority and duties of village government as an autonomous region are entitled to regulate and manage their own government.

- Law No. 1/1957 on Regional Governance Principles

This regulation provides for the establishment of the Regional Level III. In the framework of the formation of Level III, also mentioned that basically no legal public entity to be formed at random with no community based legal entities such as "desa", "nagari", "kampong" and others. Therefore desapraja as an autonomous region and a regional level III can not be implemented.

- Law No. 19/1965 On Village Township

By using the name *desapraja*, Law No.19/1965 provides a new term with a single uniform name to refer to the entire law community unit included in the explanation of the 1945 Constitution article 18, when the unity of the legal community in various parts of Indonesia has a diverse real name. Law No.19/1965 also provide the basis and content is legally *desapraja* which means that a particular law community unit district boundaries and are entitled to take care of his own household, choose the ruler, and has its own property.

In a general explanation of *desapraja* it contained information stating that the Law No. 19/1965 *desapraja* not a new form, but rather recognize the legal public entities that have existed throughout Indonesia with the various names into *desapraja*. Units of other law societies that are not territorial and do not recognize autonomy as contained in the different areas of administrative regions do not serve rural municipality, but rather can be directly used as administrative units of the III level. Explanation also states that *desapraja* not a single goal in itself, but only as a transitional form to accelerate the realization of regional level III in the framework of Law No.18/1965 on the Principles Governing the area. One time when the time came all the village municipality should be increased to the Regional Level III with or without first considering the incorporation of the size of *desapraja* concerned.

The content of this law is actually parallel to the spirit of authoritarianism and centralism that grew during the Guided Democracy. *Desapraja* is an arm of government of high level in the village, such as subdistrict, regency, running the command from above. Inside *desapraja*, the village head was crowned as sole ruler of a corporatist, with a strong position in controlling all political institutions, such as village chiefs became chairman *desapraja* deliberative body.

However, Law No.19/1965 did not get too carried out in many areas. Implementation is delayed. Therefore, since the Law No.18/1965 and Law No.19/1965 apply, practically what is meant by the level III and *desapraja* did not materialize and re-regulated based on IGO and IGOB.

3. New Order

- Law No. 5/1979 On Village Government

Rural issues as a regional level III which had surfaced in the 1950's are not accommodated by the New Order. The spirit of this policy is centralized. This policy to ignore the spirit of unity and diversity of the privileges of local communities as stipulated in Article 18 of the 1945 Constitution, while making the village administration in a uniform format throughout Indonesia. This law states: "The village is the territory occupied by a number of residents as community unity, including unity of the legal community who have the lowest governmental organizations directly under the sub district head and the right to conduct his own household." When the Act was still a bill, the government argues: "that the village was intended as intended in this bill, not one of form rather than Indonesia Top Regional Distribution of large and small, as intended in Article 18 of the 1945 Constitution. Problem Indonesia for regional zoning of large and small that would already sufficiently regulated by Law No. 5/1974. Understanding of the region is the region of the Province and beyond, and therefore difficult to interpret, that the smaller area that also includes the villages referred to in this bill"

Law No. 5/1979 is noticeably requires modernization and bureaucratization of village governance, and the marginalization of the diversity of customary law community unit. By itself this law no longer recognizes the existence of *nagari, huta, sosor, marga, negeri, binua, lembang, parangiu* and others are generally located outside Java.

Provision of the Law No 5/1979 forced the village and the unity of the legal community that became part of it becomes uniform. Social fellowship of other villages that have not fit shape to the village were forced to adapt, through efforts such as regrouping villages, so the village can not be called again. Bureaucratization into one village had a centralized command line; village then became the lowest administrative units directly under the Head (*camat*), to support the control and implementation of the ideals of development, as mandated in the Guidelines of State Policy.

In terms of the interest of central government the Law No 5/1979 would bring many benefits. Penetration of the central government in rural areas in Indonesia in general, particularly in villages outside Java and Madura, is more highly effective. Uniformity of village governance structure for the whole village is also advantageous because of the uniformity of the central government's guidance to facilitate the government to run the village government. Likewise, the agenda of political consolidation (floating mass policy) and the security that works effectively in civil-military bureaucracy that parallel, uniform and hierarchical.

4. The Reformation

- Law No. 22/1999 On Local Government

This law does not recognize the village of decentralization, but the founder, for example Prof. M. Ryaas Rashid, confirmed that the basic spirit of Law No. 22/1999 is to give recognition to the diversity and uniqueness of the village (or by another name) as a *self-governing community*, which of course is a manifestation of the meaning of "special" in Article 18 of the 1945 Constitution. The

new meaning is different from the spirit and design as stipulated in Law No. 5/1979, this only puts the village as the lowest administrative unit under the sub district.

With a foothold in the spirit of confession, Law No. 22/1999 defines the village as follows: "The village or called by another name, here in after referred to as the village, is the unity of the legal community who has the authority to regulate and manage the interests of local communities based on the origin and local customs are recognized in national governance systems and in the District ". This rule appears as a result of the demands of democratization and decentralization of the rapids on the central government, along with the collapse of the new order.

- Law No. 32/2004 On Local Government

Law No. 32/2004 does not explicitly mention the village autonomy. Article 2 of Law No 32/2004 states: "the Republic of Indonesia is divided into areas of provincial and local provinces and cities divided into districts, each of which has a regional government". This means that only state divided into regions, which then determined the area, became an autonomous region (*local self-government*.) State only recognizes the existence of the village, but he does not share power and authority (decentralization) to the village. The village became part of the district/city governments.

Thus, considering the regulations relating to the Village in the post independence delayed its implementation, and back again to the IGO/IGOB, the development of policy on village autonomy is generally divided into three phases, namely the phase of "traditional" (to use the colonial products), the phase of "transition" (modern times in the new order) and the phase of "post-modern" (the reforms) (Wanusmawatie, 2007).

3.1.2. The Pattern of Village Policy Formulation

With reference to the village within which development policies are also set either directly or indirectly on village autonomy, then the pattern of policy formulation and its underlying values can be seen in the following table:

Table 1 Development of Village Policy Formulation Process in Indonesia

No (1)	Type of Regulation (2)	Values (3)	Method/Methods (4)	Model Formulation (5)
1	(IGO 1906 - 1924 and IGOB 1938)	Colonial Political values.	<ul style="list-style-type: none"> • Creating a rule to distance the vertical relationship between the villagers and leaders. • Strengthen the position of village head as the sole ruler of the village and the representation of the central government (colonial) (examples: taxes, crop yields and cultivation) • Acknowledge the diversity of the types of villages. • Strengthen the position of the village to run their own household. 	Satisfying model & Elite model of mass
2	Law No. 1/1945 on Regional Government	Values Policy (decentralization/democracy)	<ul style="list-style-type: none"> • Adjust the position of village • The village used to make the autonomous region level (Dati) III. • The practice only applies to region level (Dati) II 	Institutional model & Optimal model
3	Law No. 22/1948 on Regional Government	Values Policy (Decentralization/democracy)	<ul style="list-style-type: none"> • Set the form, composition, powers and duties of village government as an autonomous region, the right to organize and administer their own government 	Institutional model & Incremental model
4	Law No. 1/1957 on Regional Governance Principles	The values of the policy (Decentralization/democracy)	<ul style="list-style-type: none"> • Making the village as a region level (Dati) III • However, in practice have not been implemented 	Institutional model & Incremental model
5	Law No. 19/1965 on Village Township	Values and political ideology (Guided democracy, Nasakom, Marhaenism, is authoritarianism)	<ul style="list-style-type: none"> • Recognition of the Village as a unit of community • Unification of the term to "Desapraja". • Preparation for region level (Dati) III 	Satisfying model & Elite-Mass Model
6	Law No. 5/1979 on Village Government	The values of political (Centralization, Pancasila democracy)	<ul style="list-style-type: none"> • Political consolidation (uniformity village) • Rural development • Modernization 	Satisfying model & Elite-Mass Model
7	Law No. 22/1999 on Local Government	Values political (Transitional democracy)	<ul style="list-style-type: none"> • Recognition of the diversity and uniqueness of the village (<i>self-governing community</i>) 	Satisfying model & political system model
8	Law No. 32/2004 on Local Government	Political Values (Democratic transition)	<ul style="list-style-type: none"> • Changes little about the BPD and the village secretary 	Incremental mode I

Source of data: processed

3.2. DISCUSSION

Policy processes around the world must be different from one another, because it has the characteristics and typology of different societies, is no exception in its policy formulation. With reference to the opinion of Sloan (1982: 423), Wahab (2008: 210-211) stated that characterize policy making in the third world countries are always in a hurry paced by ignoring the debate on the institution/legislature and without consultation with groups and *actors* to whom the policy. Democracy in sense that the process has not become a habit let alone is a demand, but only as a formality. If there are opposition movements are different from the regime in power it will be very fast in years, not only ignored but were finally crushed. It can be seen at the Village policy on the new order regime, where political stability to consolidate the village became the flagship.

Incrementality in public policy making has been institutionalized for many years both in North America, Western Europe and Japan. With very rare exceptions, the public policy actually tends to be an attempt expansion, improvement or even shrinkage of the policies of the past. Efforts to formulate policies in a large scale and comprehensive change are only possible at the time of the emergence of political crisis or the emergence of radical political reformers who took power. (Wahab, 2008: 215). Even though not all, but these traits are also experienced by Indonesia, in the formulation of policy regarding the Village (village autonomy) there are 4 times of great change, which begins at the time of colonialism, IGO and IGOB replaced with products of different policies on the liberal democracy, then during the Guided Democracy through Law No. 19/1965 on *Desapraja* too though eventually returned to the IGO/IGOB, changed drastically during the Pancasila democracy (new order) through the Law No 5/1979, and reform through the Law No 22/1999 on Local Government. All products are formulated policy changes gradually and drastically different because there is a change in power or a different regime. Thus, what people assumed that any leadership will make a difference *policy change* is not always wrong.

From the search results on the Village policy, since the colonial era to the reform shows that, the Village is set specifically for 3 times that in the Dutch colonial period through IGOs and IGOB, then during the Guided Democracy through Law No 19/1965 on *Desapraja*, and in the new order, better known as the Pancasila democracy, the rest to *include* in the rules on Local Government. This may imply that: first, the Government's attention to the village is less than the Regency/City. The village is set in a setting where the law on local government. The village is assumed to be a small community, where its role is less meaningful, secondly, since the independence era to the present, the product policy of the New Order succeeded in laying the foundations of a very strong village setting regardless of the IGOs and IGOB (due to colonial products); three: product policies issued showed a correlation with the political system is being developed and practiced at the time; fourth, *incremental* model of a subscription in any policy-making on the established regime.

Next, if analyzed in terms of policy-making process that can be seen from the model of how to make policy, it is rather difficult for Indonesia especially in post-independence period. It is possible the data and information gathered writers less than the maximum. The post-independence policy of the product can be seen from the *output* or product results. It is largely modeled after a previous *incremental* contained the premier policy that is *optimal satisficing* models. When the pendulum led to the regime of Pancasila democracy guided democracy and the policy making process tends to be elitist, because of political overtones through its *political values* in its decision-making tends to be dominant. It is based on the dominance of interest groups and political parties that dominate the government and representative institutions (legislative). So the role and participation of public as one of the hallmarks of democracy can hardly be found.

While the use of political values is very strong, was in line with the mass of the elite model in the formulation of policies like the Law No 19/1965 on *Desapraja*, where President Sukarno's Guided Democracy applies. The nature of democracy is the result of interpretation of its own leaders, and the only group or political party is aligned with the ideology are able to survive and even embraced in government. Thus it is highly unlikely personal values and *ideological values* in and influence the government in this case the President in the decision-making. The same thing happened to the new order, which can be seen from the Law No 5/1979 on village government. Interpret the results of the leader of democracy, embodied in the form of democracy that upholds Pancasila nationalism, then uniform in all sectors is a way to realize the goal. That is what the Madison (Dale Krane, 2003: 79) that the policies are made is always adjusted to the "public interest". Where the "public interest" interpreted by interpretation of the ruling regime actually occurred.

With the increasing number of years and look at previous experience, the government reforms to address the demands of older people who want a wider participation of space, independence, transparency, accountability, responsiveness by issuing Law No. 22/1999 on local government. Direction of the pendulum back in the flow of decentralization and strengthening of democracy, after all this time is at the point of centralization. When viewed from the policy-making process, then the model of David Easton's political system is more suitable to describe the state of public policy at the time. Meanwhile, if viewed from *its output* then, *satisfying* is most appropriate. Only the provision of decentralization alone can solve the problems at the time of division and destruction of the nation. Thus, the return *political value* is difficult to remove in the realm of policy formulation. After all the political and policy values into a single herb that affects the decision-making to formulate a public policy.

"Democracy" is a tool to achieve just and prosperous society that is democratic (Imawan, 1997). The basic principle of a democratic life that is every citizen to participate actively in the political process, in other words, community members participate in setting the political agenda which is used as the basis for government decision-making, is no exception in the formulation of public policy. Democracy can only work if people realize that they have the right to control the running of the government by being critical and provide input on any public policy process. Democracy can only work if the achievement of objectives in a society organized by their representatives (*government representative*), which was established by the electoral results. The basic principle of the implementation of democracy in Indonesia is "deliberation and consensus". Principle of consultation *process* contains dimension ("substantive democracy"), while the consensus principle *purpose of* containing dimension ("formal democracy"). In practice, the implementation of democracy in Indonesia is more likely the achievement of goals (aspects of formality of democracy) as compared with the achievements (the substance aspect of democracy). Judging from the status of democracy, the democratization of the new village entrance clear at this stage of "formal democracy" is to achieve the status of substantive democracy is necessary for empowerment rural communities, so that the capacity or ability of the people of the village is quite adequate to formulate their will into the political system. Thus it is able to contribute to political decision makers, both directly and indirectly.

IV. CONCLUSION AND RECOMMENDATIONS

4.1. Conclusion

Based on the results and discussion has been outlined earlier, then the conclusions that can be formulated as follows:

1. There is a relationship between the policies made by the degree of democracy adopted by the higher degree of democracy that was adopted then the nature and content of its policies more inclusive by using a model of political system in policy formulation, namely the Law No. 22/1999 on Local Government. The smaller the degree of democracy increasingly closed its policy formulation process, using the model of elite-like mass that appears in the Law No. 19/1965 on Village Township, and Law No. 5/1979 on Village Government
2. When viewed from the output, then the model formulation policy that is often used is the incremental model, whereas when viewed from the process used is *an* institutional model.
3. Political values difficult to remove and always stick in any policy formulation even if the regime changed its policy to defeat the values of the ideal.

4.2. Recommendations

1. Preferably in the formulation of policy does not stop at one point when the product is to be implemented but rather continue to be evaluated.
2. The use of political values in the formulation of policy does not conflict with policy values that can be justified morally.
3. Democracy is just a tool, and then the degree of its use in tune with the socio-political is happening.

REFERENCES

- Bayu Surianingrat. 1992. *Governing Administration of the Village and Kelurahan*. Jakarta. Rineka reserved.
- Dadang Juliantara. 2003. *Renewal of the Village*. Lappera Press.

- Dale Krane & Gary S. Marshall. 2003. Democracy and Public Policy. *Encyclopedia of Public Administration and Public Policy*. DOI: 10.108/E.EPAP 120 011 076. P. 78-83.
- Hill, LB, and Hebert, FT 1976. *Essentials of Public Administration*. Massachusetts. Duxbury Press.
- Ike Wanusmawatie. 2007. "*Village Autonomy: Between Dreams and Reality*" (*A Study On Implementation Authority of the Village, in the village of Customs, Kec. Dringu, Probolinggo district*). Thesis. Administrative Science Studies Program. Postgraduate Program. Faculty of Administrative Sciences. Malang. Brawijaya University.
- Irfan Islamy. 2002. *Principles of State Policy Formulation*. Jakarta. Earth Literacy.
- Nurcholis, Hanif. 2005. *Theory and Practice Administration and Regional Autonomy*. Grasindo, Jakarta.
- Saparin. 1986. *Governance and Administration of Village Government*. Jakarta. Ghalia Indonesia.
- Soetardjo Kartohadikoesomo. 1953. *Village*. Jakarta. PN Balai Pustaka.
- Solichin Abdul Wahab. 2008. *Introduction to Public Policy Analysis*. Malang. UMM Press.
- Sutoro Eko. 2008. *Past, Present and Future of Autonomous Village*. Working Paper/Eko/II/February/2008. Yogyakarta. IRE Insight.
- Thomas Dye. 1976. *Policy Analysis: What Governments Do, Why They Do it, and What Difference it Makes*. University of Alabama Press.