

Law and Policy Analysis of Utilizing Village Allocation Funds in the Ngadas Traditional Tourism Village (A Study on the Implementation of Article 72 Paragraph (1) Letter D of UU Desa in Ngadas Traditional Tourism Village, Poncokusumo Subdistrict, Malang Regency)



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ABSTRACT: A village, including customary villages referred to by other names, hereinafter referred to as "Desa," is a legal community entity with defined territorial boundaries empowered to govern and manage local government affairs and the interests of the local community based on community initiatives, ancestral rights, and/or recognized and respected traditional rights within the governance system of the Unitary State of the Republic of Indonesia. The recognition of both villages and customary villages as unified entities is granted by the Central Government, which delegates governing authority. In exercising this authority, the Central Government provides funding as a source of village finance. Village finance encompasses all rights and obligations of the village that can be valued in monetary terms, as well as all money and goods related to the implementation of village rights and obligations. Subsequent articles elaborate on village rights and obligations, specifically regarding revenue, expenditure and financing, and village financial management. Article 72 of UU Desa, provides more detailed provisions regarding village revenue. One of the revenue sources mentioned in the article is the Village Fund Allocation (ADD). It is imperative for village governments to utilize the Alokasi Dana Desa (ADD) or Village Fund Allocation in accordance with legislation and the needs of the rural community. The utilization of the Alokasi Dana Desa (ADD) or Village Fund Allocation in Ngadas Customary Tourism Village possesses its own unique characteristics due to the influence of the Romodukun (customary leader). This research is a socio-legal study employing a juridical-sociological approach. The research is conducted in Ngadas Customary Tourism Village, Poncokusumo District, Malang Regency. The primary data for this study are obtained through observation. The observation will be supported by secondary data or other relevant information (secondary data) to formulate conclusions regarding the related issues. The data collection techniques used in this research are interviews and documentary or library research.

KEYWORDS: Legal Politics, Ngadas Customary Tourism Village, Village Fund Allocation.

INTRODUCTION

Decentralization, as a system used in governance, is the opposite of centralization. In a centralized system, all governmental powers, both at the central and local levels, are concentrated in the hands of the central government. Local government officials merely execute the directives of the central government. The use of decentralization as a governance system aims to establish coordination and continuity in each region, in order to enhance efficiency in implementation.

It is understood that with the devolution of authority from the central government to local governments, which subsequently leads to regional autonomy, it logically necessitates the existence of regional financial management. The greater the scope of regional administration, the greater the revenue and expenditure of the region. One aspect of regional administration discussed in this research is the administration of village government. The recognition of both villages and customary villages as unified entities is granted by the Central Government, which delegates governing authority. In exercising this authority, the Central Government provides funding. One regulation concerning village finance is stated in Article 1 number 10 of UU Desa. Furthermore, Article 72 UU Desa elaborates on the sources of village revenue.

One of the revenue sources highlighted in this research is the Village Fund Allocation (ADD). The utilization of the Village Fund Allocation (ADD) in villages with dual leadership dynamics differs from its utilization in regular or administrative villages. One example of a village with dual leadership dynamics is Ngadas Customary Tourism Village, located in Poncokusumo District, Malang Regency. Therefore, the research questions addressed in this study are: "What is the legal politics of utilizing the village fund

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allocation in Ngadas Customary Tourism Village, Poncokusumo District, Malang Regency?" and "What are the impacts of utilizing the village fund allocation on the cultural and economic sectors in Ngadas Customary Tourism Village, Poncokusumo District, Malang Regency?"

RESEARCH METHODS

This research is a socio-legal study employing a juridical-sociological approach. The research is conducted in Ngadas Customary Tourism Village, Poncokusumo District, Makang Regency. The primary data for this study are obtained through observation. The observation will be supported by secondary data or other relevant information (secondary data) to formulate conclusions regarding the related issues. The data collection techniques used in this research are interviews and documentary or library research.

RESEARCH RESULTS AND DISCUSSION

A. Overview of Ngadas Traditional Village Tourism in Poncokusumo Sub-District, Malang Regency

Ngadas Traditional Village Tourism is one of the villages in Malang Regency located within the jurisdiction of Poncokusumo Sub-District, 26 km away from the sub-district and 63 km away from the regency. The topography of Ngadas Traditional Village is characterized by moderate terrain at an altitude of 2300 meters above sea level. The high elevation contributes to the village having a cold climate, with temperatures ranging from 15°C to 20°C. Ngadas Traditional Village is located within the Bromo Tengger Semeru National Territory (TNBTS).¹ The access to Ngadas Traditional Village is a one-way route through Bromo via Malang.

B. Political and Legal Analysis of the Utilization of Village Fund Allocation in Ngadas Traditional Village, Poncokusumo Sub-District, Malang Regency

1. Political and Legal Analysis of ADD

Culture and society are closely related. Culture represents abstract knowledge within a community that individuals utilize to manifest patterns of behavior in their interactions with nature and the social environment within the society.² The interdependence between culture and society within a specific context creates distinctive patterns, one of which is the existence of traditional villages. According to Prof. Moh. Fadli's typology of villages³:

Tipe Desa	Deskripsi	Daerah
There is Customs, but no village	Custom are very dominant, while village has no impact	Papua
There is no customs, but has a village	The influence of custom is very small, while village has become more modern & strong	Java, parts of Sulawesi, East Kalimantan, and parts of Sumatera
Integration between custom and village	Custom (Traditionalism) and the village (Modernism) are equally strong. There is a compromise between both	West Sumatera
Dualism / conflict between custom and village	The influence of custom (Traditionalism) is much stronger than that of the village (Modernism), resulting in a dualism of local leadership. The village government is not effective.	Bali, West Kalimantan, Aceh, NTT, Maluku
No customs and village	Sub district as an administrative unit has no local democracy	Urban Areas

¹ malangkab.go.id/mlg/default/detail-potensi?daerah=45

² The Department of Culture and Tourism, Directorate General of Cultural Values, Arts, and Film, Directorate of Beliefs in the Almighty God. "The Tenganan Pengrisingan Traditional Village, Karangasem Regency, Bali Province." (2007).

³ Moh. Fadli, Jazim Hamidi, Mustafa Lutfi. "The Formation of Participatory Village Regulations (Head To A Good Village Governance), UB Press, Malang, (2011).

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If we look at the typology of villages proposed by Prof. Moh. Fadli, Ngadas Traditional Village can be classified as a village that exhibits integration between the village and tradition. This is evident from the continued practice of customs and customary law. The customs practiced in Ngadas Traditional Village are those of the Tengger Tribe. The integration between the village and tradition is well-established, as demonstrated by the division of tasks and functions between the village administration and the customary law community. In various customary events, the village government actively participates both as members of the customary community and as representatives of the village government. All types of villages mentioned above are entitled to receive ADD.

According to Regent Regulation No. 2 of 2020 in Malang, the priority for utilizing ADD is for employee expenses/salaries. However, the utilization of ADD in Ngadas Traditional Village does not align with Regent Regulation No. 2 of 2020. In Ngadas Traditional Village, 60% of the ADD is utilized for community empowerment. According to Mujianto, the Village Head, and Busan, the staff member in the finance department, the ADD in Ngadas Traditional Village is distributed for 1. Community empowerment, 2. Employee/service expenses (including village staff and fees for the neighborhood association leader), 3. Village institutions, and 4. Infrastructure and facilities. This difference in allocation is due to the existence of more urgent needs aimed at the welfare of the community.

2. Legal Politics in terms of Village Device Structure

J.H.A. Logeman, as cited by Tjahya Supriatna, categorizes decentralization into two types is Job decentralization or administrative decentralization (*ambtelijke decentralisatie*); and State decentralization or *staatkundige decentralisatie*, commonly known as political decentralization.⁴

In state decentralization, there is a division used to explain the authority of the regional government. State decentralization is divided into two is Territorial decentralization (*Teritoriale Decentralisatie*); and Functional decentralization (*Functionele Decentralisatie*).⁵

From the explanation of decentralization, it can be understood that the devolution of authority to the village government is a form of territorial decentralization, which is a part of state decentralization or *staatkundige decentralisatie*. The authority of the village resulting from the devolution of authority by the regional government includes:

- a. Authority based on customary rights;
- b. Local authority at the village level;
- c. Authority delegated by the government, provincial government, or district/city government; and
- d. Other authorities delegated by the government, provincial government, or district/city government in accordance with the provisions of legislation.⁶

To exercise the authority held by the village, the presence of a village government is necessary to assist in carrying out the tasks and authority of the village. The village government consists of the Village Head or by any other name and is assisted by village apparatus as the components of village administration.

Furthermore, Village Head holds the authority to lead the overall administration of the village. However, there is an intersection where the participation of the community is required in all activities scheduled by the Village Head. This practice is also implemented in Ngadas Traditional Village. In fact, active participation is carried out by the Romodukun (spiritual leader) in the decision-making process of the Village Head in matters related to religion and culture. The role held by the Romodukun reflects the governance of the past, where the Romodukun or traditional leader was regarded as the father of the community. The traditional leader is the leader of communal life.

An example of active participation by the Romodukun in the governance of Ngadas Traditional Village is when the Village Head plans to undertake public infrastructure development related to religion and culture (such as the construction of a cultural hall, temple, or vihara), the primary determinant in such decisions is the Romodukun. This active participation is due to the high respect for customary practices (Tengger Tribe customs). The Romodukun's involvement in decision-making is not limited to construction projects but also extends to activities requiring collaboration with other village governments or Romodukun from other villages. The Romodukun is responsible for making overall decisions regarding these matters.

⁴ Tjahya Supriatna. "Administration System in Regional Government." published by Bumi Aksara, Jakarta, (1992), pg. 1-2.

⁵ Tjahya Supriatna. "Administration System in Regional Government." published by Bumi Aksara, Jakarta, (1992), pg. 1-2.

⁶ Article 19 UU Desa.

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C. Analysis of the Impact of Village Fund Allocation on the Cultural and Economic Sectors in Ngadas Traditional Village, Poncokusumo Subdistrict, Malang Regency.

According to Malang Regent Regulation Number 2 of 2020 regarding Guidelines for Implementing the Village Fund Allocation, the priority for utilizing the Village Fund Allocation (ADD) is to finance village expenditures in the field of village administration. However, this objective is not in line with the actual utilization of the Village Fund Allocation in Ngadas Traditional Village. In this village, the utilization of the Village Fund Allocation is prioritized for community empowerment.

Prof. Mochtar Kusuma Admadja redefines the meaning of "tool." According to Roscoe Pound, Law as a tool of social engineering refers to the law as a means of social engineering. On the other hand, the redefined concept of Law as a tool of social engineering signifies the law as a means of social engineering in constructing the legal system.⁷ The regulations related to the Village Fund Allocation (ADD) are one of the means created by the government to bring about changes in people's lives. One of the regulations regarding the Village Fund Allocation (ADD) concerns its utilization. The utilization of the Village Fund Allocation (ADD) involves a series of stages determined by legislation. The following are the stages in the utilization of the Village Fund Allocation (ADD): 1. Planning, 2. Village Budgeting, 3. Disbursement and Utilization of ADD, 4. Implementation of village development programs, and 5. Monitoring and evaluation.

In accordance with the Medium-Term Development Plan for Ngadas Traditional Village, Poncokusumo Subdistrict, Malang Regency, 2018-2024, the direction of development to support community empowerment in the village is divided into two sectors: the cultural sector and the economic sector. In the cultural sector, the ADD is allocated for cultural infrastructure development, empowerment of local artists, promotion of local culture, cultural training and education, and the development of cultural products. On the other hand, in the economic sector, the funds are utilized for community development and empowerment, village administration, and infrastructure development.

CONCLUSIONS

1. The legal politics of Village Fund utilization can be analyzed from the perspective of Village Fund Allocation (ADD) and the structure of the village apparatus. Ngadas Traditional Village can be classified as a village typology where there is integration between the village and customary practices. This is evident through the continued use of customary traditions and customary law. The customary practices of the Tengger tribe are still observed in Ngadas Traditional Village. The integration between the village and customary practices is well established, as evidenced by the division of tasks and functions between the village administration and the customary law community. According to Article 72, paragraph (4) of UU Desa, every village in Indonesia is entitled to a Village Fund Allocation with a minimum percentage of 10% of the intergovernmental transfer funds received by the District/City. Although the priority utilization of the Village Fund Allocation is for personnel expenditures, the factual condition in Ngadas Traditional Village prioritizes community empowerment. As a logical consequence of the integration between the village and customary practices, the influence of customary practices in policy-making within the village becomes evident. This is also the case in Ngadas Traditional Village. Economic policies are directly determined by the Village Head, while cultural policies are influenced by the Romodukun (Traditional Chief).
2. The utilization of the Village Fund Allocation involves several stages. The following are the stages in the utilization of the Village Fund Allocation: 1) Planning, 2) Village Budgeting, 3) Disbursement and Utilization of the Village Fund Allocation, 4) Implementation of Village Development Programs, and 5) Monitoring and Evaluation. From these five stages, the utilization of the Village Fund Allocation can be categorized into two sectors: the economic sector and the cultural sector. The utilization of the Village Fund Allocation in Ngadas Traditional Village aligns with the Village Medium-Term Development Plan (RPJMD), which is the result of village development planning deliberations (Musrebang Desa). The utilization of the Village Fund Allocation in the cultural sector of Ngadas Traditional Village is aimed at supporting all cultural and religious activities, such as the development of cultural infrastructure, empowerment of local artists, promotion of local culture, cultural training and education, and the development of cultural products. The utilization of the Village Fund Allocation in the economic sector of Ngadas Traditional Village is directed towards empowering the village community and local village apparatus. Some of these activities include community development and empowerment, village administration, and infrastructure development. All activities supporting the economic sector in Ngadas Traditional Village are focused on enhancing tourism in the area.

⁷ Sunaryati Hartono. "Several Thoughts on the Development of the National Legal System in Indonesia". PT Citra Aditya Bhakti, Bandung, pg. 90.

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