



Reforming BPD to Strengthen Villages



DOC: SMERU

Executive Summary

- Law No. 6/2014 on Villages (the Village Law) gave village heads greater authority and larger budgets to regulate and manage their communities' interests.
- It is important to ensure that village governance is carried out based on the principles of participation, transparency, and accountability.
- The institution that is specifically assigned by the Village Law to monitor the implementation of village governance is the Village Council (Badan Permusyawaratan Desa, BPD).
- Monitoring results show that the BPD has not been functioning well due to low capacity and understanding of its main duties and functions.
- This policy brief, discussing conditions and challenges facing BPD in ten study villages, hopefully can serve as a material for consideration when formulating derivative policies related to the BPD.

The Shifting Role and Position of BPD under Village Law

The Village Law mentions the BPD as "an institution that executes the administrative function whose members are representatives of the village population based on regional representation and established democratically" (Article 1).¹

In contrast to previous regulations, Village Law (Article 23) and Government Regulation (PP) No. 43/2014 (Article 1, Paragraph 2) no longer positions the BPD as an administrator of village governance.² Under the Village Law, village administration refers to the executive functions.³ Thus, the BPD is an

"institution that performs governance functions, but does not fully regulate and manage the village" (Eko, 2015: 189).

Insofar as the functions of the BPD, apart from (i) discussing and agreeing on the draft of village regulations together with the village head, and (ii) collecting and channeling the aspirations of the villagers, the Village Law added the function of supervising the performance of village heads (Article 55). This function is absent from Law No. 32/2004 (Article 222)

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although Government Regulation 72/2005 mentions that the BPD supervises village regulations and village head regulations.

BPDs should discuss and agree on Village Regulation drafts together with village heads

In study villages, BPDs have always been involved in discussions of village regulations on planning and budgeting. They were even present in planning discussions at the hamlet level. The presence of the BPD in planning discussions can actually help to ensure that the community's suggestions are later on being represented during the drafting of the Village Budget (Anggaran Pendapatan dan Belanja Desa - APBDes). However, BPDs in our study locations have not yet leveraged this opportunity. They tend to simply accept drafts proposed by village governments.

Apart from planning and budgeting, villages also issue other village regulations, such as regulations on the community's dues, village gardens levies, freight trucks levies, and maternal and infant health. Unfortunately, not a single one of the draft village regulations was formulated by the BPD, even though the Village Law (Article 62) and Government Regulation No. 43/2014 (Article 83, Paragraph 2) gave BPDs the authority to create these regulations. The typical process is that the village government prepares the draft, then invites the BPD to discuss it during village consultation meetings. Village regulations can only be passed after receiving the approval from the BPD.

BPDs in study locations have also not taken the initiative to discuss drafts of village regulations proposed by the village government prior to discussing those drafts at the village consultative meeting. Although they are always present during the drafting of the APBDes, these BPDs were unable to give consultation on its content as they do not understand the structure of the APBDes. This shows that although they are given the chance to criticize the APBDes, BPD members do not yet have the capacity to discuss the substance of planning and budgeting documents.

The BPD should hear and channel the aspirations of the community

According to the BPDs in all locations, they have heard and channeled the community's aspiration through informal interactions, and have communicated those aspirations to the village government even outside of official forums. However, according to members of the community, the BPD stopped at only hearing their complaints and aspirations and discussing them internally, as was the case in a village in Banyumas. Community members have not yet seen concrete follow up

actions from the village government as a result of the BPD's input.

This lack of follow up on action is one of the reasons why community members prefer to communicate their complaints and aspirations directly to village authorities, including the hamlet head (*kepala dusun - kadus*). Unlike the BPD, the *kadus* goes to the village office every day so the complaints from community members can be immediately taken to the village government. In response, the BPDs in several study villages took the initiative to take turns in routinely visiting the village office in order to bring the complaints and aspirations of community members sooner. In addition, BPDs can also get updated information on the village government's activities.

The BPD should supervise the performance of the village head

The BPD understands the least about its supervisory role. The majority of BPD members see their supervision role as being limited to oversee the execution of development activities in the village. This role is to be done together with the village government. There is a lack of comprehensive understanding as to what needs supervision and how to supervise it.

Article 61 of the Village Law states that the BPD has the right to request information regarding the implementation of village governance (better known as the Performance Accountability Report or LKPJ) from the village government. Article 51 Paragraph 3, Government Regulation No.43/2014 affirmed that the LKPJ is being used by the BPD to carry out its supervisory function. However, this authority has not been fully exercised. In Wonogiri and Banyumas, consultation of the LKPJ is done annually but only as a formality because the BPD has never provided much critical feedback. In Batanghari, the consultation of the LKPJ was held for the first time in February 2016, but materials were provided to the BPD after the consultation was over. Meanwhile Merangin has never had an LKPJ consultation meeting and BPD members there were not even aware that they had the right to oversee the LKPJ. The reports in Merangin merely were reports of funds usage read by the head of general affairs (*kepala urusan – kaur*) during the Village Development Planning Meeting (*Musrenbangdes*) in January 2016. Only in Ngada was the tradition of LKPJ consultation is conducted routinely even before the Village Law.

General Challenges Faced by the BPD

Several related challenges are present in all study villages. First, the BPD lacked knowledge of the Village Law, especially in relation to governance. To date, there has been no

Box 1. Implementation Council LKPJ in Two Villages

Monitoring results from a village in Ngada indicates that the newly elected and sworn BPD members made an immediate breakthrough. As the LKPJ consultation meeting (*musyawarah*) approached, the BPD Head proactively requested LKPJ materials from the Village Secretary (*Sekdes*). Usually such materials are only received 1-2 days prior to the LKPJ. But due the new BPD head's persistence by regular visits to the village office, the LKPJ documents could be obtained two weeks prior to the *musyawarah*, allowing the BPD enough time to communicate the LKPJ materials to villagers through another *musyawarah* at the hamlet level. The opinions of hamlet community members were then subject to internal deliberation by the BPD before submission during the LKPJ *musyawarah* in the village.

training and technical guidance (*bimbingan teknis - bimtek*) specifically targeted at BPD members. The majority of socialization and training is directed at village heads, village secretaries and village treasurers. Even when the BPD is involved in training, it is limited to its leaders.

Second, the BPD does not understand its main tasks and functions, in particular its supervisory function. In general the BPDs only attend if the village government invites them. At the *kabupaten* level, the issuance of regulations on main tasks and functions is on hold, pending a Regulation of the Ministry of Home Affairs (MoHA) regarding the BPD.

Third, community members are still reluctant to become BPD members due to their busy schedule. This phenomenon is particularly evident in study villages from Central Java and East Nusa Tenggara. In one village in Wonogiri, two hamlets had to be represented by residents from other hamlets as no one was willing to become a BPD member. Meanwhile, in a village in Ngada, originally two members were selected, but because they were unwilling to serve, the committee had to select another member from the registered candidates. Interesting to note also that BPD members who have been chosen may not be active in village activities because of their busy, daily activities.

Besides the three challenges above, in two study villages, the BPD had no women members. Although the majority of the BPDs in the study villages were formed before the Village Law became effective⁴ and at that time prevailing regulations did not require female representation,⁵ the BPDs in eight of the ten study villages had women involved in their cabinet. In general,

villages recognize the importance of female representation. However, this should be made as a binding requirement mandated by the Village Law.

Conclusions and Recommendations

Community member's assessments of the BPD shows that policymakers at both the national and regional level still have much to do in helping BPDs improve their performance and image. Reform of the BPD needs to happen immediately for villagers to trust the BPD as a democratic institution in the village, especially in terms of channeling community aspirations and monitoring village government.

Members of the BPD must have adequate capacity in order to carry out its role as mandated by the Village Law. They must possess a general understanding of governance issues and a detailed understanding of the substance of the Village Law. As stipulated by Government Regulation No. 43/2014 (Article 79), derivative regulations regarding the main tasks and functions of the BPD in line with the Village Law need to be immediately formulated at the national level to serve as a reference for regional regulations.

Box 2. Summary of Villagers' Assessment of the BPD in Study Areas

- Community members from two villages in Ngada had high hopes for the newly elected members of BPD. The BPD is considered as an important institution that will fight for their aspirations.
- Community members from two villages in Wonogiri did not see any difference between the BPD and the village government. They felt that the village government's activities were more concrete than the activities of the BPD.
- Community members from a village in Banyumas were of the opinion that the BPD's role was still minimal, mainly because the BPD has not been very active.
- Community members from a village in Batanghari were of the opinion that the members of the BPD were chosen on the basis of monetary considerations rather than ability. In another village, the BPD was considered to have performed poorly.
- Community members from a village in Merangin viewed the BPD members as incompetent, while other villages perceived the BPD head as being undemocratic and unaccommodating towards the community.



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Jl. Cikini Raya No. 10A,
 Jakarta 10330 Indonesia
 Phone: 6221-3193 6336;
 Fax: 6221-3193 0850
 e-mail: smeru@smeru.or.id;
 website: www.smeru.or.id

The SMERU Research Institute

Author:
 Palmira Permata Bachtiar

Editors:
 Gunardi Handoko &
 Liza Hadiz

Design and Layout:
 Novita Maizir

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These regulations specifically need to contain training and technical guidance for all BPD members, in particular on the structure of the APBDes and the LKPJ. In addition, the technical guidance also needs to cover the structure of village regulations as well as standard procedures for their formulation, so that the BPD can align the village regulation draft with the community's aspiration. Without these capabilities, the BPD may merely become a "rubber stamp" for village government.

The regulations being drafted will also need to contain more detailed rules regarding the LKPJ deliberation (*musyawarah*) procedure. Referencing the experience of a village in Ngada, the BPD collected the community's evaluation of the LKPJ to be submitted to village government. This is in accordance with Article 27 of the Village Law which states that village heads are required to provide and/or disseminate information regarding governance in writing to the village community at the end of every budget year.

To attract community members to participate as members of the BPD, a performance-based incentive system should be considered. The incentives given should not solely take the form of a monthly salary, but should instead be divided into a monthly salary and attendance money for various meetings. This is expected to encourage BPD members to actively carry out their main tasks and functions.

Article 58 of the Village Law and Article 72 of Government Regulation No. 43/2014 mandates the membership of women. Subsequently, this aspect must be further emphasized in the MOHA regulation currently being drafted and in regional regulations. The representation of women in the BPD will accelerate the accommodation of the interests of women and children in rural development.

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Laws and Government Regulations
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 Law No. 32/2004 on Local Government.
 Law No. 6/2014 on Villages.
 Government Regulation No. 72/2005 concerning Villages.
 Government Regulation No. 43/2014 on the Implementing Regulations of Law No. 6/2014 on Villages.

1 The governance function carried out by the BPD is village discussion and consultation (Pattiro, 2015:2013).
 2 In previous laws, both Law No. 32/2004 (Article 200) as well as Government Regulation No. 72/2005 (Article 11) mentions that the BPD is an element of village governance administration.
 3 Village government administration implies "managing and decision making" regarding villages (Eko, 2015:187).
 4 The BPD of two villages in Wonogiri were chosen during 2012; in Bayumas, during 2013; in Batanghari, during 2011 and 2013; and in Merangin, during 2014. Only the BPD members in the Ngada study village were chosen after the Village Law went into effect, namely in 2015 and 2016.
 5 Law No. 32/2004 and Government Regulation No. 72/2005 do not require female representation.