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RELATIONSHIP OF REGIONAL GOVERNMENT AND VILLAGE GOVERNMENT BEFORE AND AFTER THE EFFECT OF LAW NUMBER 6 OF 2014 CONCERNING VILLAGES

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ABSTRACT

The relationship between local and village governments becomes uncertain and blurs from its essence. In addition to exercising the remaining authority of the Regional Government although not herarchically but formalistically, the existence of the Village as a legal community unit that has original autonomy based on the right of origin is not fully recognized. As a unitary state, Indonesia recognizes and respects the existence of villages and customary villages, which are referred to as "unity of customary law communities", as stated in the constitutional basis of the 1945 Constitution. Thus this study focuses on two problem formulations. First, how was the relationship between the Regional Government and Village Government before and after the enactment of Law No. 6 of 2014? Second, what are the problems faced before and after the enactment of Law No. 6 of 2014?, when viewed from the concept of Autonomy? This research is a normative legal research, by analyzing the applicable laws and regulations related to Regional Government and Village Government before and after the enactment of Law No. 6 of 2014. This research uses two approaches, namely the juridical-normative approach (statue approach), and then the historical approach (historical approach). From the results of this study, there are several conclusions between him: First, the relationship between Regional and Village Governments, especially in Law No. 22 of 1999, and Law No. 32 of 2004, is increasingly unclear and tends to be partial. Because basically Villages and Regions are sub-systems of the Government that have their own government. On the contrary, it is regulated in one law, so that the essence of the Village as a legal community unit becomes blurred. Second, the design of Law No. 6 of 2014 concerning Villages, according to the concept of autonomy. The existence of the village actually strengthens the unitary state system by respecting and acknowledging its existence. The existence of Villages and Customary Villages as a legal community unit, as well as Village autonomy have a constitutional basis. The position of the village is not as the lowest composition of the Government, but a sub-system of the Government. because the Village according to this Law is a merger of two important elements, namely self-local governing community and local self

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government which is run based on the principles of recognition and subsidiarity.

INTRODUCTION

Indonesia as a unitary state is composed of central and regional government, which is specifically regulated in Article 18 paragraph (1) of the 1945 Constitution of the Unitary State of the Republic of Indonesia which states, the Unitary State of the Republic of Indonesia is divided into provincial regions and the provincial regions are divided over districts and cities, each province, district and city has a regional government regulated by law. After the 1998 Reformation, through amendments to the 1945 Constitution, the authority of the central and regional governments underwent significant changes. This is how it can be seen in the constitutional system from centralization towards decentralization.

According to (Dwipayana & Eko, 2003) there were two interesting things in the political transition process in Indonesia at the beginning of reform. First, the direction of Indonesian politics is changing from authoritarian to democratic. Second, government and the direction of local and national development have changed from centralized to decentralized. In this way, the reform process embodies two new formats in the development of constitutional law, authoritarian-centralistic political relations and government giving birth to decentralized-democratization.

In the early days of reform, relations between the Center and the Regions experienced tensions that threatened to disintegrate the nation. B.J. Reign At that time, Habibie was considered an extension of the power of Seoharto's authoritarian government. Therefore, it is the right moment (golden moment) for the Region to demand healthier democratization. In the view of (Huda, 2005) explaining the lack of political legitimacy of the Central Government is a very good momentum for the people in the Regions to demand changes regarding the relationship between the Center and the Regions, whether in relation to natural resources based on the widest possible autonomy, or demanding changes form a state, and even demanded to separate itself into an independent state.

After the reformation, the spirit of autonomy and decentralization was blowing strongly in society and also in government circles (Kawwami & Islamia, 2023). It is not much different from the position of Regional Government and Village Government which demands the same thing. With such conditions, it prompted the birth of Law no. 22 of 1999 concerning Regional Government. Through Law No. 22 of 1999, there are two previous laws, namely Law no. 5 of 1974 concerning Regional Government, and Law No. 5 of 1979 concerning Village Government, automatically no longer apply.

According to (Huda, 2005) the Law is no longer in force because the Government and DPR realize that uniformity in the name, form, structure and position of village governments is no longer in accordance with the spirit of the 1945 Constitution, and the need to recognize and respect the special rights of regional origin so that need to be replaced. The birth of Law no. 22 of 1999, which also regulates village and sub-district government, is a logical consequence of the widespread demands of society to reform all areas. This law also completely corrected the regional and village government system which was centralized during the New Order (Buchari, 2014).

Regardless of the advantages and disadvantages of Law no. 22 of 1999, brought fresh air to the Indonesian people regarding more democratic political goals, and hopes for the prosperity of regions, especially those far from the reach of the "Capital City", for villages to be more independent and democratic. Village democracy is genuine democracy because there has been no social stratification in it since before. (Yuningsih & Subekti, 2016) have stated the same thing, that villages are the development of genuine democracy. Because it reflects the elements and principles of democracy. There is consensus deliberation, the people express their protest, and the creation of a climate of mutual cooperation. Hatta even stated more firmly that genuine democracy actually only exists at the village level, apart from that there is no democracy (Asshiddique, 1994).

The status of Regional and Village Governments has been constitutionally regulated in the 1945 Constitution, as well as other statutory regulations regarding Regional Government and Village

Government from the beginning of independence until post-Reformation until now. In the Indonesian constitution, what regulates Regional Government is specifically discussed in Article 18 of the 1945 Constitution of the Republic of Indonesia. The explanation of Article 18 of the 1945 Constitution states that Indonesia's regions will be divided into provincial areas and provincial areas will also be divided into smaller areas. . Regions that are autonomous (streak and locale rechtsgemen-schappen) or merely administrative regions, all comply with the rules that will be determined by law. In autonomous regions, a Regional Representative Body will be held because even in regions the government will be based on deliberation.

Villages (Zelfbesturende landschappen) and (Volksgemeenschappen) or other names, are independent local community organizations (self-governing communities). Has certain territorial boundaries, and has an organizational structure that aims to manage and manage its own household. This structure and organization is known as Village Government. As the lowest government structure, the Village or Village Government cannot be separated from its attachment to the government structure above it, either directly or indirectly. The continuity of regulations governing villages for two decades (Old Order and New Order), shows a fairly centralized style. Where authority can only be controlled by the President or through the Minister of Home Affairs. As a result of the implementation of the centralized system during the New Order, which made the Village a tool for the Government's footwear, the social system in the Village experienced opportunism and mutual distrust (distrust) among government structures. When this happens to the village, according to Abdur Rozaki, six things happen to the village. First, the Village loses control over property rights, especially control over Village land. Second, the destruction of social bases such as leadership, social institutions and so on. Third, the death of democratization at the village level. Fourth, poverty in the village will only become a development project. Fifth, the death of village independence. Sixth, massive exploitation of natural resources in the village, and the creation of village community dependency on the urban economic sector, which ultimately leads to widespread urbanization (Suhariyanto, 2023).

The Village Government relationship is nothing more than an extension of the Government's hand over it. However, after the Reformation, which was marked by the birth of Law No. 22 of 1999, and a few years later the birth of Law No. 32 of 2004 concerning Regional Government was amended by Law no. 23 of 2014 and until the latest amendment to Law No. 9 of 2015 concerning Regional Government. The village's position no longer displays a strong sense of centralism. An opinion that is not much different was expressed by (Kusmawan, 2015) that the birth of these two laws did not have the smell of centralism at all, but villages still only received residual authority from the Regency and Subdistrict Governments. He further emphasized that the Village basically only gets the remaining authority of the Government over it, and the Village's position remains an extension of the Government over it (Central and Regional).

The village itself is a government based on popular understanding, and is run on the basis of deliberation (Manan, 1994). Previously, villages and Swapraja were genuine autonomy. As a result of colonialism, Swapraja which was based on customary law underwent changes. Unlike Village Government, Village Government, according to Bagir Manan, is left to regulate everything regarding the interests of the Village itself. Because the Village does not originate from handover, but grows and develops based on its own initiative v If the Village has been a genuine and independent autonomy for a long time, then recognition of the Village is at least directly proportional to its regulations. Likewise, clarity regarding the position and relationship of the Village with the Government above it (Central and Regional). So far, especially after the enactment of two Laws (22/1999 and 32/2004) post-reformation, there has been no clear format for the relationship between Villages and Regions, because looking at these two Laws, the Village Government is part of the Regional Government.

Regarding the status of Regional and Village Governments, it has been constitutionally regulated in the 1945 Constitution, as well as other statutory regulations regarding Regional Government and

Village Government from the beginning of independence until post-Reformation today. in the Indonesian constitution, which regulates Regional Government specifically discussed in Article 18 of the 1945 Constitution before and after the amendment. The norm reads:

"The division of Indonesia's regions into large and small regions with the form of government structure is determined by law by observing and remembering the basis of deliberation in the state government system and the rights of origin in special regions."

Based on the explanation of the 1945 Constitution before the amendment, Indonesia's regions will be divided into provinces and provinces will also be divided into smaller regions. Regions that are autonomous (streak and locale rechts-gemeenschappen) or merely administrative regions, all comply with the rules that will be determined by law. Furthermore, in the explanation it is also stated; Within the territory of the State of Indonesia there are approximately 250 Zelfbesturende landschappen and Volksgemeenschappen such as villages in Java and Bali, Nagari in Minangkabau, hamlets and clans in Palembang and so on. These areas have an original structure, and therefore can be considered as special areas. The Republic of Indonesia respects the position of these special regions and all state regulations regarding these regions will remember the rights of origin of these regions.

With the amendment or change to the 1945 Constitution of the Republic of Indonesia, recognition of the unity of customary law communities is also emphasized through the provisions in Article 18B paragraph (2) which reads:

"The state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law."

Meanwhile, in the laws and regulations that discuss Regional and Village Government, since the beginning of Hatta's independence after the Reformation, there have been approximately 11 laws that regulate, including; Law No.1 of 1945 concerning the Establishment of Regional National Committees, Law No.22 of 1948 concerning the Principles of Regional Government, Law No.1 of 1957 concerning the Principles of Regional Government, Law no. 18 of 1965 concerning the Principles of Regional Government, Law No. 19 of 1965 concerning Praja Villages, Law No. 5 of 1974 concerning the Principles of Regional Government, Law No. 5 of 1979 concerning Village Government, Law No. 22 of 1999 concerning Regional Government, Law No. 32 of 2004 concerning Regional Government, and Law No. 23 of 2014 concerning Regional Government, the second amendment (revision) to the previous Law, the last being Law -Law No.6 of 2014 concerning Villages.

As explained above, the authority to regulate and manage one's own household affairs is called village autonomy. The authority in question is the authority mandated by law. The contents of Village autonomy have been described in detail by Soetardjo. Among them: First, autonomy in the field of public peace and order. Second, autonomy in the fields of agriculture, animal husbandry and fisheries. Third, autonomy in the religious sector to create a harmonious life. Fourth, autonomy in the fields of teaching and health. Fifth, autonomy in the field of land and village justice. All of this is carried out based on the principle of deliberation. To achieve this deliberation, in Law No. 22 of 1999, the BPD (Village Representative Body) was formed and then changed to BPD (Village Consultative Body) in Law No. 32 of 2004 concerning Regional Government. In these two laws, the position of Village Government is still unclear, instead it is part of a package with Regional Government. In addition, there is no clear format for the relationship between Regions and Villages as the implementation of autonomy. It doesn't just stop there, the Village being placed as a subsystem in Regional Government (Regency/City) can have an impact on the Village's authority in the management of financial planning, development and other matters which are the household affairs of the Village itself (Timotius, 2018).

Law No. 32 of 2004 concerning Regional Government, in general, regulates Villages too generally, as a result Village management becomes slow because they have to wait for Government Regulations on it. Further regulations regarding Villages are only regulated by PP (Government Regulation) No. 72 of 2005 concerning Villages. In the PP, Villages are indeed regulated in detail, but the position of Villages

is increasingly lacking in the format between the Regional Government and Village Government, because Villages are only regulated through PP, not regulated through Law.

It has been ten years since Law No. 32 of 2004, and then Law No. 6 of 2014, concerning Villages, was born. Through long debates and political dynamics in Parliament which drained energy at that time. Because it is important to remember that the birth of this Law was right at the political momentum (Pileg and Presidential Election) in 2014. Regardless of the chronology of the push and pull of political interests, the birth of Law No. 6 of 2014 concerning Villages. However, the Indonesian people, village communities and traditional villages in particular, receive legal certainty and hope for prosperity for the implementation of better governance in the villages. However, the response to the birth of this law focused more on funding, or the amount of funds obtained by each village or what we can now call village funds (DD). However, there are still many things that are "urgent" apart from funding matters which are the benchmark for welfare as mandated by the law.

Apart from restoring the existence of villages and traditional villages as legal community units, the position of which is still unclear. This Village Law provides flexibility in running one's own government democratically. Through the principles of recognition and subsidiarity, Village Government is run based on autonomy and rights of origin. Then, what will be the relationship between the Regional Government and villages after the enactment of this Village Law? whether the design of the law is still decentralized or centralized.

Based on the thoughts above, this research tries to analyze the relationship between regions and villages in the concept of autonomy and rights of origin before and after the enactment of Law Number 6 of 2014 concerning villages and the relevance of its implementation in 2023. Meanwhile, research in the form of this thesis will only be limited to the post-reformation era, namely the birth of Law 22 of 1999 concerning Regional Government.

Methodology

This research uses a type of normative juridical research, namely literature study as secondary data or what is usually called library research and then discusses, listens to and also compares conceptually with the applicable laws and regulations regarding Regional and Village Government. Furthermore, this type of non-doctrinal research is also used as support, by conducting interviews with parties involved in this research, if needed in an effort to achieve comprehensive results.

Meanwhile, this research approach is a research approach

juridical-normative, and historical. By analyzing problems in research from the perspective or provisions of applicable laws and regulations. As well as explaining and analyzing the historicity aspects of the applicable laws and regulations. The statutory regulations in question are those that are relevant to the relationship between Regional and Village Governments, post-1998 reform, both in terms of their material content, ontological and philosophical bases.

The main study in normative legal research is carried out by studying primary, secondary and tertiary legal materials. First, primary legal materials (primary sources of superiority) are binding legal materials, such as norms, rules and applicable laws and regulations. The primary legal materials needed in this research include the following:

a. The 1945 Constitution of the Republic of Indonesia
b. Law no. 22 of 1999 concerning Regional Government
c. Law no. 32 of 2004 concerning Regional Government.
d. Law No.6 of 2014 concerning Villages
e. Law No. 23 of 2014 concerning Regional Government.
f. Law No. 9 of 2015 concerning Regional Government, second amendment to the previous Law.
g. Government Regulation (PP) No. 72 of 2005 concerning Villages
h. Government Regulation (PP) No. 43 of 2014 concerning Villages
i. Government Regulation (PP) No. 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget.

Second, secondary legal materials (secondary sources of honors) consist of various scientific studies, such as journals, books, results of scientific research (thesis, theses, dissertations) in the academic environment, and so on which are related to the needs of this research. Third, tertiary legal materials, are legal materials that can be obtained from interviews with related parties and other discussion forums that are related to the research object. This is done when necessary to achieve comprehensive research results.

The technique for collecting legal materials for the three legal materials is carried out using the library study method which includes minutes of statutory regulations, books, journals, research results (Syscriptions, Theses and Dissertations). As well as other sources that are still relevant and related to the object of this research. Data collection was also carried out by means of document study, namely reviewing, analyzing and studying legal materials that were relevant to this research.

This legal material analysis technique is qualitatively based, namely compiling, describing and explaining by logical thinking systematically the legal materials. The stages of this qualitative analysis are carried out as follows: First. The legal materials obtained are classified based on the problem formulation in the research. Second, after the legal materials are classified they are then systematized based on the achievement of the research objectives. Third, the next stage is the analysis of existing legal materials to reach the conclusion stage. Drawing conclusions in this research uses deductive (general-specific) thinking by carrying out critical analysis.

Results and Discussion

Regional and Village Government Systems in Legislation

The collapse of the New Order regime required total reform, especially in the political, legal and economic fields. There were six main reform agendas launched by reformists at that time; 1) Elimination of the dual function of ABRI. 2) Amendment to the 1945 Constitution. 3) Eradication of corruption. 4) Law Enforcement. 5) Expansion of Regional Autonomy, and 6) Democratization.

One of the reform agendas is the expansion of regional autonomy. As a result of the expansion of regional autonomy, the formation of new autonomous regions has opened up. In 1999 there were only 27 provinces in Indonesia, and by 2013 there were 34 provinces. Meanwhile, in 1999 there were only 437 regencies/cities, and in 2013 there were 546 regencies/cities.

In a cycle of approximately fifteen years in the reform era, regional government regulations including village regulations have undergone changes four times. Starting from Law No. 22 of 1999 concerning Regional Government, Law No. 32 of 2004 concerning Regional Government, Law No. 23 of 2014 concerning Regional Government, and finally the regulations regarding Villages are regulated separately through Law No. 6 of 2014 concerning Villages . And during this long period of time, villages were only regulated through PP No. 72 of 2005 concerning Villages. This means that the laws and regulations that have been governing regional and village governments have experienced inconsistencies, or that the regulations have been considered slow, making it difficult to adapt to new problems. The position of the village is also increasingly opaque and unclear, as is the relationship with the region which is limited to carrying out the rest of the government. Village relations and position are much better than village arrangements during the New Order era which tended to be uniform and centralized.

To realize broad, real and responsible regional autonomy, as stated in the preamble to Law No. 22/99, including through MPR RI Decree Number XV/MPR/1998 concerning the Implementation of Regional Autonomy. The MPR decree states that the implementation of regional autonomy is carried out by giving broad, real and responsible authority to the regions in a proportional manner, which is realized by fair regulation, distribution and utilization of national resources, as well as balancing central and regional finances. Apart from that, the implementation of regional autonomy is also carried out with the principles of democracy, community participation, equality and justice, as well as paying attention to the potential and diversity of each region (Sayuni et al., 2021).

As time went by, various speculations arose regarding concerns about this law, because it was considered too liberal and had federalistic requirements. Therefore, various demands emerged for parliament to revise Law No. 22 of 1999. So on October 15 2004, Law No. 32 of 2004, Concerning Regional Government, was officially promulgated. With the enactment of this law, in the future there will be two laws that will automatically no longer apply, namely Law No. 22 of 1999 concerning Regional Government and Law No. 25 of 1999 concerning Financial Balance between the Center and the Regions. However, the problems do not stop there, many new problems have emerged, especially related to regional and village relations. If you remember the position of the village between Law 22/1999 and Law 32/2004, there were no significant changes. Because these two laws do not fully benefit the village.

This kind of thing happens because. First, the regulations regarding villages regulated in the Law do not fully restore villages as legal community units based on origins, local customs, and villages as genuine autonomy. Second, several components of village regulation in the Law are too general (universal), not clearly detailed, resulting in complete dependence on the government above, especially regarding the regulation of village funds as a milestone in the welfare of village communities. This can be seen from village regulations which are further regulated in Government Regulations (PP), and several other parts are regulated and submitted to the respective Regional Regulations (Perda) which are guided by Government Regulations. Third, the position of the village as a subsystem of the district/city regional government, and obscures the essence of the village which includes the meaning, essence, function and benefits of the village itself for the people, and the essence of the village whether it is an autonomous village or a traditional village. As well as the weak legal basis for "legislative regulations" in village regulation, this has resulted in experimentation with village autonomy in various regions still being partial.

As a manifestation of democracy, in villages a Village Representative Body (BPD) or other term is formed in accordance with the culture developing in the village concerned, which functions as a legislative and supervisory institution in terms of implementing village regulations, the village income and expenditure budget and the decisions of the Village Head.

In the village other village community institutions are formed according to the village's needs. The institution in question is a partner of the village government in the context of empowering village communities. Villages have sources of financing in the form of village income, government and regional government assistance, other legitimate income, third party donations and village loans. Based on the original rights of the village concerned, the village head has the authority to reconcile cases/disputes from its residents. In an effort to improve and speed up services to communities characterized by urban areas, sub-districts were formed as sub-district government units within the district/or city area.

Likewise in Law no. 32 of 2004, in Law 32/2004, is regulated in Chapter XI which consists of 16 articles (200-216). And then the regulations regarding villages are regulated in Government Regulation no. 72 of 2005 concerning Villages. Village Regulations in Law 32/2004, which include Village Position, Village Government, Village Finance, Village Consultative Body (BPD), Village Community Institutions, and Village Cooperation. These regulations are certainly not much different and in terms of articles are fewer than Law no. 22 of 1999. This means that village regulations do not receive serious attention and seem half-hearted, so that the recognition and implementation of autonomy which is genuine autonomy at the village level becomes vague and formalist in nature.

Meanwhile, the basis for thinking about villages, as explained in the explanation of Law No. 32 of 2004, is based on diversity, participation, genuine autonomy, democratization and community empowerment. The explanation also states that the village head, through the village government, can be given assignments or delegations from the government or regional government to carry out certain government affairs.

Meanwhile, this law also positions village government to be restored in accordance with the spirit of Article 18 of the 1945 Constitution, by recognizing and respecting special regional rights and origins.

So that a village can be interpreted as a legal community unit that has the authority to regulate and manage the interests of the local community based on local origins and customs which are recognized in the national government system and are located in the district/city area (Timotius, 2018). Villages can be formed, abolished or merged taking into account their origins at the initiative of the community with the approval of the district government and DPRD. As stated in Article 200 paragraph (3), villages in districts/cities can gradually change or adjust their status to become sub-districts according to the proposals and initiatives of the village government together with the Village Consultative Body as stipulated in the Regional Regulation.

Thus, the Village regulations contained in these two laws, both Law no. 22 of 1999, and Law No. 32 of 2004, there are no significant changes at all. Village regulations are only regulated on a basic basis. Apart from the democratic aspect which is the basis of these two laws, there is the aspect of improving village administration. According to (Maschab, 2013), improving administration is an effort to increase accountability and transparency in the implementation of Village government, and improve services to the community, so villages can also be expected to carry out better management of Village finances and Village assets. Because as an autonomous community, villages have their own sources and income. The village administration and financial arrangements are intended so that the village's limited financial resources can be used more effectively and efficiently. Furthermore (Maschab, 2013) added, the differences between the two laws are only technical in nature, so they cannot give rise to differences in principle.

Looking at the Village Government regulations in Law No. 23 of 2014, Villages are not discussed too much. This is because the discussion of this Law could be said to be held simultaneously with the new Village Law in the same year. In this Law there are two main points of discussion. First, a discussion regarding the status and position of the Village. Second, a discussion regarding assistance tasks from the Government above to the Village, along with the funding mechanism.

If it can be understood in Article (1), villages are included in the discussion of Law No. 23 of 2014, because villages are within the Regency/City area. Therefore, in the next article regarding Village regulation, it is submitted to the statutory regulations governing Villages. Regarding the authority and relationship between Villages and Regions in this Law, it only relates to assistance tasks. In Article 372 paragraph (1) the Central Government, Provincial Regional Governments and Regency/City Regional Governments can assign some Government affairs which fall within the authority of Villages. What is interesting here is the relationship between the assistance tasks given by the Central Government, Provincial Government, Regency/City Government to the Village "can" assign some Government affairs. In the phrase "can" this can be interpreted as meaning that the government giving the assignment may give it, and may not. This is different from the previous law. Thus, Law N0.23 of 2014 gives a strong signal to restore villages as original autonomous regions, based on original rights and customs.

Likewise regarding funding to carry out assignments from task givers, in this case the Government, or Provincial Government, and Regency/City Governments to Villages are included and charged to the APBN and APBD. If the Village carries out Assistance Tasks for government affairs, it is financed through the APBN. Meanwhile, if it covers Provincial Government affairs, the funding is borne by the Provincial APBD. Likewise with Regency/City government affairs, funding is borne by the Regency/City APBD.

Relations between Regional Government and Village Government Before and After the Enactment of Law no. 6 of 2014 concerning Villages

After a long wait for the birth of the Village Law which regulates Villages separately, and finally on January 15 2014, Law No. 6 of 2014 concerning Villages was officially promulgated. Even though the process of enacting this Law was accompanied by the political drama in Senayan which drained energy, even in the process of discussing the concept of this Law there was a tug of interest. Not to mention that the birth of Law No. 6 of 2014 was born in the election year, and this law tends to be used as a political commodity, so that almost all political parties are competing to claim that the Village Law is the work

and sacrifice of their respective parties. Apart from all that, this law provides a breath of fresh air in democratic life, especially for village residents. The enactment of Law No. 6 of 2014 provides a stronger legal umbrella than the Village regulations regulated in the previous Law.

Previously, the relationship between villages and regions had been through the provisions of Law No. 22 of 1999, and Law no. 32 of 2004 concerning regional government, it is not very clear and tends to be partial. Although the village in its definition is emphasized as a legal community unit that regulates and manages affairs of local community interest, based on local origins and customs. However, the Village in reality remains under the jurisdiction of the Regional Government and it is not uncommon for the Village to carry out the remaining authority of the Regional Government. Even though the Village is no longer responsible to the Regent but to the people directly through the BPD, on the other hand, outside of government affairs, such as those related to development, empowerment and utilization of natural resource assets, the Village can still be controlled by the government above it. This means that the village as an independent and autonomous legal community unit is not fully granted, because the Village is regulated in one regulation at the same time as the Regional Government. So far, Village relations only stop at the regions, this is what differentiates it from Law no. 6 of 2014, which regulates Village relations not only in the Region but also relations with the Central government. for example, authority relations to carry out Government assistance tasks, and financial relations originating from the APBN.

In Law No. 22 of 1999, which regulates the formation and abolition of villages. That villages can be formed, abolished, and/or merged taking into account their origins at the initiative of the community with the approval of the Regency Government and DPRD. Then such basis is determined by Regional Regulation through Paragraph (2) which reads; The formation, abolition and/or merger of Villages, as referred to in paragraph (1), is determined by Government Regulation. In this way, the extent of regional stranglehold is very visible, and Village standards can be removed or merged, or also changed to sub-district status, which is not clearly and in detail discussed in this Law.

For example, in terms of authority, in Law No. 22 of 1999, Village Authority has three authorities. Among these authorities include; 1) existing authority based on Village Origin Rights. 2) authority which according to applicable laws and regulations has not been implemented by the Region and Government. 3) assistance tasks from the Government, Provincial Government, and/or Regency Government. This article shows the relationship between the Village and the Region, that the Village still has residual authority from the Regional Government, apart from the assistance duties and authority of the village itself which is based on the Village's original rights. Apart from what is contained in Law No. 22 of 1999, it is also contained in Law No. 32 of 2004, and Law No. 23 of 2014 concerning Regional Government.

There are fundamental differences between Law No. 22 of 1999 and Law No. 32 of 2004. In the context of village autonomy, there are positive changes in Law No. 32 of 2004, which was then followed by PP No. 72 of 2005. These changes include; First, direct elections for regional heads and deputy regional heads are determined. The concept of direct elections is the most logical choice within the framework of democracy, because people's aspirations can no longer be reduced to the interests of political parties. Second, regulations regarding authority according to Article 206 jo. Article 7 of PP No.72 of 2005, seems more comprehensive, because its juridical implications are also regulated in Article 10 paragraph (3) where villages have the right to refuse the implementation of assistance tasks that are not accompanied by funding, facilities and infrastructure as well as human resources. Third, in the provisions of Law No. 32 of 2004, it is emphasized that regions will receive a share (allocation). This is certainly different from the previous law which used the term financial assistance. The relatively certain share of village finances has been determined in Article 68 PP No. 72 of 2005, namely a minimum of 10% of the tax sharing and part of the central and regional financial balance funds received by the District/City. Thus, on this occasion, the author reviews the relationship between regions and villages both before and after the law. No.6 of 2014 concerning Villages, this is enforced. Relationships include

relationships between government systems and organizations, authority relationships, and financial relationships.

Problems faced before and after the enactment of Law no. 6 of 2014 concerning Villages

Villages are said to have genuine autonomy, one of which is because the village has its own government apparatus, diversity and so on. As for the structure, the procedures are managed independently based on local traditions and customs. Based on the definition of a village, there are three important main elements in it; First, the village as a legal community unit. Second, villages have the right and authority to regulate and manage the interests of village communities. Third, the recognition of the rights of origin and customs of village communities. Thus, from these three important main elements, the village is genuine autonomy.

When the New Order regime ended, with the appointment of BJ. Habibie became President who replaced Suharto. Due to various pressures for reform in various aspects, especially in the fields of politics, law and economics. Not long after that, there were demands from various regions to implement regional autonomy as widely as possible, with the issuance and enactment of Law No. 22 of 1999 concerning Regional Government. The issuance of the Law which regulates Regional Government and which also regulates Villages, means that there are two previous Laws which are no longer active, namely Law No. 5 of 1974 concerning the Principles of Regional Government, and Law No. 5 of 1979 concerning Village Government.

As a result of the implementation of extensive regional autonomy, it also has an impact on the implementation of government in the village. because previously Villages were regulated through separate statutory regulations, because of the enactment of Law No. 22 of 1999, Villages became one package in that Law.

The definition of Village formulated in Law No. 22 of 1999 confirms the position of the Village as an autonomous institution. Even though it is not explicitly stated that the Village has its own government apparatus and its own sources of income, the recognition of the village's original rights and customs already means that the Village is an autonomous legal community unit.

Although Law No. 22 of 1999 regulates villages and defines villages as legal community units and so on. However, this law does not yet provide a positive meaning in the sense that it can become the basis for the development of autonomous village government. Because this Law regulates Regional Government and Village Government is considered Regional Government. Therefore, the regulations regarding Villages only contain general provisions, and are not detailed and do not reveal the characteristics of Village Government.

Normatively, the village is no longer the lowest level of government under the sub-district head, but rather a legal community unit that has the right to regulate and manage the interests of the local community in accordance with the village's original rights. Even though villages are no longer under the sub-district, in this law villages are under the authority of the district. The implication is that villages have the right to make their own village regulations to manage public goods and village life, as long as they are not yet regulated by the district. Even though villages are given the authority to regulate and manage their own household affairs, in their nature, villages still receive the rest from the district and sub-district governments.

Villages as subsystems of the Government and Regions or Villages as self-governing communities that regulate and manage local community affairs based on their origins and applicable customs, both based on Law No. 22 of 1999, and Law No. 32 of 2004, in the context of decentralization and autonomy, it is actually half-heartedly given to the Village. Considering that the Village is a "genuine autonomy" area, even though it is not explicitly explained in the two statutory regulations, the Village existed and developed earlier than the idea of the Republic of Indonesia. Thus, there is a need for recognition and subsidiarity in Villages and Traditional Villages which are still developing in Indonesia. So the fate of villages and traditional villages after reform, especially under these two laws, is still in limbo and far from the constitutional mandate of the 1945 Constitution. Looking at the village regulations in Law No.

22 of 1999, and Law No. 32 of 2004 in this way, Of course there are several implications for Village Government. As for the implications of this law for village autonomy, it has implications for the position, authority and financial system of the village.

Conclusions

Since this research began with the title "Relationship between Regional Government and Village Government Before and After the Enactment of the Law. 6 of 2014 concerning Villages". So based on the problem formulation that has been put forward, the following conclusion can be drawn village and Regional Relations before the Law was enacted. No. 6 of 2014, is not very clear and tends to be partial, because it is regulated in general terms. Although the village in its definition is emphasized as a legal community unit that regulates and manages affairs of local community interest, based on local origins and customs. However, in reality the Village remains under the pressure of the Regional Government, and it is not uncommon for the Village to carry out the remaining authority of the Regional Government. Relations between government systems and organizations, authority relations and financial relations only stop at the Regions. Through Law no. 6 of 2014 concerning Villages or after the enactment of this Law restored the Village's relationship not only with the Region, but also with the Government. The existence of Government assistance duties to Villages as well as financial relations originating from the APBN and APBD, is a relationship between Villages, Regions and the Center.

Problems faced before Law no. 6 of 2014 concerning Villages, the position of villages as subordinate to the regional government is still very visible, the existence of villages and traditional villages is part of the constitutional aspect because villages are autonomous government units after the enactment of Law No. 6 of 2014 concerning Villages, the Existence of Villages and Traditional Villages as a unit legal community, as well as genuine autonomy originating from rights of origin and customs have been recognized and have a constitutional basis. The position of the Village is not as the lowest level of Government, but rather as a sub-system of the Government. According to this law, a village is a combination of two important elements, namely self-local governing community and local self-government which is run based on the principles of recognition and subsidiarity. However, in reality, the Village Government still intervenes with the government above it/Regency/City through development activities and empowering village communities.

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