

The Authority To Resolve Disputes For The Election Of Village Head In The Indonesian Area

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Abstract.

The Village Head Dispute Resolution Mechanism should be regulated in detail and clearly in the norms that apply as law, which should also contain provisions regarding the Village Head dispute resolution mechanism, because these provisions are very important, where each region is required to make a Regional Regulation, related to the issue of the settlement of the village head election, which regulates the election of the village head, including providing arrangements for the settlement of village head election disputes. The Regional Regulation is the juridical basis used by the Head of government at the regional level, namely the Regent and Deputy Regent. This research is a normative law research in which the approach used is the library or statutory approach through a study of the decisions on the results of the dispute over the village picades. The technique of collecting legal materials is carried out by means of library research. The analysis of legal materials is carried out in a qualitative deductive manner so that a conclusion can be drawn according to the needs of what has been studied. What has been researched is the regent's responsibility as a regional head which is carried out in accordance with the Regional Regulation to form an Election Committee, a Sub-District Supervisory Committee, a District Research Committee, and a Dispute Resolution Team formed directly by the East Lombok Regent. The pattern of village head election dispute resolution carried out by the local government is through deliberation with the roles of negotiator, mediator and conciliator.

Keywords: Authority; Village Head, Resolv Disputes, Election.

1. INTRODUCTION

In Law Number 6 of 2014 on Village issues, there are regulations related to village heads contained in Article 26 to Article 47 which basically explain the authority, rights and obligations, the election process, the dismissal of the village head. In addition, in Government Regulation Number 43 of 2014 concerning the Rules for Implementing Law Number 6 of 2014 on Village issues, there are regulations regarding village heads, namely from Article 40 to Article 60 which mainly regulates authority, rights and obligations, the election process, and dismissal. village head; however, Government Regulation Number 43 of 2014 is more technical and detailed in nature because it is an

implementing regulation.¹ The principle of democracy adopted by our country is the principle of sovereignty in the hands of the people / society, implemented for and on behalf of the people. One of the legal bases of the democratic process in Indonesia. In Article 1 paragraph (2) of the 1945 Constitution it is explained that "Sovereignty rests in the hands of the people and is exercised according to the Constitution." The definition of a village is a community unit having territorial boundaries that has the right to regulate and manage the wishes or interests of the local community, based on their origins and local customs which are recognized and respected in the system of Government of the Republic of Indonesia.²

The autonomy possessed by the village is genuine, absolute and complete autonomy from the time when the village was formed in Indonesia and is not a gift from the colonialist or the government. Instead, the government has an obligation to respect the autonomous originality of a village. The village can carry out a relationship or legal action, both civil and public, the village is a legal community unit that has assets, such as property and can sue and be prosecuted before a court.³ One form of democracy at the most basic level is the Village Head (Village Head Election). Due to the Village Head as proof that sovereignty completely rests in the hands of the community / people. The people who determine their own desires and their future individually determine their own Village Head. This has been emphasized in article 34 paragraph (1) of Law Number 6 of 2014 concerning Villages which explains that the Village Head is elected directly by the residents / communities themselves independently without any element of coercion from any party.

The village is a picture or mirror of a country, because the village is a small government and the lowest part of our country's system. The village government consists of the village head and village officials as elements of the village administration. In government at the village level, the village head / village head is a village leader figure where a village head has a very big role in leading the implementation of village governance, fostering village community life, maintaining peace, harmony and order in the village community, reconciling community disputes in the village and fostering the village economy in order to improve the welfare and progress of the village. At the village level government, the leadership of the village head determines the success of the village in achieving the goals that are aspired or expected.

The regional autonomy policy in Indonesia was materialized in the midst of very systematic social upheaval in 1998, the social upheaval was preceded by the crisis that occurred in Indonesia in 1997. The social upheaval that occurred in the State of Indonesia in 1998, then gave birth to political turmoil which ended in marked with the

end of the New Order Government which had been in power for approximately 32 years in Indonesia and gave birth to the reform era. As a whole, regional autonomy comes from the words "Autonomy" and "Region", while in Greek autonomy comes from the words "Autos and" Namos ". The word "autos" means itself and "namos" means rules or laws, 5 therefore the word regional autonomy is usually interpreted as the authority to administer / regulate independently or the authority to make rules to manage one's own region.⁴

The formation of government in Indonesia is based on the existence of villages, where villages existed in Indonesia long before the formation of the unitary state of Indonesia⁵. In building social institutions among villagers the components used in its development consist of customary law, customary communities, social structures, and local values.⁶. Evidence of the existence of the village that had existed before the country Indonesia's there, it can be seen in the explanations that Article 18 of the Indonesian Constitution year 1945 before he was executed amendments, described the relevant territorial Indonesia consists of several villages in Java and some in Bali, Nagari in Minangkabau, hamlets and clans in Palembang and so on. These regions have an original arrangement / level , therefore they are special.

With the law on village namely Law Number 6 of 2014 About the village. (Then called the Village Law), then the village will automatically have protection and legal protection in conducting a relationship law⁷. In addition, with the stipulation of the village as a legal entity that can carry out legal relations, the village automatically has the authority to manage and be responsible for the interests of the village government, even though the authority possessed by the village government is not as broad as the authority of the regional government.⁸. To carry out the function of village authority in regulating its government, it is necessary to have a village head who can carry out village government functions, this is confirmed in the Village Law. The village head has a significant role in regulating the running of the village government system in accordance with the state regulations that have been mandated to the village head so that the creation of an independent and high-quality village⁹. The Village Law determines the procedures for the Village Head and their rights and obligations as well as the dismissal of the village head. The provisions of Article 34 stipulate that the Village Head shall be conducted by direct election by the villagers. This shows that the Village Head is a form of democracy. From a juridical point of view, the provisions regarding the village head, from authority, rights and

obligations, to the village head election should be implemented properly. However, sociologically, there are obstacles in its implementation, especially in the Village Head.

The village as the front guard of the government that has the most strategic role and function in the government of the Unitary State of the Republic of Indonesia, especially in the function of serving the community. Because the position of the Village Government is very strategic related to the direction of government policies at this time, many of which are directed directly to the village in the form of direct assistance or other development programs, besides strengthening the position of the village head as a central figure in the village and having a role which is prestigious up for grabs among the members of the community in the village. Then a follow-up to the issuance of Law Number 6 of 2014 concerning Villages, namely the issuance of government regulation Number 43 of 2014 concerning Implementation Regulations of Law Number 6 of 2014 concerning Villages which have been amended by Government Regulation Number 47 of 2015 concerning Amendments to Government Regulations Number 43 of 2014 concerning the rules for Implementing Law Number 6 of 2014 concerning Villages. Article 41 paragraph (3) letter c of Government Regulation Number 47 of 2015 reads; The determination of the Village head candidates as referred to in letter b shall be at least 2 (two) people and a maximum of 5 (five) candidates. In the implementation of the simultaneous Village Head that have been carried out in the Madiun district, the existence of this clause has caused many complaints by residents in the village or by prospective village heads. Regarding the above Government Regulations, if it is related to the rights of citizens to vote and be elected, it includes the political rights of citizens and these rights are also part of human rights. Whereas the right to vote or elect (right to vote) is a fundamental right (basic right) every person or every citizen should be guaranteed by the state and the setting is contained in the 1945 Constitution provision of the 1945 Constitution directs that the country must meet all forms of rights every citizen, especially with regard to the right to vote for every citizen in general elections, presidential elections and regional head elections.¹⁰

Although the Village Head is a form of democracy at the village level which is designed in the form of elections that are carried out directly by all residents of the village, but in its development in accordance with government regulations, the election of the Village Head cannot be separated from the regulations stipulated by laws made by the government. with the approval of the legislature.

Based on the current Village Law, that village head elections should be carried out simultaneously in all districts and cities with the enactment of Regional Regulations to regulate policies in terms of implementing Village Head in a technical juridical manner, the word "with" must be interpreted as regulating village head elections. must refer to perda and no longer be used in other forms of regulation. It is different from

the word "based" which can be freely delegated with other regulations. However, in reality, some districts and a small proportion of villages in cities still do not completely regulate Village Head in regional regulations, so they must be explained again in other forms of regulations, for example a Regent Regulation (Perbup).

Based on the Regional Regulation of East Lombok Regency Number 4 of 2015, the first batch of simultaneous village head elections in the East Lombok Regency area on December 14, 2016 had been held in nine sub-districts out of twenty total sub-districts in East Lombok and only 1 (one) subdistrict, namely Sambelia District, where there is no village head election¹¹.

The total number of candidates for village heads who follow the election process Village Head (Village Head) simultaneously in 53 (fifty three) village in East Lombok district number 2002 (two hundred and two), then 20 (twenty) villages which have candidates for village chief as many as 5 (five) people, 8 (eight) other villages have 4 (four) candidates for village head. Meanwhile, the number of villages that have had as many as 3 (three) village head candidates is also 20 (twenty) villages and only 5 (five) villages have 2 (two) village head candidates.¹².

II. METHODS

This research uses empirical normative research which is an approach to positive law or applicable legislation, the meaning of which is an approach by describing, analyzing, and evaluating laws and regulations related to problem formulation and as an effort to approach the problem under study with this approach. law, namely trying to examine the regulations that apply in society and at the same time according to the reality that occurs in the middle of society:

- a. The statutory *approach* is a problem approach that is carried out to obtain an overview of the problems to be discussed by conducting an assessment of the laws and regulations that are relevant to the issue of the authority of the Regional Government in resolving disputes for the simultaneous election of village heads in 2016 in East Lombok Regency
- b. The conceptual *approach*, namely the approach to discussing problems carried out by examining the concepts and views of experts related to the Authority of the Regional Government in resolving simultaneous village head election disputes in 2016 in East Lombok Regency.
- c. The *case approach*, which is the approach to discussing problems by analyzing cases related to the Authority of the Regional Government in resolving simultaneous village head election disputes in 2016 in East Lombok Regency.

III. RESULT AND DISCUSSION

So far, the rules for resolving the results of village head elections (Village Head) in Indonesia are still unclear, because the procedural law that explicitly determines the dispute resolution model for the results of the Village Head has not yet regulated. However, after the formulation of Law Number 32 of 2004 concerning Regional Government and the existence of Government Regulation Number 72 of 2005 concerning Villages, it is seen that the common ground regarding the dispute resolution mechanism for the Village Head is regulated in a Regency / City Regional Regulation but does not yet have a clear basis.

Regarding dispute resolution on the results of the Village Head, it is contained in the provisions of Article 37 paragraph (5) and (6) of the Village Law. These provisions stipulate that in the event of a dispute over the election results, the Regent / Mayor has the obligation to resolve the dispute within a maximum period of 30 (thirty) days from the date of receipt of the election result report from the Village Head organizing committee in the form of a Regent / Mayor decree. . The regulation regarding dispute resolution for the Village Head is also determined in Government Regulation Number 43 of 2014, where this regulation further emphasizes the parties who have the authority to resolve disputes, namely the Regent / Mayor and the dispute settlement period for 30 (thirty) days. However, the most unfortunate thing about this government regulation is Article 46 stipulates that further regulations governing village head elections are regulated by a Ministerial Regulation, which in Ministerial Regulation number 65 of 2017 which regulates Village Head Elections focuses more on stipulating the duration of the term of office village head, rules for the period of holding village head elections, and village elections over time. Regarding the dispute over the issue of village head election, it cannot be separated from the provisions resolved by the village consultative body. In the provisions of Article 5 paragraph (2) letter f, the mechanism for resolving regional Village Head disputes is not explained in detail.

The explanation above regarding the authority and model of dispute resolution in the realm of regional election results disputes, shows that efforts to resolve Village Head disputes tend to be carried out at an out-of-court or non-litigation stage. In resolving this dispute, of course, the regent / mayor, not a judge or judicial institution, has the authority to resolve this dispute. This dispute resolution outside the realm of the judiciary is often known as alternative dispute resolution.

3.1. The Village Head Dispute Resolution Mechanism at the Village level is reviewed from Law No. 6 of 2014.

The potential parties involved in the dispute include, among others:

1. The Village Head Election Process which includes the Election Committee, the Technical Election committee and the BPD as the person in charge of organizing the Village Head Election;

2. Election participants, namely Village Head Candidates, Village Head Candidates and the campaign team;
3. Village Apparatus and other Village Government Elements, who are not directly involved in holding the Village Head Election;
4. Voting Society and the general.

With regard to the dispute resolution mechanism for Village Head Election, Article 42 of the Regional Regulation of East Lombok Regency Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads explains that :

1. Village Head Candidates may only submit objections to the determination of the results of the village head election to the Regent at the latest 3 (three) days after the determination of the election results ;
2. The objection as referred to in paragraph (1) relates only to the vote count results which affect the election of a Village Head Candidate;
3. The Regent decides the dispute over vote count results as referred to in paragraph (1) and paragraph (2), with due observance of the input from the village head election committee, BPD, Camat, and the team formed by the Regent;
4. The dispute over vote count results shall be carried out within a maximum period of 30 (thirty) days as referred to in Article 41 paragraph (5);
5. The Regent's decision as referred to in paragraph (3) is final and binding.

It is clear that the Regional Regulation of East Lombok Regency Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads has mandated regulations regarding the mechanism for resolving village head election disputes in regional regulations. With various forms of disputes, the dispute resolution mechanism regulated in regional regulations must also regulate provisions regarding the resolution of various forms of disputes in the implementation of village head elections.

3.2. Concurrent Village Head Election Dispute Resolution in 2016 by Local Government in East Lombok Regency.

The following is an illustration of the village head election dispute resolution mechanism implemented in East Lombok Regency¹³ as follows:

1. Dasan Borok Village Head Election Dispute, Suralaga District.

The dispute over the Election of the Head of Dasan Borok Village, Suralaga District occurred due to objections from the Dasan Borok Village Head Candidate Team No. sequence 4 in the name of Ropi'i, based on a letter Resolve Disputed to the Regent of East Lombok, loose number, regarding the submission of objections to fraud in the 2016 Dasan Borok Village head election, dated 17 December 2016 are as follows:

- a. Candidate Serial Number 3 an. Angga Sarimah has used money politics (money politics) run by her team to make her vote obligatory to vote on the day of the Village Head implementation;
- b. The winning team for candidate number 3 has violated the rule of calm days by targeting candidate number 3's photo. Angga Sarimah under the door of residents' houses on the night of the Village Head implementation;
- c. There are special voters, namely those who use the KTP / E-KTP record of prescriptions to convey their voting rights while they are still underage / do not have the right to vote;
- d. There are voters registered in the DPT but proven to have an ID card outside Dasan Borok Village more than 6 months before the stipulation of the DPS, and others following as the attached evidence.

BPMPD conducted deliberations to resolve the dispute, the deliberations were attended by the BPD, the PPS concerned, the relevant KPPS, the District Supervisory Committee, the Regency Committee and the Vote Count Result Dispute Resolution Team which was formed directly by the East Lombok Regent, after conducting deliberations on the Sengkata Resolution Team. The Village Head Election draws the following conclusions:

- 1) Submission of Objections by the Winning Team for Village Head Candidates for Dasan Borok no. sequence 4 on behalf of ROPII is still within the grace period as stipulated in Article 42 paragraph (1) of the Regional Regulation of Kab. Lotim,
- 2) Objection by the winning team for Dasan Borok Village Head Candidates no. sequence 4 on behalf of ROPII does not comply with the provisions of Article 42 of the District Regional Regulation. East Lombok Number 4 of 2015, concerning Procedures for Election and Dismissal of Village Heads and article 58 of Regent Regulation Number 15 of 2016, concerning Implementation Regulations of Perda Number 4 of 2015;
- 3) Regarding the objection points submitted by the Candidate Team for the Village Head Candidate No. Dasan Borok No. sequence 4 an. ROPII is not an objection to the vote count results, so it is not included in the reasons / conditions for filing an objection as mandated in Article 42 (2) of the East Lombok Regency Regional Regulation Number 4 of 2015, concerning Procedures for Election and Dismissal of Village Heads states that "Objections as referred to in paragraph (1), only relates to the vote count results which affect the election of a Candidate for Village Head ”.

From the above conclusion the Village Head Election Sengkata Settlement Team recommended the Head of the East Lombok Regency to be appointed as the village head.

2. The Election Dispute for the Head of Tanjung Luar Village, Keruak District

The Election Dispute for the Head of Tanjung Luar Village, Keruak District occurred due to objections from the Candidate for Head of Tanjung Luar Village No. sequence 3 An. D. Bahtiar Rifa'i, Keruak District, Kab. East Lombok, based on a letter Resolve Disputed to the Regent of East Lombok, Independent Number, Regarding Objections to the Implementation of Village Head, Tanjung Luar Village, Keruak District, 2016, December 15 2016 are as follows:

1. At the ELECTION PLACE. 2 and ELECTION PLACE. 9 and ELECTION PLACE. 5 there are voters exercising their right to vote by using a Letter of Recommendation for Issuance of E-KTP from the District;
2. There is one voter who is given two voter cards and one of them is forced to be used to cast the picture mark No. Sort 4;
3. In Kampung Baru, ELECTION PLACE 9 and ELECTION PLACE 10, there were a lot of invitation letters that were not delivered to voters by KPPS;
4. There were 13 voters who cast their votes at ELECTION PLACE 5 even though they did not have an invitation letter or voter card or summons and were not registered in the DPT;
5. Many invitation letters and voter cards were not circulated by KPPS at ELECTION PLACE 10;
6. There was a letter of invitation at ELECTION PLACE 6 which did not reach the Resolve Disputes but was submitted to one of the success teams for the candidate for Village Head No. sequence 1.

BPMPD conducted deliberations to resolve the dispute, the deliberations were attended by the BPD, the PPS concerned, the relevant KPPS, the District Supervisory Committee, the Regency Committee and the Vote Count Result Dispute Resolution Team which was formed directly by the East Lombok Regent, after conducting deliberations on the Sengkata Resolution Team. The Village Head Election draws the following conclusions:

- 1) Submission of Objection by Candidate for Head of Tanjung Luar Village No. sequence 3 An. D. Bahtiar Rifa'i is still within the grace period as stipulated in article 42 paragraph (1) of the Lotim Regency Regional Regulation Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads and article 58 paragraph (1) of Regent Regulation Number 15 of 2016 concerning Regulations

- Implementation of Regional Regulation Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads;
- 2) Objection of Candidates for Head of Tanjung Luar Candidate No. sequence 3 An. D. Bahtiar Rifa'i has no legal basis, because all material / objection points reported are not against the prevailing laws and regulations;
 - 3) Regarding the objection points submitted by the head of the Tanjung Luar village no. sequence 3 An. D. Bahtiar Rifa'i is not an objection to the vote count results, so it is not included in the reasons / conditions for filing an objection as mandated in Article 42 (2) of East Lombok Regency Daerah Regulation Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads states that "the objection referred to in paragraph 1 pertains only to the vote count results which affect the election of a Village Head Candidate."

From the above conclusion the Village Head Election Sengkata Resolution Team recommended the elected Village Head to the East Lombok Regent to be appointed as the Head of Tanjung Luar Village.

3. The Election Dispute for the Head of Batu Nampar Village, Jerowaru District

The Election Dispute for the Head of Batu Nampar Village, Jerowaru Subdistrict, occurred due to objections from the Candidate for Head of Batu Nampar Village No. Sort 1 An. Sumarep, Jerowaru District, Kab. East Lombok, based on a letter Resolve Disputed to the Regent of East Lombok, a loose number, regarding Objections to the Vote Count Results, dated 17 December 2016 are as follows:

1. At ELECTION PLACE 2 (two) located in Dasan Esot Dusun Menseh by the KPPS Committee the process of counting votes in an incorrect manner is as follows;
 - a. During the vote counting process, KPPS pours the ballot papers from the ballot box into the trough then counting, when candidate no. Candidate 1 received 3 (three) votes, candidate no. sequence 2 (two) obtains 1 (one) vote and candidate no. sequence 3 (three) obtains 2 (two) votes, the Head of KPPS directs / orders Majrun (KPPS member) to pour back the ballot papers already in the box into the ballot box;
 - b. One of the members of the KPPS brother Saidi who was in charge of recording the votes acquired during the vote counting was unfocused because one member of the KPPS brother Abdul Muttalib who was in charge of sorting valid and invalid ballots communicated via cell phone while carrying out his duties with the intention of informing the vote count results so that it greatly interferes with the recording process which is the duty and responsibility of a KPPS member.

2. At ELECTION PLACE 1 (one) located in Tembere Hamlet, it was found that there were voters who did not have the right to vote in the election for the Head of Batunampar Village, Jerowaru District, on December 14, 2016, because the person concerned was not a resident of Batunampar Village, namely;
 - a. BAIQ HASTUTI SRININGSIH has been married to SANAH Resolve Disputes in Sagek Mateng Hamlet, Pene Village for about 3 (three) years, choosing candidate no. sequence 2 (two) even though it has been banned by the Head of Dusun Sagek Mateng, a brother of KARIADI, but is allowed by PPS Desa Batunampar;
 - b. MAHMUDAH has been married to SUMAR in Bowoh, Wakan Village for about 7 (seven) months, and is not registered in the DPT then given her vote using a domicile certificate to elect candidate no. sequence 2 (two);
 - c. BQ MURSAH has been married to SANEM in Payung Hamlet, Batu Putik Village for about 1 (one) year and participated in choosing candidate no. sequence 2 (two);
 - d. FITRI HANDAYANI has been married to MUNAWIR SAZALI, the Resolve Disputes is Sagek Mateng, Pene Village for about 3 (three) years, choosing candidate no. sequence 3 (three).
3. At the time the Batunampar Village Head Election Committee held a Plenary Meeting of the Counting and voting results at the Village Office of Batunampar, it was only attended by some of the PPS members, the KPPS Chair and the later witnesses who opened the PPS secretary ballot box which should have been opened by the PPS Chair and sent the ballot boxes who should have been at each ELECTION PLACE on D-1 but in fact are at the PPS Secretariat and guarded by an Office Guard;
4. Whereas based on the facts and / or evidences that have been described, then requested to the Regent to determine as follows:
 - a. Accept my objection in full;
 - b. Canceling the results of the election for the Head of Batunampar Village at ELECTION PLACE 1 to 5 on Wednesday, December 14, 2016;
 - c. Please carry out a recount at ELECTION PLACE 2 (two) Dasan Esot Dusun Menseh;
 - d. Request for re-election at 1 (one) ELECTION PLACE Tembere Hamlet;
 - e. If the Regent has or wants other provisions, please ask for the fairest policy possible.

BPMPD held deliberations to resolve the dispute, the deliberations were attended by the BPD, the relevant PPS, the relevant KPPS, the District Supervisory Committee, the Regency Committee and the Vote Count

Result Dispute Resolution Team which was formed directly by the East Lombok Regent, after conducting deliberations on the Sengkata Resolution Team. The Village Head Election draws the following conclusions:

- 1) Submission of Objections by Candidates for the Village Head of Batu Nampar No. Sort 1 An. SUMAREP is still within the grace period as stipulated in Article 42 paragraph (1) of the East Lombok Regional Regulation;
- 2) Regarding the points of objection submitted by the Candidate for Head of Batu Nampar Village No. Sort 1 An. SUMAREP is not an objection to the vote count results, so it is not included in the reasons / requirements for filing an objection as mandated in Article 42 (2) East Lombok Number 4 of 2015 concerning Procedures for Election and Dismissal of Village Heads.
- 3) Against the objections of the Candidate for Head of Batu Nampar Village No. Sort 1 An. SUMAREP in point 2 found the fact that only one voter from outside the Village of Batunampar who had cast a vote for the candidate for Village Head of Batunampar no. sequence 3, namely FITRI HANDAYANI brothers. So that it does not affect the majority of votes among Candidates for the Village Head No. Batunampar. sequences 1 and 2.

Looking at the provisions above, it can be seen that the pattern of dispute resolution implemented by the BPD, Camat, and the team formed by the Regent is to carry out a pattern of negotiation, mediation, and / or conciliation through a deliberative mechanism that can be carried out at every stage of the village head election. The negotiation pattern is carried out when the BPD, Camat, and the team formed by the Regent are the parties directly involved in disputes, such as disputes related to the determination of voter lists, disputes related to the determination of the results of the selection of village head candidates participating in the Village Head. Meanwhile, Mediation or Conciliation is carried out when the BPD, Camat, and the team formed by the Regent are the mediators and facilitators for the different interests of the Village Head Candidates.

IV. CONCLUSION

Whereas in relation to dispute resolution on the results of the Village Head, it is found in the provisions of Article 37 paragraph (5) and (6) of the Village Law. These provisions stipulate that in the event of a dispute over election results, the Regent / Mayor has the obligation to resolve the dispute within a maximum period of 30 (thirty) days from the date the election result report is received from the organizing committee in the form of a Regent / Mayor decree. Regulations regarding dispute resolution for the Village Head are also determined in Government Regulation Number 43 of 2014, where this regulation further emphasizes the parties who have the authority to resolve disputes, namely the Regent /

Mayor and the dispute settlement period is 30 (thirty) days. However, the most unfortunate thing about this government regulation is that Article 46 stipulates that further regulations regarding village head elections are regulated by a Ministerial Regulation. In Ministerial Regulation number 65 of 2017 concerning Village Head Elections, it focuses more on the provisions of the duration of the village head's term of office, the rules for the period of holding village head elections, and village elections between times. Regarding the dispute over the issue of village head election, it cannot be separated from the provisions resolved by the village consultative body. In the provisions of Article 5 paragraph (2) letter f, the mechanism for resolving regional Village Head disputes is not explained in detail.

The pattern of village head election dispute resolution carried out by the Regional Government is the pattern of negotiation, mediation, conciliation through the implementation of deliberations by taking into account input from the village head election committee, BPD, sub-district head, and district level dispute resolution teams which are formed directly by the Regent through a letter from the East Lombok Regent. . The state needs to take an action in facilitating local institutions by carrying out local emancipation through recognition by the state¹⁵. One of the government's efforts to resolve disputes over the results of village head elections is by providing facilities in the form of legislation equipped with a legal basis to recognize and regulate the village deliberation system as the first and main mechanism in efforts to resolve Village Head disputes. This will create a relationship between government and village, and strengthen local democracy in the village

V. ACKNOWLEDGMENTS

The author would like to thank all those who have helped in completing this research related to The Authority To Resolve Disputes For The Election Of Village Head In The Indonesian Area. and the author would also like to thank the East Lombok Regency Government and related agencies as organizers of the Village Head Election and I do not forget to also thank the people who have been willing to be interviewed in order to obtain the data needed in this study.

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