

## Implementation of the Duties of the Village Consultative Body in the Interim Village Head Election in Bondowoso

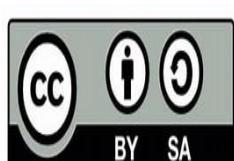
Ali Zaenal Abidin<sup>1</sup>, Fauziyah<sup>2</sup>

<sup>1,2</sup>Faculty of Law, University of Muhammadiyah Jember

<sup>1</sup>alizaenalabidin792@gmail.com, <sup>2</sup>fauziyah@unmuhjember.ac.id

**Abstract:** This study examines the implementation of Article 37 letter h of the Bondowoso Regency Regional Regulation Number 2 of 2020 concerning the duties of the Village Consultative Body (BPD) in holding special village deliberations for the Election of the Interim Village Head (PAW). The background of this research departs from the gap between the normative framework that requires inclusive, democratic, and representative participation and the empirical reality that often shows the dominance of local elites and the lack of community involvement at large. The purpose of this study is to analyze the extent to which BPD's duties in PAW are carried out effectively in accordance with regulatory provisions, as well as to identify obstacles faced in their implementation. This study uses a normative juridical method combined with historical and conceptual approaches. The normative approach is carried out through the study of relevant laws and regulations, a historical approach tracing the development of PAW governance, and a conceptual approach examining academic views and participatory democratic theory. The findings of a case study in Pelalangan Village, Cermee District, show that although procedurally the implementation of PAW has been in accordance with applicable regulations, it still substantially does not meet the principle of fair representation. Village deliberative forums are dominated by certain community leaders, while women's groups, youth, marginalized communities, and the general public are less involved. The causative factors include low public legal literacy, the absence of clear technical guidelines regarding the composition of representation, and the lack of public information disclosure. This study concludes that the implementation of PAW requires regulatory reform, the preparation of technical guidelines for inclusive participation, and sustainable community empowerment to ensure democratic legitimacy. Strengthening structural and cultural aspects is the key to realizing a fair, participatory, and reflective PAW that reflects the aspirations of the entire community.

**Keywords:** Village Consultative Body; Election of Interim Village Heads; Participatory Democracy; Representation.



Copyright © 2025 by Author(s)

This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

### HOW TO CITE:

Ali Zaenal Abidin and Fauziyah, "Implementation of the Duties of the Village Consultative Body in the Interim Village Head Election in Bondowoso", *Mimbar Yustitia: Jurnal Hukum Dan Hak Asasi Manusia* 9, no. 2 (2025): 150–166, <https://doi.org/10.52166/mimbar.v7i2>.

Submitted: 19/06/2025 Reviewed: 19/12/2025 Accepted: 20/12/2025

## I. INTRODUCTION

Indonesia is known as a country with a diversity of cultures,<sup>1</sup> ethnicities, religions, and customs<sup>2</sup> that are integrated within the framework of the Unitary State of the Republic of Indonesia (NKRI). The decentralized system implemented provides space for the regions.<sup>3</sup> including villages, to manage government affairs and the interests of the local community autonomously. This provision is regulated in Article 18B of the 1945 Constitution, which recognizes and respects the unity of customary law communities and their traditional rights as long as they are alive and in accordance with the development of society.<sup>4</sup> Law Number 23 of 2014 concerning Regional Government also affirms the principle of decentralization as the delegation of government affairs from the central government to autonomous regions. In the context of villages, Law Number 6 of 2014<sup>5</sup> and its amendments through Law Number 3 of 2024 affirm that villages have the authority to organize government, development, community development, and community empowerment based on their initiative and rights of origin.<sup>6</sup>

The election of the Village Head (Pilkades) is one of the tangible manifestations of democracy at the local level.<sup>7</sup> Based on Article 31 paragraph (1) of the Village Law, the Regional Elections are held simultaneously in all districts/cities.<sup>8</sup> However, under certain conditions, the village head may resign before the end of his term of office, as stipulated in Article 40 of the Village Law and Article 54 of Government Regulation Number 43 of 2014, due to death, resignation, or dismissal.<sup>1</sup> To fill the vacancy with more than one year remaining in office, the mechanism used is the Election of the Interim Village Head (PAW), which is carried out through special village deliberations by the Village Consultative Body (BPD).<sup>9</sup> This mechanism is regulated in the Regional Regulation of Bondowoso Regency Number

---

<sup>1</sup> Arrum Kharisma et al., "Multicultural Currents in Indonesia in the Perspective of Pancasila, Islam, and Nationality," *Scaffolding: A Journal of Islamic Education and Multiculturalism* 3, no. 2 (2021): 109–22, <https://doi.org/10.37680/scaffolding.v3i2.1113>.

<sup>2</sup> Ima Rohimah Helena Ras Ulina Sembiring, *Building Nationalistic Character* (Media Nusa Creative (MNC Publishing), 2021).

<sup>3</sup> Roy Marthen Moonti, "The Essence of Regional Autonomy in the Constitutional System in Indonesia," *Al-Ishlah: A Scientific Journal of Law* 20, no. 2 (2017): 26–37.

<sup>4</sup> Yunita Ratna Sari and Laras Ayu Andini, "Analysis of the Implementation of the Interim Village Head Election (PAW) in Karangkemojing Village, Gumelar District, Banyumas Regency in 2022," *JIAPI: Journal of Indonesian Administrative and Government Sciences* 5, no. 1 (2024): 71–81.

<sup>5</sup> Fauziyah and Sri Praptianingsih, "Principles the Rule of Law in the Settlement of the Election of Head Village" 131, no. Iclgg 2017 (2018): 104–12, <https://doi.org/10.2991/iclgg-17.2018.14>.

<sup>6</sup> Syofyan Hadi and Tomy Michael, "Legal Implications of Recentralization of the Authority for the Implementation of Concurrent Affairs on the Applicability of Regional Legal Products of Indonesian State Forms Are" 5, no. 36 (2021): 267–90, <https://doi.org/10.25072/jwy.v5i2.489>.

<sup>7</sup> Marcella Natalia Tombiling, "Implementation of Simultaneous Village Head Elections" 3, no. 2 (2024): 1726–35.

<sup>8</sup> Adi Papa et al., "The Problem of Simultaneous Village Head Elections in North Central Timor Regency" 1, no. 7 (2023): 448–53.

<sup>9</sup> Iman Muh and Fauziyah, *Research Report of Associate Lecturer Legal Study on Lease Agreements for Bent Land Leases That Exceed the Term of Term of Village Head*, 2023.

2 of 2020 concerning BPD and Regulation of the Regent of Bondowoso Number 48 of 2017.<sup>10</sup>

Several previous studies have discussed the role of BPD in the implementation of village government, including its function in accommodating aspirations and supervising the running of village government.<sup>11</sup> However, a special study on the implementation of Article 37 letter h of the Bondowoso Regency Regional Regulation No. 2 of 2020 related to the BPD's task of holding special village deliberations for PAW is still limited. Existing research tends to focus on the election of village heads in general, rather than on the dynamics and challenges of PAW implementation which are more specific, especially in the socio-political context of villages. This limitation is what this study aims to overcome by providing an in-depth analysis of PAW practices in Bondowoso Regency.<sup>12</sup>

Academically, this research has a novelty value because it examines the implementation of relatively newly implemented local legal norms, with a case study of the implementation of PAW in Pelaangan Village. This research is expected to contribute to the development of the theory of decentralization and local democracy, as well as become a practical reference for local governments, BPDs, and village communities in understanding and optimizing the PAW mechanism. The purpose of this study is to analyze the extent to which the implementation of BPD duties in accordance with Article 37 letter h of Regional Regulation No. 2 of 2020 can run effectively, as well as identify the obstacles faced in its implementation.<sup>13</sup>

Based on this, the formulation of the problem proposed in this study is: To what extent can the implementation of the duties of the Village Consultative Body in accordance with Article 37 letter h in the process of electing interim village heads in Bondowoso Regency run effectively as stipulated in Regional Regulation Number 02 of 2020? The results of this study are expected to provide theoretical benefits in the development of village government law studies and practical benefits for the improvement of regulations and the implementation of PAW in the future.<sup>14</sup>

---

<sup>10</sup> Agus Sofyan, "Community Participation in the Implementation of the Village Head Election (PILKADES) in Sukamulya Village, District" 8 (2021): 1–14.

<sup>11</sup> Ade DarmawanBasri Nurul Muammar, "The Effectiveness of the Implementation of the Dismissal of the Village Head According to the Law on Villages of the State Islamic University of Makassar Introduction Indonesia is a unitary state in which there will be no region or region within its environment" 4 (2022): 182–206.

<sup>12</sup> Gunarto and Bagong Suyanto Hardi Warsono, "Head of Village Interim Replacement (PAW) of Pelalangan Village Officially Inaugurated by the Regent of Bondowoso" (Semarang: Media Inspirasi Semesta, 2022), <https://persindonesia.com/2022/08/10/kepala-desa-pergantian-antar-waktu-paw-desa-pelalangan-resmi-di-lantik-bupati-bondowoso/>.

<sup>13</sup> Injili Kalangi, Josepus Pinori, and Toar Palilingan, "Journal of the Faculty of Law Unsrat Lex Privatum Vo.13.No.2. Jan.2024," *Journal of the Faculty of Law Unsrat* 13, no. 2 (2024).

<sup>14</sup> C W Setyawan, P Parji, and ..., "The Implementation of Pancasila Democratic Values in the Village Head Election in Wayut Village, Jiwan District, Madiun Regency in 2021," *National Seminar...* 1 (2022): 561–71.

## II. METHODS

This study uses four complementary approaches to provide a comprehensive analysis of the legal issues studied. First, the statute approach is carried out by examining all laws and regulations relevant to the research topic, both laws, government regulations, regional regulations, and other related regulations. The results of this study are the basis for legal arguments in answering research problems. Second, the historical approach is applied by tracing the background, development, and philosophical foundation behind the birth of the legal provisions being studied. Through this approach, researchers can understand the intention of the lawmakers as well as the socio-political context at the time the regulation was drafted. Third, a conceptual approach is used by referring to the doctrines, views of experts, and legal theories that develop in legal science. This approach helps to strengthen the analysis with theoretical foundations that are both academic and conceptual. Fourth, an empirical approach is applied as supporting data through limited interviews with village officials, BPD members, and the people of Pelalangan Village. This approach is intended to obtain a factual picture of the practice of community representation in special village deliberations. Empirical data serves as a complement in testing the conformity between legal norms and the reality of practice in the field. By combining these four approaches, the research is expected to produce a legal analysis that is not only normative, but also historical, conceptual, and factual, so as to be able to provide a comprehensive perspective on the implementation of Article 37 letter h of the Bondowoso Regency Regional Regulation Number 2 of 2020.

## III. ANALYSIS AND DISCUSSION

### **Analysis of community representation in the process of Election of the Interim Village Head of Plalangan Village, Bondowoso Regency**

Community representation in the process of the Interim Village Head Election (PAW) is an important dimension in local democracy that still faces various challenges.<sup>15</sup> In the context of the Indonesian constitutional system, representation is the main foundation that supports the sustainability of a democratic system of government.<sup>16</sup> The State of Indonesia expressly places the people as the holder of the highest sovereignty as reflected in Article 1 paragraph (2) of the Constitution of the Republic of Indonesia of 1945 which states that "Sovereignty is in the hands of the people, and is carried out entirely by the People's Consultative Assembly" is implemented according to the Constitution. This principle does not only apply at the central level, but is also specifically reflected in the implementation of village government through democratic and participatory village head elections.<sup>17</sup>

---

<sup>15</sup> Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia* (Jakarta: Sinar Grafika, 2021).

<sup>16</sup> RIDWAN SYAIDI TARIGAN, *Constitutional Law and Transformation, Social Implications and Prospects* (Banjar: Ruang Karya Bersama, 2024).

<sup>17</sup> Rikardo Office, "The Application of People's Sovereignty in General Elections in Indonesia Based on the Constitution of the Republic of Indonesia in 1945," *Sasana Law Journal* 6, no. 1 (2020): 51–71, <https://doi.org/10.31599/sasana.v6i1.228>.

Law Number 6 of 2014 concerning Villages provides legal and institutional recognition of the existence of villages as subjects of public law that have the original authority to regulate and manage their own household affairs.<sup>18</sup> Villages are not only objects of development from above, but also have political, administrative, and fiscal independence that allows village communities to manage government and development in accordance with local needs and potential.<sup>19</sup> One of the important manifestations of village autonomy is the process of electing village heads, including in the event of a vacancy before the end of the term of office, which is then filled through the mechanism of the Interim Village Head Election.<sup>20</sup>

The election of the Intertemporal Village Head (PAW) is different from the regular village head election. According to the provisions of Article 40 of the Village Law, it states that:

- 1) The Village Head quits because:
  - a) died;
  - b) self-request; or
  - c) dismissed.
- 2) The Village Head is dismissed as referred to in paragraph (1) letter c because:
  - a) his term of office ended.
  - b) unable to carry out duties continuously or permanently unable to perform their duties for 6 (six) months in a row.
- 3) The dismissal of the Village Head as intended in paragraph (1) is stipulated by . Regent/Mayor.
- 4) Further provisions regarding the dismissal of the Village Head as intended in paragraph (1) are regulated in the Government Regulation.

PAW is not carried out through direct election by all villagers, but through a special village deliberation forum organized by the Village Consultative Body (BPD).<sup>21</sup> According to Article 5 of Local regulations No. 2 of 2020 concerning BPD, it states that:

---

<sup>18</sup> Richard Timotius, "Revitalization of Villages in the Constellation of Decentralization According to Law Number 6 of 2014 concerning Villages," *Journal of Law & Development* 48, no. 2 (2018): 323, <https://doi.org/10.21143/jhp.vol48.no2.1666>.

<sup>19</sup> Mutia Kardina, Aldri Frinaldi, and Lince Magriasti, "The Implementation of Decentralization and Its Impact on the Empowerment of Independent Village Communities in Indonesia," *Jurnal Professional* 11, no. 2 (2024): 609–14.

<sup>20</sup> Putri Arpani et al., "Village Head Election Strategy in Medan Estate Village, Deli Serdang Regency" 2, no. 1 (2024), <https://journal.wiyatapublisher.or.id/index.php/kybernetology>.

<sup>21</sup> Muh. Arif Rezki, Irwan, and Sofyan B Ananda, "The Process of Organizing the Village Head Election in Interim Rotation in Talumae Village, Watang Sidenreng District," *Governance: A Scientific Journal of Local Political and Development Studies* 10 (2024): 414–21.

- 1) BPD members are representatives of the villagers based on regional representation and women's representation whose filling is carried out democratically through representative deliberations.
- 2) The number of BPD members as referred to in paragraph (1) is determined by an odd number, at least 5 (five) people and a maximum of 9 (nine) people.
- 3) The determination of the number of BPD members as intended in paragraph (2) takes into account the number of population and financial capacity of the village with the following provisions:
  - a. population up to 2000 (two thousand) people, 5 (five) BPD members;
  - b. the population of 2000 (two thousand) is more up to 2500 (two thousand five hundred) people, 7 (seven) BPD members; and
  - c. The population is 2500 (two thousand five hundred) more people, 9 (nine) BPD members.

The profile of Pelalangan village, Cermee District itself, has 7 BPD members namely:

No.	Name	Position	Place Of Birth	Education	Address (RT/RW)
1.	ABD RASYID, S.PD	HEAD	Bondowoso, 24-07-1971	S1	RT 05 RW Auction
2.	MOHAMAD SALEH, S.PdI	VICE CHAIRMAN	Bondowoso, 14-03-1973	S1	RT 06 RW Auction
3.	MAHMUD, S.PD	SECRETARY	Bondowoso, 07-08-1980	S1	RT 09 RW Auction
4.	SULAWI	MEMBER	Bondowoso, 15-12-1976	MTsN	RT 13 RW Auction
5.	SUPANDI	MEMBER	Bondowoso, 22-09-1974	PACKAGE B	RT 15 RW Auction
6.	MAHFUD	MEMBER	Situbondo, 13-03-1983	MTsN	RT 01 RW Auction
7.	SONG	MEMBER	Bondowoso, 08-06-1980	MTsN	RT 03 RW Auction

Source of data of the Bondowoso Regent Decree on the Determination of Leaders and Members of the Consultative Body of Pelalangan Village, Cermee District, Bondowoso Regency.

The issue of representation is very significant, deliberative forums that should reflect the diversity of society are often dominated by local elites, without extensive involvement from the village community itself. Therefore, the question that arises is the extent to which community representation is really realized in the implementation

of PAW<sup>22</sup>, as well as what is the role of BPD in guarding the principle of democracy.<sup>23</sup> As a representative institution at the village level, BPD has a strategic role in initiating and organizing special village deliberations as the main stage of the Village Head PUA.

This process begins with the vacancy of the village head position before the end of his term, which is then followed up by the BPD through internal meetings and consultations with the sub-district head and village community empowerment office. Furthermore, the BPD established an interim election committee according to Article 44 of Regional Regulation No. 20 of 2020 concerning the Village Consultative Body:

- 1) BPD formed a simultaneous Village Head election committee and an interim Village Head election committee.
- 2) The formation of the committee as intended in paragraph (1) is determined by the BPD tusan.
- 3) The establishment of the Village Head Election Committee as referred to in paragraph (1) is guided by the Regional Regulations and Regent Regulations that regulate the Election, Appointment, and Dismissal of Village Heads in Bondowoso Regency.

According to Article 37 of Regional Regulation No. 2 of 2020 concerning BPD, it is also emphasized that the Village Consultative Body has the following duties:

- a. exploring the aspirations of the community;
- b. accommodating the aspirations of the community;
- c. managing the aspirations of the community;
- d. channeling the aspirations of the community;
- e. organizing BPD deliberations;
- f. organizing village deliberations;
- g. forming a committee for the election of the Village Head;
- h. holding special village deliberations for the election of interim village heads;
- i. discuss and agree on the draft Village Regulation with the Village Head;
- j. carry out supervision of the performance of the Village Head;
- k. requesting a written report on the implementation of village government to the village head at the end of each fiscal year and the end of the term of office;
- l. evaluate reports on the implementation of Village Government;
- m. create harmonious working relationships with the Village Government and other Village Institutions;
- n. Implementation of supervision of implementation. Village Regulations, Village Head Regulations, Village Head Joint Regulations, and the implementation of the Village APB;

---

<sup>22</sup> Fanis Fifin Nazilah and Fauziyah Fauziyah, "Implementation of Women's Representation as Members of the Village Consultative Body (BPD) Based on Permendagri Number 110 of 2016 concerning the Village Consultative Body (BPD) in Jember Regency," *National Multidisciplinary Sciences* 2, no. 5 (2023): 389–97.

<sup>23</sup> Kharisma et al., "Multicultural Currents in Indonesia in the Perspective of Pancasila, Islam, and Nationality."

- o. propose the appointment and dismissal of the Village Head to the Regent through the Sub-district Head to obtain approval of appointment and dismissal;
- p. giving approval to village planning, village planning, village cooperation, the establishment of Village BUM, addition and release of village assets;
- q. notify the village head of the end of the term of office of the village head in writing 6 (six) months before the end of the term of office; and Carry out other duties regulated in the provisions of laws and regulations.

Meanwhile, the terms and procedures for the implementation of PAW for village heads are regulated in Article 86 of Regent Regulation No. 48 of 2017 concerning amendments to the Bondowoso Regent Regulation No. 39 of 2017 concerning guidelines for the implementation of the election, appointment, and dismissal of village heads in Bondowoso Regency, namely:

- 1) verification of the completeness of the administration of the Interim Village Head Candidate as referred to in Article 85 paragraph (7) based on the documents that have been researched and clarified by the Intertemporal Regional Election Committee within a maximum period of 7 (days) days from the receipt of the documents of the Interim Village Head Candidate from the Sub-district Head.
- 2) In the event that the Interim Village Head Candidates are more than 3 (three) people, the selection is carried out through a written exam with the same mechanism as the written exam in the Simultaneous Village Head Election.
- 3) The results of the written exam selection determine the ranking of the Interim Village Head Candidates.
- 4) Deleted.
- 5) In the event that the Interim Village Head Candidate is more than 3 (three) people, the ranking is based on the results of the first highest score to the last lowest score and the first to third rank is determined as the Interim Village Head Candidate, while the fourth rank and so on are declared ineligible.
- 6) In the event that after the selection of a written exam for Interim Village Head Candidates more than 3 (three) people get the same score for the third rank, to determine the Interim Village Head Candidates who are eligible to be designated as Interim Village Head Candidates who are eligible to be elected, then the Bondowoso Regency Community and Village Empowerment Office conducts an additional selection using the following criteria: a. experience working in a government institution (priori the first bag); b. level of education (second priority); and c. oldest age (third priority).
- 7) The results of the verification of the completeness of the administrative requirements and selection of the Interim Village Head Candidates as referred to in paragraphs (1) and (2) are submitted to the Intertemporal Regional Election Committee with a copy of the BPD or the Acting Village Head to obtain approval in the Village Deliberation which is subsequently determined as the Interim Village Head Candidate who is entitled to be elected.

- 8) determination of Candidates for Interim Village Head as referred to in paragraph (7) at least 2 (two) people and a maximum of 3 (three) people.

The implementation of PAW for the Head of Pelalangan Village in Bondowoso Regency is regulated in more detail through Bondowoso Regency Regional Regulation Number 2 of 2020 concerning the Village Consultative Body. This regulation regulates the duties, functions, and authority of the BPD, including in holding special village deliberations to elect an interim village head. The provisions of Article 45 of PERDA No.2 of 2020 concerning BPD state:

- 1) BPD held a special village deliberation for the election of the interim Village Head.
- 2) The holding of the Village Deliberation as intended in paragraph (1) is carried out to ratify the Village Head candidate submitted by the committee and ratify the elected Village Head candidate.
- 3) The village deliberation forum submits the selected Village Head Candidates as referred to in paragraph (2) to be submitted to the BPD.
- 4) the holding of special Village deliberations for the election of interim Village Heads guided by Regional Regulations and Regent Regulations that regulate the Election, Appointment, and Dismissal of Village Heads in Bondowoso Regency.

BPD has formed a committee and held a special village deliberation for PAW village heads which resulted in Ahmad Fauzan as the elected interim village head. Procedurally, the process runs in accordance with the provisions of Article 45 of PERDA No.2 of 2020 concerning BPD, but in terms of community participation and representation, it is found that only a small part of the community elements are involved.<sup>24</sup>

The Deliberation Forum was attended by representatives of religious leaders, community leaders, PKK women, members of fatayat representatives, community representatives of PKH recipients, as well as RT and RW. However, technically, PERDA No.2 of 2020 concerning BPD has not fully explained how the principle of community representation must be implemented in the deliberative forum. As a result, in practice in the field, there are deviations or gaps in norms that allow the deliberative forum to be filled only by certain circles, especially community leaders who have long dominated the village political arena.<sup>25</sup>

In addition to normative and theoretical aspects, the implementation of PAW by Village Heads also faces structural challenges. The low level of legal literacy among the village community causes a lack of awareness among residents of their

---

<sup>24</sup> ABD. Rasyid, interviewed by Ali Zaenal Abidin, July 2025, regarding the duties of the BPD in the Interim Election of the Head of Pelalangan Village, Cermee District, Bondowoso Regency.

<sup>25</sup> Mohamad Saleh, interviewed by Ali Zaenal Abidin, July 2025, regarding the representation of the community in the interim election of the Head of Pelalangan Village, Cermee District, Bondowoso Regency.

rights in the deliberation process.<sup>26</sup> Few residents do not know their rights to be involved in the special PAW deliberations that will be held. Information is only disseminated through informal channels, such as community leaders or village officials, and not through official media or open announcements.<sup>27</sup>

The role of BPD based on Article 3 of the Regulation of the Minister of Home Affairs Number 110 of 2016 concerning BPD expressly states that:

- a. emphasizing the role of BPD in the implementation of Village Government;
- b. encouraging BPD to be able to accommodate and channel the aspirations of the village community; and
- c. encourage BPD in realizing good governance in the village.

This situation creates a gap between norms and practices. On the one hand, regulations require active community involvement, but on the other hand, there are no clear mechanisms or sanctions when such involvement is ignored. So, what happened was the PAW process of the Village Head which ran according to administrative procedures, but substantively failed to meet the principle of representation.<sup>28</sup> Therefore, a reformulation of policies and regulations is needed that can bridge this gap. One of the solutions that can be proposed is the preparation of technical guidelines on the implementation of PAW village deliberations that regulate the composition of participants, participant selection mechanisms, quotas for representation of vulnerable groups, and procedures for community objections.<sup>29</sup>

Furthermore, the approach to empowering village communities must also be used as a supporting strategy in improving the quality of representation.<sup>30</sup> BPD and village officials should actively conduct political education to residents so that they understand the importance of involvement in the village deliberation process.<sup>31</sup> This education covers not only the procedural aspects of elections, but also the rights of the community, the principles of good governance, and how to voice aspirations

---

<sup>26</sup> Tri Wahyudiono, Imam Khowim, and Rona Merita, "The Establishment of a Legal Aware Village: A Case Study in Village X," *Title: A Journal of Community Service* 3, no. 2 (2025): 91–108, <https://doi.org/10.53429/ngaliman.v3i2.1341>.

<sup>27</sup> Putri Annisah Fauziana, Ardiansyah, "Analysis of Low Community Participation at the Development Plan Deliberation Forum (Musrenbang) in Kenawat Village, Lut Tawar District, Central Aceh Regency," *Scientific Journal of FISIP USK Students* 09, no. 04 (2024): 1–12, <https://jim.usk.ac.id/FISIP/article/view/31630>.

<sup>28</sup> Try Indra Rahmawan, "Realizing Meaningful Participation in the Formation of Village Government," *Journal Legislate Indonesia* 20, no. 3 (2023): 71.

<sup>29</sup> Muhammad Alif Vidi et al., "Proceeding National Conference of Research and Community Service Sisi Indonesia," 2025.

<sup>30</sup> Deden, "Political Literacy Strategies to Support the Welfare of Rural Communities," n.d., 305–17.

<sup>31</sup> Hanafi, Joya Ginting, "The Role of the Village Consultative Body (Bpd) in Supervising the Performance of Village Apparatus in Improving Village Development (Case Study of Pangkalan Libut Village, Bengkalis Regency)," *Thesis*, 2023.

effectively. Thus, village deliberation does not become an exclusive elitist ritual, but an inclusive and productive deliberative forum.<sup>32</sup>

In the opinion of Carole Pateman and Benjamin Barber, democracy is not only about involvement in elections, but also about the extent to which citizens have control over the decision-making that affects their lives. Participatory democracy emphasizes the importance of deliberation, public discussion, and open joint decision-making. If the village deliberation forum is only a formality to legitimize the results that have been predetermined by the village elite, then the forum loses its meaning as a democratic arena. In fact, it can be said that the PAW process of the Village Head without fair representation is actually a form of delegitimization of the village government itself.<sup>33</sup>

According to the state administrative law, the implementation of the special village deliberation of the Village Head PAW is a government administrative action that must be subject to the principles of the General Principles of Good Governance (AUPB).<sup>34</sup> These principles include the principles of openness, participation, accountability, proportionality, and non-discrimination. When the deliberative forum is held behind closed doors, without adequate access to information to the public, it is contrary to the principle of openness. When the participants of the deliberation are only selected from certain circles without paying attention to the diversity of the community, there is a violation of the principles of non-discrimination and participation. As a result, the results of the PAW of the Village Head are potentially illegitimate and can cause social conflicts in the future.<sup>35</sup>

As part of the Indonesian constitutional system, villages should not be a closed political space. Village democratization must be an integral part of bureaucratic reform and public service-oriented governance. In this case, a democratic, participatory, and inclusive PAW of the Village Head will be an indicator of the success of the implementation of responsible village autonomy.<sup>36</sup>

By strengthening the regulative, institutional, and capacity aspects of the village community, it is hoped that the PAW process of the Village Head in the future can truly reflect the spirit of democracy. Village heads who are elected through PAW will have strong legitimacy if they are elected through a fair, open process, and

---

<sup>32</sup> Tiara Permatasari et al., *History of the Development of Democracy and the Institutionalization of Democracy* (Malang: Publisher: Kramantara JS, 2025).

<sup>33</sup> Haji Ahmad Makie and Widiya Aris Rindiani, "Community Involvement in the Election Dispute Resolution Process: Building Trust and Participation," *Al Washliyah : Journal of Social Research and Humanities* 2, no. 1 (2024): 24–34, <https://doi.org/10.70943/jsh.v2i1.69>.

<sup>34</sup> Yes, Kusdarini, *General Principles of Good Government in State Administrative Law* (Yogyakarta: Uny Press, 2020).

<sup>35</sup> John Fresly Hutahayan, *Factors Influencing Information Disclosure Policy and Public Service Performance (Study on the DKI Jakarta Provincial Government)* (Yogyakarta: Deepublish, 2020).

<sup>36</sup> Risky Ibrahim and Rara Ayudyah Olii, "Bureaucratic Reform Strategy at the Local Level: Good Governance Perspective in Kwandang District Regional Autonomy," *Professional: Journal of Communication and Public Administration* 11, no. 2 (2025): 769–74, <https://doi.org/10.37676/professional.v11i2.8484>.

represent all elements of society. This legitimacy will be an important social capital in running the wheels of village government and building citizens' trust in their own government.<sup>37</sup>

Therefore, the reform of the implementation of PAW of Village Heads must be directed at structural and cultural changes at the same time. Structural changes mean improving the system, regulations, and governance of the implementation of the Interim Village Head Election. Meanwhile, cultural change includes the development of democratic culture and the legal awareness of village communities. Only with the synergy between structure and culture, in Pelalangan Village, Cermee District, the implementation of the Intertemporal Village Head Election (PAW) can be carried out not only by improving rules and systems, but also by paying attention to strong local culture, namely religious values.

The people in the village of Pelalangan are known to be religious, so Islamic values such as honesty, justice, and deliberation can be used as a guideline in the election process. Religious leaders such as kyai who serves as the Chairman of the BPD can provide advice and keep the PAW process running peacefully and fairly. By combining formal rules and religious culture, it is hoped that PAW can be more accepted by the community and produce legitimate and trusted village leaders. The process of electing interim village heads can run according to the principles of justice, inclusiveness, and effectiveness.<sup>38</sup>

According to researchers, the people of Pelalangan Village are known to uphold religious values, the fact is that the implementation of the Inter-Time Village Head Election (PAW) in the village still leaves various problems that reflect the weak application of the values of justice and openness. In the PAW process of the Village Head, it was found that there were manipulative practices such as changing voter status, for example, residents who were not previously the Chairman of the RW suddenly became RWs during the election process, or recipients of social assistance such as PKH who were then appointed as group representatives.<sup>39</sup>

This shows that the principles of deliberation and honesty that should be part of religious culture have not been fully implemented. In addition, the lack of transparency in the election process has also strengthened public distrust of the results of PAW. Therefore, a religious-based cultural approach needs to be applied seriously, not only in symbols, but also in local democratic attitudes and practices, so that the PAW process truly reflects the values of justice, participation, and honesty that the community expects.

This effort also requires the participation of various stakeholders, such as universities, civil society organizations, and local media. Academics can contribute

---

<sup>37</sup> Erni Irawati, "Village Capacity Building Based on Law No. 6 of 2014 (A Study on Village Autonomy)," *Journal of Research Innovation* 2, no. 2 (2021): 6.

<sup>38</sup> ABD. Rasyid, interviewed by Ali Zaenal Abidin, July 2025, Regarding Cultural Culture in the Interim Election of the Head of Pelalangan Village, Cermee District, Bondowoso Regency.

<sup>39</sup> The results of the interview with Mohammad Saleh as the Vice Chairman of BPD.

in the form of critical studies and the preparation of academic manuscripts for policy revision. Meanwhile, local media play an important role in disseminating information and building public awareness. This collaboration between stakeholders will accelerate the realization of the implementation of PAW of Village Heads with integrity and democracy.<sup>40</sup>

The success of the Interim Village Head Election (PAW) is not only seen from who is elected, but also from how the process runs and whether the results are accepted by the community. If the process is not honest or not in accordance with the rules, it can cause mistrust, conflict, and hinder village development. On the other hand, if the village head is elected in a legitimate, fair, and representative manner for all parties, then he will be more supported by the community. This support is important so that the village head can lead well. Therefore, improving the way the PAW is implemented by the Village Head is very important so that village democracy runs correctly and development can be felt by all residents.<sup>41</sup>

Another step is to build a database system for villagers that is transparent and accessible to the public. This data will be a reference in determining who is entitled to be a participant in the village deliberative forum in the context of PAW, as well as preventing the manipulation of participants by certain individuals. Village digital technologies, such as web-based village information systems, can be further developed to support the transparency and openness of the village head election process.<sup>42</sup>

Finally, it needs to be reiterated that representation in the PAW of the Village Head is not only a technical procedural issue, but concerns the basic values of democracy, justice, and respect for the civil rights of citizens. Realizing a participatory PAW means building a collective awareness that village government belongs to the commonwealth, not to a handful of elites or certain figures. Therefore, the process of electing interim village heads must be seen as a process of building democratic civilization at the lowest level of the Indonesian state structure.<sup>43</sup>

## VI. CONCLUSION

This study concludes that while the Interim Village Head Election (PAW) in Pelalangan Village formally complies with Indonesia's village governance regulations, it falls short of fulfilling the normative standards of participatory democracy and the General Principles of Good Governance, particularly openness,

---

<sup>40</sup> Iwan Awaluddin Yusuf, "Local Media in the Constellation of Political Communication in the Regions," *Journal of Social and Political Sciences* 14, no. 3 (2011): 297–316.

<sup>41</sup> Dedi Mulyadi, M. Rendi Aridhayandi, and Aris Budiono, "Democracy and the Legitimacy of Village Leadership: A Normative Legal Review of the Dynamics and Regulations Related to the Election of Village Heads," *Lex Publica* 5, no. 1 (2018): 23–31, <https://doi.org/10.58829/lp.5.1.2018.23-31>.

<sup>42</sup> Muhammad Irsan Huda, Nurul, Astaruddin, H Tatang, Nasution, Alwi Al Haddad, and Dian Rachmat Gumelar, *Personal Data, Citizens' Rights and the Rule of Law: Maintaining Privacy in the Midst of Digital Threats* (Bandung: Widina Publisher, 2024).

<sup>43</sup> Andrian Habibi, *Suing Local Democracy* (Yogyakarta: Deepublish, 2020).

meaningful participation, and non-discrimination. The absence of explicit legal norms governing representative participation in village deliberations has enabled elite dominance, thereby weakening the substantive democratic legitimacy of the PAW process despite its procedural validity. Normatively, this finding underscores the need to reconceptualize PAW not merely as an administrative mechanism, but as a constitutional expression of popular sovereignty at the village level. Accordingly, this study recommends the formulation of clear technical guidelines at the regional level to regulate the composition and selection of deliberative participants, including mandatory representation of women, youth, and marginalized groups, alongside institutional capacity-building for Village Consultative Bodies (BPD) and systematic enhancement of community legal literacy. These policy measures are essential to transform PAW into a transparent, inclusive, and accountable instrument of local democracy with strong substantive legitimacy.

## ACKNOWLEDGMENTS

The author would like to express his deepest gratitude to the supervisor, Dr. Fauziyah S.H., M.H., for his invaluable guidance, constructive input, and continuous encouragement throughout the research process. Deep appreciation is also extended to the Faculty of Law, University Of Muhammadiyah Jember which has provided the necessary academic support and resources to complete this research. Special thanks are given to the Consultative Body of Pelalangan Village, Cermee District, Bondowoso Regency, as well as all the community who have been willing to take their time, share experiences, and provide information during the data collection process. The author also sincerely appreciates the help of colleagues who have assisted in manuscript editing, technical structuring, and providing constructive suggestions for the improvement of this work. Finally, the author expresses his deep gratitude to his family and friends for their moral support and enthusiasm that never recedes, without them this research would not have been completed.

## REFERENCES

Ananda, Muh. Arif Rezki, Irwan, and Sofyan B. "The Process of Organizing the Village Head Election in Interim Rotation in Talumae Village, Watang Sidenreng District." *Governance: A Scientific Journal of Local Political and Development Studies* 10 (2024): 414–21.

Arpani, Putri, Lumongga Sianipar, Francisco Sihaloho, and Julia Ivanna. "Village Head Election Strategy in Medan Estate Village, Deli Serdang Regency" 2, no. 1 (2024). <https://journal.wiyatapublisher.or.id/index.php/kybernoLOGY>.

Asshiddiqie, Jimly. *constitution and constitutionalism of indonesia*. Jakarta: Sinar Grafika, 2021.

Deden. "Political Literacy Strategies to Support the Welfare of Rural Communities," n.d., 305–17.

Fauziana, Ardiansyah, Putri Annisah. "Analysis of Low Community Participation in

the Development Plan Deliberation Forum (Musrenbang) in Kenawat Village, Lut Tawar District, Central Aceh Regency." *Scientific Journal of FISIP USK* 09, no. 04 (2024): 1–12. <https://jim.usk.ac.id/FISIP/article/view/31630>.

Fauziyah, and Sri Praptianingsih. "Principles the Rule of Law in the Settlement of the Election of Head Village" 131, no. Iclgg 2017 (2018): 104–12. <https://doi.org/10.2991/iclgg-17.2018.14>.

Ginting, Hanafi, Joya. "The Role of the Village Consultative Body (Bpd) in Supervising the Performance of Village Apparatus in Improving Village Development (Case Study of Pangkalan Libut Village, Bengkalis Regency)." *Thesis*, 2023.

Habibi, Andrian. *Suing Local Democracy*. Yogyakarta: Deepublish, 2020.

Hadi, Syofyan, and Tomy Michael. "Legal Implications of Recentralization of the Authority for the Implementation of Concurrent Affairs on the Applicability of Regional Legal Products of the Indonesian State-Form are" 5, no. 36 (2021): 267–90. <https://doi.org/10.25072/jwy.v5i2.489>.

Hardi Warsono, Gunarto and Bagong Suyanto. "The Head of the Interim Replacement Village (PAW) of Pelalangan Village was officially inaugurated by the Regent of Bondowoso." Semarang: Media Inspirasi Semesta, 2022. <https://persindonesia.com/2022/08/10/kepala-desa-pergantian-antar-waktu-paw-desa-pelalangan-resmi-di-lantik-bupati-bondowoso/>.

Helena Ras Ulina Sembiring, Ima Rohimah. *Building Nationalistic Character*. Media Nusa Creative (MNC Publishing), 2021.

Huda, Nurul, Astaruddin, H Tatang, Nasution, Muhammad Irsan, Alwi Al Haddad, and Dian Rachmat Gumelar. *Personal Data, Citizens' Rights, and the Rule of Law: Maintaining Privacy in the Midst of Digital Threats*. Bandung: Widina Publishers, 2024.

Yours truly, John Fresly. *Factors Influencing Information Disclosure Policy and Public Service Performance (Study on the DKI Jakarta Provincial Government)*. Yogyakarta: Deepublish, 2020.

Ibrahim, Risky, and Rara Ayudyah Olii. "Bureaucratic Reform Strategy at the Local Level: A Good Governance Perspective in Kwandang District Regional Autonomy." *Professional: Journal of Communication and Public Administration* 11, no. 2 (2025): 769–74. <https://doi.org/10.37676/professional.v11i2.8484>.

Irawati, Erni. "Village Capacity Building Based on Law No. 6 of 2014 (a Study on Village Autonomy)." *Journal of Research Innovation* 2, no. 2 (2021): 6.

Kalangi, Injili, Josepus Pinori, and Toar Palilingan. "Journal of the Faculty of Law Unsrat Lex Privatum Vo.13.No.2. Jan.2024." *Journal of the Faculty of Law Unsrat* 13, no. 2 (2024).

Kardina, Mutia, Aldri Frinaldi, and Lince Magriasti. "The Implementation of Decentralization and Its Impact on the Empowerment of Independent Village Communities in Indonesia." *Journal of Professional* 11, no. 2 (2024): 609–14.

Kharisma, Arrum, Nawal El Zuhby, Juliastuti Purwanti, Deta Widyaningrum, Aisyah

Nur An-nisa, and Arif Rahman. "Multicultural Currents in Indonesia in the Perspective of Pancasila, Islam, and Nationality." *Scaffolding: Journal of Islamic Education and Multiculturalism* 3, no. 2 (2021): 109–22. <https://doi.org/10.37680/scaffolding.v3i2.1113>.

Kusdarini, yes. *General principles of good governance in the law of state administration*. Yogyakarta: Uny Press, 2020.

Makie, Haji Ahmad, and Widiya Aris Rindiani. "Community Involvement in the Election Dispute Resolution Process: Building Trust and Participation." *Al Washliyah : Journal of Social Research and Humanities* 2, no. 1 (2024): 24–34. <https://doi.org/10.70943/jsh.v2i1.69>.

Moonti, Roy Marthen. "The Essence of Regional Autonomy in the Constitutional System in Indonesia." *Al-Ishlah: Scientific Journal of Law* 20, no. 2 (2017): 26–37.

Muh, Iman, and Fauziyah. *Research Report of Associate Lecturer on Legal Studies on Lease Agreements for Renting Twisted Land that Exceeds the Term of Term of Village Head*, 2023.

Mulyadi, Dedi, M. Rendi Aridhayandi, and Aris Budiono. "Democracy and the Legitimacy of Village Leadership: A Normative Legal Review of the Dynamics and Regulations Related to the Election of Village Heads." *Lex Publica* 5, no. 1 (2018): 23–31. <https://doi.org/10.58829/lp.5.1.2018.23-31>.

Nazilah, Fanis Fifin, and Fauziyah Fauziyah. "Implementation of Women's Representation as Members of the Village Consultative Body (BPD) Based on the Minister of Home Affairs Regulation Number 110 of 2016 concerning the Village Consultative Body (BPD) in Jember Regency." *National Multidisciplinary Sciences* 2, no. 5 (2023): 389–97.

Nurul Muammar, Ade DarmawanBasri. "The Effectiveness of the Implementation of the Dismissal of the Village Head According to the Law on Villages of the State Islamic University of Alauddin Makassar Introduction Indonesia is a unitary state where there will be no region or regions within its environment" 4 (2022): 182–206.

Rikardo Office. "The Implementation of People's Sovereignty in General Elections in Indonesia Based on the 1945 Constitution of the Republic of Indonesia." *Journal of Martial Law* 6, no. 1 (2020): 51–71. <https://doi.org/10.31599/sasana.v6i1.228>.

Papa, Adi, Jefrianto Bondi, Maria Yovita Naif, and Ferdinandus Lobo. "The Problem of Simultaneous Village Head Elections in North Central Timor Regency" 1, no. 7 (2023): 448–53.

Permatasari, Tiara, Zairotul Hijroti, Nuril Aulia, Sulsilatul Millah, Dwi Rsalinda Putri, and Ahmad Faisol Amali. *History of the Development of Democracy and the Institutionalization of Democracy*. Malang: Publisher: Kramantara JS, 2025.

Sari, Yunita Ratna, and Laras Ayu Andini. "Analysis of the Implementation of the Interim Village Head Election (PAW) in Karangkemuning Village, Gumelar District, Banyumas Regency in 2022." *JI API: Journal of Indonesian*

*Administrative and Government Sciences* 5, no. 1 (2024): 71–81.

Setyawan, C W, P Parji, and ... "Implementation of Pancasila Democratic Values in the Election of Village Heads in Wayut Village, Jiwan District, Madiun Regency in 2021." *National Seminar...* 1 (2022): 561–71.

Sofyan, Agus. "Community Participation in the Implementation of the Village Head Election (PILKADES) in Sukamulya Village, District" 8 (2021): 1–14.

TARIGAN, RIDWAN SYAIDI. *Constitutional Law and Transformation, Implications and Social Prospects*. Banjar: Ruang Karya Bersama, 2024.

Timothy, Richard. "Revitalization of Villages in the Constellation of Decentralization According to Law Number 6 of 2014 concerning Villages." *Journal of Law & Development* 48, no. 2 (2018): 323. <https://doi.org/10.21143/jhp.vol48.no2.1666>.

Tombiling, Marcella Natalia. "Implementation of Simultaneous Village Head Elections" 3, no. 2 (2024): 1726–35.

Tri Wahyudiono, Imam Khowim, and Rona Merita. "The Formation of a Legal Aware Village: A Case Study in Village X." *Ngaliman: Journal of Community Service* 3, no. 2 (2025): 91–108. <https://doi.org/10.53429/ngaliman.v3i2.1341>.

Try Indra Rahmawan. "Realizing meaningful participation in the formation of village government." *Journal Legislate Indonesia* 20, no. 3 (2023): 71.

Vidi, Muhammad Alif, Ahmad Ridha, Wini Muthia Kansha, Study Program, Engineering Technology, Software, Vocational School, et al. "Proceeding National Conference of Research and Community Service Sisi Indonesia," 2025.

Yusuf, Iwan Awaluddin. "Local Media in the Constellation of Political Communication in the Regions." *Journal of Social and Political Sciences* 14, no. 3 (2011): 297–316.