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Stalled Village Democracy: Analyzing the Role of Village Consultative Bodies (BPD) in the Formulation of Local Regulations

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Original Article

Abstract

The Village Consultative Body (BPD) plays a pivotal role in formulating Village Regulations (Perdes), holding strategic importance in fostering participatory and democratic village governance. Nevertheless, in practice, legislative awareness among BPD members remains limited, and community participation in the process is minimal. This study examines the effectiveness of the BPD's legislative authority in the formulation of Village Regulations, with a focus on members' legislative awareness, community involvement, and the structural and cultural barriers they face. Employing a juridical-sociological approach and descriptive qualitative methods, the research was conducted in three villages within Tlanakan District, Pamekasan Regency. The findings reveal that the BPD tends to be passive, often co-opted by the authority of the Village Head, and unable to exercise its legislative function independently and substantively. Community participation is largely symbolic, hindered by low regulatory literacy. The study concludes that strengthening institutional capacity and reforming local power dynamics are crucial to ensuring accountable village legislation.

Keywords: *Village Legislation, Village Consultative Body, Community Participation, Power Relations*

Abstrak

Peran Badan Permusyawaratan Desa (BPD) dalam pembentukan Peraturan Desa (Perdes) memiliki posisi strategis dalam mewujudkan tata kelola pemerintahan desa yang partisipatif dan demokratis. Namun, realitas menunjukkan masih lemahnya kesadaran legislasi anggota BPD serta minimnya partisipasi masyarakat dalam proses tersebut. Penelitian ini bertujuan untuk mengkaji efektivitas kewenangan BPD dalam legislasi Perdes, dengan fokus pada kesadaran anggota BPD, keterlibatan masyarakat, serta hambatan struktural dan kultural yang dihadapi. Menggunakan pendekatan yuridis-sosiologis dan metode kualitatif deskriptif, studi ini dilakukan di tiga desa di Kecamatan Tlanakan, Kabupaten Pamekasan. Temuan menunjukkan bahwa BPD cenderung bersifat pasif, terkooptasi oleh kekuasaan Kepala Desa, dan belum mampu menjalankan fungsi legislasi secara independen dan substantif. Partisipasi masyarakat bersifat simbolik akibat rendahnya literasi regulasi. Penelitian ini menyimpulkan bahwa penguatan kapasitas kelembagaan dan reformasi relasi kuasa lokal sangat diperlukan untuk mewujudkan legislasi desa yang akuntabel.

Kata kunci: *Legislasi Desa, Badan Permusyawaratan Desa, Partisipasi Masyarakat, Relasi Kekuasaan*

1. INTRODUCTION

As the smallest governmental unit within Indonesia's constitutional system, villages occupy a strategic position in advancing the objectives of regional autonomy and enhancing community welfare. Law No. 6 of 2014 on Villages formally recognizes villages as legal community entities vested with the authority to regulate and manage their own governmental affairs, grounded in ancestral rights and existing as well as evolving local customs. Within this framework, the establishment of the Village Consultative Body (Badan Permusyawaratan Desa—BPD) serves as a critical institutional mechanism for performing representative, legislative, and oversight functions in the administration of village governance.

As a deliberative institution, the BPD plays a pivotal role in bridging community interests with the village government. Beyond overseeing governmental operations, it holds substantial authority in drafting, deliberating, and approving Village Regulations (Peraturan Desa—Perdes). These Perdes, as legal products jointly formulated by the Village Head and the BPD, govern various aspects of village life, including development planning, financial management, social protection, and local resource governance.

In practice, however, the exercise of the BPD's legislative authority in formulating Perdes continues to encounter multifaceted challenges. Previous studies indicate that village legislative processes often fail to operate optimally. BPDs are frequently limited to fulfilling formal requirements, lacking substantive understanding of legislative drafting procedures and failing to foster meaningful community participation during deliberations. This raises fundamental questions concerning the extent to which the BPD's authority effectively produces democratic, participatory, and contextually responsive village regulations.

Normatively, Minister of Home Affairs Regulation No. 111 of 2014 on Technical Guidelines for Village Regulations stipulates that, in the Perdes drafting process, the BPD's role extends beyond mere approval. The BPD is mandated to consult, provide input, and channel community aspirations for joint deliberation with the Village Head. Yet, in practice, many BPDs across regions have not exercised this mandate effectively. Factors such as limited educational backgrounds among members, insufficient technical training, inadequate operational budgets, and weak coordination with the Village Head have constrained the BPD's performance—issues that are often underexplored in academic research and overlooked in village development policy.

This gap between normative provisions and practical implementation is also evident in the local context of Tlanakan District, Pamekasan Regency—an area characterized by unique social, economic, and cultural potential. In recent years, recurring challenges have emerged in the formulation of Perdes involving the BPD, including delays in ratification, low community turnout in deliberation forums, and minimal BPD initiative in proposing legislative agendas aligned with local needs. These

issues highlight the disparity between the strong legal legitimacy granted to the BPD and the institution's limited effectiveness in practice.

Moreover, regulatory changes introduced under Law No. 6 of 2014 necessitate a systemic transformation of the BPD's role from a largely symbolic body to a substantive legislative and oversight institution. This transition demands enhanced capacity in legal literacy, legislative drafting techniques, and the ability to capture and articulate community aspirations. However, most BPD members have yet to receive adequate capacity-building support, directly affecting the quality of Perdes produced and, consequently, the effectiveness of village governance.

Given the importance of Perdes as legal instruments capable of addressing localized community needs, research on this topic is increasingly urgent. In the context of sustainable and equitable village development, the BPD must function as a responsive, accountable, and participatory legislative actor at the local level. This study therefore seeks not only to describe the BPD's role, but also to analyze and evaluate the factors influencing the effectiveness of its authority in the Perdes formulation process.

The Village Consultative Body (Badan Permasyarakatan Desa—BPD), as the legislative arm of village governance, occupies a critical position within the village administrative system. Pursuant to Law No. 6 of 2014 on Villages, the BPD functions not only as a supervisory body overseeing the implementation of village governance, but also as a representative of the community, tasked with articulating public aspirations and actively participating in the formulation of Village Regulations (Peraturan Desa—Perdes). Although numerous studies have examined the BPD's existence and effectiveness in this role, its practical implementation continues to face persistent challenges.

Saleh et al. note that, normatively, the BPD is intended to serve as a forum for local democracy, channeling community aspirations into the development of Perdes. However, their study in South Bulango District found that the planning and drafting of Perdes have not been carried out in accordance with applicable regulations, particularly Minister of Home Affairs Regulation (Permendagri) No. 110 of 2016 and Permendagri No. 111 of 2014. The BPD's involvement is largely limited to the ratification stage, with earlier stages such as consultation and deliberation remaining underdeveloped.¹ Similarly, Hendri et al. found in Gunung Village that over a span of four to five years, the BPD had not demonstrated meaningful performance in promoting the issuance of Perdes. The study identified two primary issues: a limited understanding of legislative duties and functions, and a lack of initiatives to foster active community participation.²

¹ Hamzah Saleh, Marwan Marwan, and Darmawati Darmawati, "Efektivitas Pembentukan Peraturan Desa Melalui Badan Permasyarakatan Desa Di Kecamatan Bulango Selatan," *Jurnal Restorative Justice* 7, no. 2 (2023): 158–77, <https://doi.org/10.35724/jrj.v7i2.5705>.

² Radewa Kurniawan Hendri, Gusliana HB, and Zulwismar Zulwismar, "Eksistensi Badan Permasyarakatan Desa Dalam Pembentukan Peraturan Desa Berdasarkan Peraturan Perundang-Undangan Di Desa Gunung

Using a quantitative approach, Ardiansyah et al. demonstrated a positive correlation between the BPD's active engagement in drafting Perdes and the substantive quality of the resulting regulations. Their findings provide empirical, statistically supported evidence that greater BPD involvement leads to improved legislative outcomes. However, their analysis remained general and did not examine local contextual factors influencing the BPD's effectiveness.³ In a qualitative study in Tabalong, Faiza et al. highlighted the significance of institutional capacity for the effective implementation of BPD functions. Applying the Miles and Huberman analytical framework, they found that despite its formal role in village development, the BPD's legislative and oversight functions were hindered by limited human resources and low community participation.⁴

Ngarsiningtyas and Sembiring further examined factors constraining BPD performance, particularly in overseeing Perdes implementation. They observed that the absence of technical guidelines, inadequate outreach, and insufficient logistical support from local governments have rendered the BPD's legislative role ineffective. Their findings reinforce the view that successful formulation of Perdes requires not only adherence to normative procedures but also robust structural support and institutional capacity.⁵

Applying organizational effectiveness theory, Salam assessed the BPD's performance in Pasirlangu by integrating three models—goal attainment, resource acquisition, and participant satisfaction. The results revealed suboptimal performance across all models, with internal challenges such as low human resource capacity and inadequate operational support, and external challenges including minimal community participation and political interference, undermining institutional performance.⁶

Rokib and Ansori, in their study of Kalipang Village, contributed to a more holistic understanding of the BPD's role in the legislative process. Although the BPD lacks the authority to initiate draft Perdes, its involvement remains strategically important at both socio-political and legal levels. The study identified coordination challenges between

Kecamatan Gunung Toar Kabupaten Kuantan Singingi," *Jurnal Ilmiah Wahana Pendidikan* 11, no. 3 (2025): 144–52, <https://jurnal.peneliti.net/index.php/JIWP/article/view/11761>.

³ Ardiansyah Ardiansyah, Marsidi Marsidi, and Supawanhar Supawanhar, "Peranan Badan Permusyawarah Desa (BPD) Dalam Pembuatan Peraturan Desa Pelajau Kecamatan Karang Tinggi Kabupaten Bengkulu Tengah," *Jurnal Stia Bengkulu: Committe to Administration for Education Quality* 11, no. 1 (2025): 77–88, <https://doi.org/10.56135/jsb.v11i1.208>.

⁴ Noraisa Faiza, Jamaludin Jamaludin, and Ahmat Harahap, "Efektivitas Fungsi Badan Permusyawaratan Desa Dalam Pelaksanaan Pembangunan Di Desa Bongkang Kecamatan Haruai Kabupaten Tabalong," *Jurnal Mahasiswa Administrasi Publik Dan Administrasi Bisnis* 3, no. 2 (2020): 423–432, <https://jurnal.stiatabalong.ac.id/index.php/JAPB/article/view/288>.

⁵ Siti Khoiriyah Ngarsiningtyas and Walid Mustafa Sembiring, "Peran Badan Permusyawaratan Desa Dalam Penyusunan Dan Penetapan Peraturan Desa," *Jurnal Ilmu Pemerintahan Dan Sosial Politik UMA* 4, no. 2 (2017): 159–172, <https://doi.org/10.31289/jppuma.v4i2.454>.

⁶ Abdul Salam, "Evaluating the Effectiveness of Village Consultative Bodies in Accommodating and Channeling Community Aspirations: Challenges and Obstacles in Pasirlangu Village, Garut Regency," *Jurnal Ilmu Politik Dan Pemerintahan* 10, no. 2 (2024): 11–22, <https://doi.org/10.37058/jipp.v10i2.12083>.

the BPD and village government, as well as delays in evaluation by district authorities, which have hindered the timely ratification of Perdes.⁷

Bella et al. emphasized the importance of the BPD's oversight function in safeguarding transparency and accountability in village governance. They noted, however, that the effectiveness of this function is highly dependent on institutional capacity, including access to information, comprehension of regulatory frameworks, and technical support from local governments. Accordingly, they advocate for capacity-building measures through regular training and improved access to relevant information.⁸

Finally, Fatahilah et al., in their research in Terpedo Jaya Village, found that the BPD's role in gathering community aspirations has been inadequately implemented due to insufficient facilities, lack of training, and ineffective interaction patterns. They concluded that weaknesses in both individual competence and organizational structure have undermined the BPD's legislative and democratic functions.⁹

Previous studies have confirmed that, although the Village Consultative Body (Badan Permusyawaratan Desa—BPD) holds strong legal legitimacy in the process of formulating Village Regulations (Peraturan Desa—Perdes), practical implementation is hindered by numerous obstacles. These include limited human resources, inadequate understanding of regulatory frameworks, low levels of community participation, weak coordination with village governments, and minimal support from local authorities.

However, based on the foregoing review, it is evident that no prior research has specifically examined the factors influencing the effectiveness of the BPD's legislative authority in the formulation of Perdes within Tlanakan District, Pamekasan Regency. This district—characterized by distinctive social, cultural, and administrative features—presents a unique case for investigation. The novelty of this study lies in its integrated approach, which not only evaluates BPD performance from a normative legal perspective but also explores the sociological, political, and administrative dimensions shaping the local context of the BPD's legislative role.

Accordingly, this study seeks to identify and analyze the factors that affect the effectiveness of the BPD's authority in the formulation of Village Regulations in Tlanakan District, Pamekasan Regency. The research objectives are as follows:

⁷ Muhammad Rokib and Mohamad Isa Ansori, "Peranan Badan Permusyawaratan Desa (BPD) Dalam Legislasi Peraturan Desa: Studi Kasus Desa Kalipang Kecamatan Sarang Kabupaten Rembang," *Ijtihad: Jurnal Studi Hukum Islam* 3, no. 1 (2025): 28–39, <https://ejournal.staika.ac.id/index.php/ijtihad/article/view/109>.

⁸ Ria Bella, Syam Hanafiah, and Taryanto Taryanto, "Efektivitas Pengawasan Badan Permusyawaratan Desa Terhadap Pemerintah Desa Dalam Pembangunan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014," *Innovative: Journal of Social Science Research* 4, no. 6 (2024): 2626–2635, <https://doi.org/10.31004/innovative.v4i6.16666>.

⁹ Ayunin Nur Fatahilah, Sri Wahyuti, and Yoseph Pasolang, "Pelaksanaan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Penyelenggaraan Pemerintah Desa," *Jadment: Journal of Administration and Development* 1, no. 2 (2024): 77–88, <https://doi.org/10.62085/jadment.v1i2.12>.

- 1) To assess the extent of BPD members' understanding of their legislative authority as stipulated in Law No. 6 of 2014 on Villages and its implementing regulations.
- 2) To evaluate the level of community participation in the planning, deliberation, and ratification of Village Regulations in the villages of Tlanakan District.
- 3) To analyze the structural and cultural barriers that the BPD faces in performing its legislative and representative functions.

2. RESEARCH METHODOLOGY

This study employs a juridical-sociological approach to examine the effectiveness of legal norms within social practice, with a particular focus on the implementation of the Village Consultative Body's (Badan Permusyawaratan Desa—BPD) authority in formulating Village Regulations (Peraturan Desa—Perdes). This approach conceptualizes law not solely as a set of normative provisions but also as a social practice shaped by local structures, cultural values, and institutional dynamics. Adopting a qualitative and descriptive design, the research explores the development and determinants of the BPD's exercise of its legislative authority in Tlanakan District.

The research sites were purposively selected from three villages in Tlanakan District, Pamekasan Regency, based on variations in legislative activity, institutional characteristics of the BPD, and patterns of interaction between the BPD and the Village Head. Data were collected from primary sources through in-depth interviews and direct observations, and from secondary sources including official documents such as Village Regulations, meeting minutes, BPD reports, and village archives. Data analysis followed the stages of data reduction, data display, and conclusion drawing. To ensure validity, the study applied source and method triangulation, complemented by member checking with research informants.

3. RESEARCH RESULT AND DISCUSSION

3.1. BPD Members' Understanding of Legislative Authority in Formulating Village Regulations under Law No. 6 of 2014

This study examines the extent to which members of the Village Consultative Body (Badan Permusyawaratan Desa—BPD) understand their legislative authority in the formulation of Village Regulations (Peraturan Desa—Perdes), as stipulated in Law No. 6 of 2014 on Villages and its implementing regulations. The analysis focuses on the effectiveness of the BPD's role in the legislative process as a reflection of democratic participation in village governance. Fieldwork was conducted in three villages in Tlanakan District, Pamekasan Regency.

Interviews with community leaders in these villages revealed that BPD members' comprehension of their legislative function remains limited and fails to fully embody

the principles of participation and representation of the village community. Most BPD members lacked adequate knowledge of Article 55(a) and Article 69(3) of the Village Law, which explicitly require that the formulation of *Perdes* be undertaken through discussion and mutual agreement between the Village Head and the BPD. In practice, the BPD's role is often passive—reduced to a formal approval process for drafts prepared entirely by the village government.

Statements from local residents—such as Mr. Hadiri from Panglegur, Mr. Yudik from Ceguk, and Mr. Sulaiman from Branta Tinggi—consistently indicated that the BPD in these villages is heavily influenced, if not controlled, by the Village Head. The Village Head not only dominates the drafting of Village Regulations but also shapes the BPD's decisions through informal patronage networks, control over resources, and personal or political affiliations. Such intervention emerges as a critical factor undermining the BPD's legislative authority.

Three primary factors were identified as contributing to the BPD's limited understanding and ineffective exercise of its legislative mandate:

- 1) Village Government Intervention

Interference by the Village Head in the legislative process erodes the BPD's independence and distorts the principle of checks and balances mandated by law. As a result, the BPD's substantive legislative authority is diminished, rendering it largely symbolic and functioning as a mere legitimizing body for executive policies. Consequently, the resulting Village Regulations often fail to reflect the aspirations and needs of the broader community.

- 2) Non-Independent Membership

The dominance of Village Head loyalists within the BPD compromises its objectivity. Members often prioritize alignment with the Village Head's policies to maintain personal, economic, or political ties, rather than advocating for the collective interests of the community. This undermines the deliberative nature of *Perdes* formulation and weakens the institution's representative function.

- 3) Communication Barriers and Regulatory Literacy

Many BPD members possess limited legal knowledge and low regulatory literacy, leading to an inadequate understanding of democratic legislative principles and processes. Ineffective communication between the community, the BPD, and the village government further reduces public awareness and engagement. The technical language used in drafting *Perdes* is rarely simplified for community members, thereby impeding the public consultation process mandated by Article 69 of the Village Law.

The findings reveal a persistent gap between the normative provisions of the Village Law and their practical implementation. Normatively, the BPD is intended to

serve as an equal partner to the Village Head—actively participating in the drafting, deliberation, and even initiation of Village Regulations. Empirically, however, this role has been significantly weakened by political interference, entrenched patronage networks, and insufficient legislative capacity within the BPD.

This finding is consistent with prior research indicating that the institutionalization of local democracy in Indonesian villages remains far from fully effective. For instance, studies by Ngarsiningtyas and Sembiring, Rokib and Ansori, and Subandi and Rahim have demonstrated that village governance is still predominantly centered on the authority of the Village Head, while other institutions—such as the Village Consultative Body (BPD)—tend to occupy a subordinate role in policy-making.¹⁰ The present study reinforces these conclusions and further evidences that the imbalance of power relations at the village level constitutes a major barrier to the realization of a participatory and democratic village legislative system.

The results also confirm that the BPD's awareness of and capacity to exercise its legislative authority remain considerably weak. The three interrelated factors identified earlier—village government intervention, non-independent membership, and inadequate communication—collectively perpetuate an asymmetrical relationship between the BPD and the Village Head. This imbalance not only undermines the effectiveness of the BPD as an institution but also jeopardizes the quality of local democracy and the achievement of substantive justice in the formulation of Village Regulations.

From a constitutional law perspective, this condition illustrates the ongoing challenge of ensuring coherence between normative law—as embodied in the Village Law—and the law as it is practiced in village governance. While, in theory, Village Regulations are no longer explicitly listed within the national legal hierarchy as stipulated in Law No. 12 of 2011, their legal force remains recognized under Article 8 paragraph (2) of the same law, which classifies them as a form of legally binding regulation.

To enhance the effectiveness of the BPD's legislative function, institutional strengthening is imperative through several strategic measures:

- 1) Providing comprehensive legal and regulatory literacy training for BPD members;
- 2) Reforming the BPD recruitment process to ensure greater independence and representativeness;
- 3) Introducing external oversight mechanisms by supra-village institutions or civil society organizations (CSOs); and

¹⁰ Ngarsiningtyas and Sembiring, “Peran Badan Permusyawaratan Desa Dalam Penyusunan Dan Penetapan Peraturan Desa”; Rokib and Ansori, “Peranan Badan Permusyawaratan Desa (BPD) Dalam Legislasi Peraturan Desa: Studi Kasus Desa Kalipang Kecamatan Sarang Kabupaten Rembang”; Ahmad Subandi and Abdur Rahim, “Eksistensi Badan Permusyawaratan Desa Dalam Pembentukan Peraturan Desa Di Desa Mekarjaya Perspektif Musyawarah Dalam Islam,” *Salam: Jurnal Sosial & Budaya Syar'i* 6, no. 5 (2019): 501–14, <https://doi.org/10.15408/sjsbs.v6i5.20858>.

- 4) Establishing substantive mechanisms for community participation at every stage of the Village Regulation development process.

3.2. Community Participation in the Planning, Deliberation, and Ratification of Village Regulations (Perdes) in Tlanakan District, Pamekasan Regency

This study examines the extent of community participation in the planning, deliberation, and ratification of Village Regulations (Perdes) in Tlanakan District, Pamekasan Regency. Specifically, it explores: (a) the degree of community involvement in public consultations and deliberative forums; (b) the mechanisms through which community aspirations are articulated and channeled; and (c) the structural and cultural barriers that hinder substantive participation. These findings are particularly relevant in evaluating the performance of the Village Consultative Body (BPD)—as mandated under Articles 55 and 69 of Law No. 6 of 2014—and in assessing its role in ensuring the legal recognition and legitimacy of Perdes as stipulated in Law No. 12 of 2011.

Field observations indicate that while formal mechanisms, such as village deliberations (*musdes*), are conducted, community participation remains limited. Many residents—particularly women, small-scale farmers, and the elderly—were absent due to time constraints, limited comprehension of the information presented (often delivered in the local Madurese language), or the perception that their views were already represented by others. Interviews revealed that, in several cases, participation was perceived merely as symbolic rather than substantive. Respondents frequently expressed that their involvement served to legitimize pre-determined outcomes rather than influence decision-making in a meaningful way. Several key inhibiting factors were identified:

- 1) Lack of outreach and legal literacy: Many residents were unfamiliar with both the content and the broader context of the draft Village Regulations under discussion.
- 2) Dominance of the village government: As previously discussed, entrenched power structures often undermine the independence of the BPD and the consultative process.
- 3) Limited communication channels: The reliance on a single deliberative forum, without follow-up dialogues, restricts opportunities for communities to articulate evolving concerns and aspirations.

The findings indicate that although the participatory provisions outlined in the Village Law—particularly Article 69 on public consultation and Article 55 on the BPD's role—are procedurally well-defined, their practical implementation is weak. Participation tends to be procedural and formalistic, rather than substantive and empowering. Community aspirations are inadequately captured due to persistent barriers related to communication, legal literacy, and power imbalances at the village level. As a result, the

legitimacy of Perdes is often symbolic, rather than grounded in the collective needs of the community.

Consistent with the findings of Jahira et al., Maharany et al., and Rosidin, which highlight the centralization of authority in the Village Head and the marginalization of community voices, this study reinforces the argument that democratization at the village level continues to face structural obstacles.¹¹ Similarly, studies by Anam, Rinawati et al., and Wardani suggest that community participation increases when supported by interventions from educational NGOs.¹² In the case of Tlanakan, however, external institutional engagement has been minimal, and initiatives to strengthen participation through legal literacy programs remain underdeveloped.

The findings reveal that while the legal framework (Law No. 6/2014 and Law No. 12/2011) formally guarantees a participatory process and grants legal recognition to Perdes, full and equitable community access to these processes has yet to be achieved. Although the BPD has the potential to serve as an effective channel for community participation, its limited independence—compounded by interference from the Village Government—weakens its ability to fulfill this role. Consequently, community participation as a cornerstone of local democracy remains far from optimal. This study underscores two critical conclusions:

- 1) The gap between normative ideals and practical realities: Although the village legal framework guarantees the right and institutional pathways for active community engagement in legislative processes, in practice these mechanisms often serve only to satisfy administrative formalities rather than to embody genuine democratic participation.
- 2) The need for structural reforms and participatory education: Strengthening community participation requires both institutional reform—particularly enhancing the independence and representative capacity of the BPD—and the development of inclusive social literacy programs. These programs should clearly

¹¹ Jahira Jahira, Muhlis Madani, and Haerana Haerana, “Pengaruh Kepemimpinan Kepala Desa Terhadap Partisipasi Masyarakat Dalam Pembangunan Di Desa Tongkonan Basse Kabupaten Enrekang,” *Kajian Ilmiah Mahasiswa Administrasi Publik* 4, no. 2 (2023): 368–84, <https://doi.org/10.26618/kimap.v4i2.11346>; Maharany Maharany et al., “Peran Kepala Desa Dalam Meningkatkan Partisipasi Masyarakat Dalam Pembangunan,” *Journal of Education, Cultural and Politics* 4, no. 1 (2024): 70–83, <https://doi.org/10.24036/jecco.v4i1.418>; Utang Rosidin, “Partisipasi Masyarakat Desa Dalam Proses Pembentukan Peraturan Desa Yang Aspiratif,” *Jurnal Bina Mulia Hukum Volume* 4, no. 1 (2019): 168–84, <https://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/72>.

¹² Ahmad Misbahul Anam, “Intervensi Lembaga Dalam Menumbuhkan Partisipasi Masyarakat,” *Jurnal Bina Ummat: Membina Dan Membentengi Ummat* 1, no. 2 (2018): 95–115, <https://doi.org/10.38214/jurnalbinaummatstidnatsir.v1i02.26>; Rinawati Rinawati et al., “Peran NGO (Non-Governmental Organization) Dalam Pengimplementasian Urban Farming Sebagai Strategi Adaptasi Di Kecamatan Koto Tengah, Kota Padang,” *Unes Law Review* 6, no. 2 (2024): 6544–55, <https://doi.org/10.31933/unesrev.v6i2.1515>; Rossi Wardani, “Perkembangan Arah Non-Governmental Organization (NGO) Serta Civil Society Di Indonesia: Periode 2024-2025,” *Jurnal Sosial Dan Teknologi* 4, no. 9 (2024): 669–679, <https://doi.org/10.59188/jurnalsostech.v4i9.1381>.

outline residents' rights and responsibilities, conveyed both orally and in accessible written formats, and be supported by regular, inclusive public forums.

3.3. Structural and Cultural Barriers Faced by the Village Consultative Body (BPD) in Fulfilling Its Legislative and Representative Mandates

1) Structural Barriers

This study examines the structural and cultural barriers that hinder the Village Consultative Body (BPD) from effectively fulfilling its two core functions: legislative duties (deliberation and enactment of Village Regulations) and representation of community aspirations. The objective is to identify the obstacles preventing the BPD from exercising the substantive role envisioned by legal norms—particularly those set forth in Articles 55 and 69 of Law No. 6/2014 and the legal recognition of Village Regulations under Law No. 12/2011—thereby providing a foundation for accurate and targeted recommendations for institutional strengthening.

The findings reveal several significant structural impediments to the legislative function at the village level, particularly with respect to the BPD. Chief among these is the dominance of the Village Head, which undermines the BPD's independence. The subordination of the BPD to the executive authority strips the legislative process of its deliberative and autonomous nature, reducing it to a mere ceremonial formality that fails to substantively represent community aspirations.

Additionally, the limited technical capacity of BPD members compounds the problem. Most members lack adequate training in legal drafting and legislative procedures. This deficiency in understanding the boundaries of normative authority frequently results in role ambiguities between village institutions and creates opportunities for undue interference. Such technical unpreparedness renders the BPD vulnerable to manipulation and prevents it from functioning as an effective instrument of democratic and participatory lawmaking at the village level.

Minimal public outreach and low regulatory literacy among both community members and BPD representatives further erode the legitimacy of the legislative process. There is often limited understanding of the consultative mechanisms mandated by law, particularly those prescribed in Article 69 of the Village Law. Crucial stages—such as public consultations, village deliberations, and the systematic collection of community aspirations—are frequently overlooked or carried out superficially. Consequently, community voices are inadequately reflected in Village Regulations, weakening both participatory and accountability principles in village governance.

2) Cultural Barriers

Cultural dynamics also present substantial challenges to the BPD's representative function. A key issue is the prevalence of political kinship ties between BPD members and the Village Head. Empirical evidence indicates that most BPD members maintain familial or personal loyalties to the Village Head, creating conflicts of interest that compromise their objectivity and independence in oversight and advocacy for community concerns.

Further complications arise from communication gaps and divergent priorities between the BPD, the village government, and the local community. In numerous cases, the BPD perceives certain community demands as urgent and requiring prompt action, whereas the village government often relegates them to lower priority—frequently citing budget constraints, long-term development planning, or differing policy approaches. This misalignment of priorities widens the gap between community expectations and the actual implementation of village programs. When community aspirations are not addressed proportionately and transparently, dissatisfaction with the BPD intensifies, eroding its legitimacy as a representative institution and diminishing overall public trust in village governance.

This study reveals a pronounced gap between the normative framework and the practical reality of the BPD's role. While the legal framework accords the BPD a strategic mandate in both legislation and representation—through instruments such as the Village Law and the Law on the Formation of Legislation—in practice, this mandate remains underutilized. Rather than functioning as a critical and independent deliberative body that safeguards community interests, the BPD often operates merely as a procedural endorsement of executive decisions made by the Village Head.

Another critical weakness identified in this study is the limited technical capacity and institutional literacy of Village Consultative Body (BPD) members. Many members lack sufficient knowledge of legislative procedures, oversight mechanisms, and the principles of village governance. This deficiency undermines the effective execution of their legislative and representational duties, which ideally should be carried out proactively and substantively. The absence of adequate training and restricted access to relevant information further exacerbate the problem, preventing the BPD from fulfilling its role in a professional and effective manner.

In addition, entrenched cultural norms and local power dynamics further weaken the BPD's independence. Strong social ties and patron–client relationships between BPD members and the Village Head create vulnerabilities in the decision-making process, making it susceptible to political influence and conflicts of interest. Under these conditions, the BPD's autonomy is significantly constrained, diminishing its capacity to

serve as an effective conduit for community aspirations and a mechanism for ensuring accountability in village governance.

These findings are consistent with previous research examining similar institutional challenges within the BPD. Rokib and Ansori found that kinship relations between BPD members and the Village Head significantly erode the independence of the BPD's representational function. Such personal ties foster conflicts of interest that compromise both accountability and effectiveness in legislative and oversight roles¹³. Similarly, Ardiansyah et al. identified a lack of awareness among BPD members regarding the scope and limits of their authority, resulting in functional ambiguity and weakened governance performance. They recommend enhancing members' legal competencies and institutional literacy through targeted training and capacity-building programs—recommendations that align closely with the conclusions of this study, which emphasize the need for sustained technical training and legal assistance.¹⁴

Other studies, including those by Bella et al. and Saleh et al., highlight the BPD's strategic role as a bridge between the community and village government, particularly in facilitating participatory policy formulation and oversight. However, they also underscore that the practical realization of this role is frequently hindered by structural and technical constraints, such as inadequate resource allocation and asymmetrical power relations.¹⁵ These observations reinforce the conclusion that both institutional reform and capacity-building initiatives are urgently required to strengthen the BPD's substantive contribution to democratic village governance.

The persistent gap between normative provisions and actual practice demonstrates that regulatory measures alone are insufficient to enhance BPD performance. Strengthening the institution requires a dual approach: structural reforms—such as continuous training and transparent recruitment processes—and cultural transformation, including political education for citizens, the internalization of values promoting institutional independence, and improved communication among stakeholders.

A BPD operating under a patronage-dominated structure cannot effectively perform its intended checks-and-balances function as envisioned in the Village Law. Minimal intervention in structural and capacity-building aspects inevitably leads to declining public trust, which, in turn, erodes the foundations of local democracy. This study confirms that the BPD's effectiveness in executing its legislative and

¹³ Rokib and Ansori, "Peranan Badan Permusyawaratan Desa (BPD) Dalam Legislasi Peraturan Desa: Studi Kasus Desa Kalipang Kecamatan Sarang Kabupaten Rembang."

¹⁴ Ardiansyah, Marsidi, and Supawanhar, "Peranan Badan Permusyawaratan Desa (BPD) Dalam Pembuatan Peraturan Desa Pelajau Kecamatan Karang Tinggi Kabupaten Bengkulu Tengah."

¹⁵ Bella, Hanafiah, and Taryanto, "Efektivitas Pengawasan Badan Permusyawaratan Desa Terhadap Pemerintah Desa Dalam Pembangunan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014"; Saleh, Marwan, and Darmawati, "Efektivitas Pembentukan Peraturan Desa Melalui Badan Permusyawaratan Desa Di Kecamatan Bulango Selatan."

representational functions is severely undermined by entrenched structural barriers. The dominance of the Village Head often strips the BPD of its decision-making autonomy. Furthermore, the members' limited institutional capabilities—both in technical expertise and legal understanding—pose significant challenges to professional performance. Low public awareness and limited community literacy regarding the BPD's role further restrict meaningful citizen participation in the village legislative process.

Cultural barriers also play a significant role in weakening the BPD's position as a representative body. Patronage practices and personal allegiances between BPD members and the Village Head perpetuate conflicts of interest, eroding objectivity in decision-making. Divergent perceptions among the BPD, village authorities, and the public regarding the urgency of particular aspirations or policies exacerbate communication gaps and contribute to diminishing public trust. Collectively, these structural and cultural impediments have led to a significant decline in the BPD's substantive role in fostering democratic and participatory village governance.

To enhance the effectiveness of the legislative and representative functions of the Village Consultative Body (BPD), a series of strategic measures must be undertaken, beginning with a fundamental reform of the BPD member recruitment process. This process should be designed to produce members who are independent, free from political patronage, and genuinely representative of the village's social and demographic diversity. Equally important is the systematic capacity building of BPD members through targeted training in regulatory frameworks, advocacy, and public communication, thereby strengthening their understanding of roles, authority, and operational mechanisms in line with applicable laws and regulations.

Subsequently, incentives should be introduced to promote transparency within the village legislative process—whether in the form of formal recognition, administrative support, or enhanced public trust. Such transparency not only fosters accountability but also reinforces the legitimacy of enacted policies. Furthermore, an institutionalized forum for continuous dialogue among the community, the BPD, and the village government should be established as a deliberative platform to harmonize perspectives, mitigate conflicts of interest, and ensure that the aspirations of all community members—particularly marginalized groups—are fully accommodated within the village legislative framework.

4. CONCLUSION

This study examines the effectiveness of the Village Consultative Body's (BPD) legislative authority in formulating Village Regulations (*Perdes*) in Tlanakan District, Pamekasan Regency, by assessing BPD members' legislative comprehension, the extent of community participation, and the structural and cultural constraints affecting their

implementation. The findings reveal that BPD members possess limited legislative understanding, marked by weak legal literacy and the Village Head's dominant influence in each Perdes drafting process. Community participation remains largely symbolic rather than substantive, constrained by limited outreach, language barriers, and inadequate mechanisms for articulating public aspirations. Structural impediments, such as executive interference and the BPD's lack of institutional independence, along with cultural factors, including entrenched patronage networks, further undermine the BPD's legislative and representative functions.

The study underscores a significant gap between legal norms and their practical application at the village level. These findings are critical for informing the evaluation of village governance structures and for reinforcing local democratic practices. The primary limitation of this research lies in its narrow scope, encompassing only three villages, which warrants caution in generalizing the results. Accordingly, the study recommends that local governments provide regular capacity-building programs and strengthen independent recruitment mechanisms for BPD members. Moreover, further comparative research across sub-districts with diverse socio-cultural contexts is essential to enrich cross-contextual interpretations of legislative effectiveness and the dynamics of local power relations.

REFERENCES

Journals

- Anam, Ahmad Misbahul. "Intervensi Lembaga Dalam Menumbuhkan Partisipasi Masyarakat." *Jurnal Bina Ummat: Membina Dan Membentengi Ummat* 1, no. 2 (2018): 95–115. <https://doi.org/10.38214/jurnalbinaummatstidnatsir.v1i02.26>.
- Ardiansyah, Ardiasyah, Marsidi Marsidi, and Supawanhar Supawanhar. "Peranan Badan Permusyawarah Desa (BPD) Dalam Pembuatan Peraturan Desa Pelajau Kecamatan Karang Tinggi Kabupaten Bengkulu Tengah." *Jurnal Stia Bengkulu: Committe to Administration for Education Quality* 11, no. 1 (2025): 77–88. <https://doi.org/10.56135/jsb.v11i1.208>.
- Bella, Ria, Syam Hanafiah, and Taryanto Taryanto. "Efektivitas Pengawasan Badan Permusyawaratan Desa Terhadap Pemerintah Desa Dalam Pembangunan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014." *Innovative: Journal of Social Science Research* 4, no. 6 (2024): 2626–2635. <https://doi.org/10.31004/innovative.v4i6.16666>.
- Faiza, Noraisa, Jamaludin Jamaludin, and Ahmat Harahap. "Efektivitas Fungsi Badan Permusyawaratan Desa Dalam Pelaksanaan Pembangunan Di Desa Bongkang Kecamatan Haruai Kabupaten Tabalong." *Jurnal Mahasiswa Administrasi Publik Dan Administrasi Bisnis* 3, no. 2 (2020): 423–432. <https://jurnal.stiatabalong.ac.id/index.php/JAPB/article/view/288>.

- Fatahilah, Ayunin Nur, Sri Wahyuti, and Yoseph Pasolang. "Pelaksanaan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Penyelenggaraan Pemerintah Desa." *Jadment: Journal of Administration and Development* 1, no. 2 (2024): 77–88. <https://doi.org/10.62085/jadment.v1i2.12>.
- Hendri, Radewa Kurniawan, Gusliana HB, and Zulwisman Zulwisman. "Eksistensi Badan Permusyawaratan Desa Dalam Pembentukan Peraturan Desa Berdasarkan Peraturan Perundang-Undangan Di Desa Gunung Kecamatan Gunung Toar Kabupaten Kuantan Singingi." *Jurnal Ilmiah Wahana Pendidikan* 11, no. 3 (2025): 144–52. <https://jurnal.peneliti.net/index.php/JIWP/article/view/11761>.
- Jahira, Jahira, Muhlis Madani, and Haerana Haerana. "Pengaruh Kepemimpinan Kepala Desa Terhadap Partisipasi Masyarakat Dalam Pembangunan Di Desa Tongkonan Basse Kabupaten Enrekang." *Kajian Ilmiah Mahasiswa Administrasi Publik* 4, no. 2 (2023): 368–84. <https://doi.org/10.26618/kimap.v4i2.11346>.
- Maharany, Maharany, Hasrul Hasrul, Al Rafni, and Nurman Nurman S. "Peran Kepala Desa Dalam Meningkatkan Partisipasi Masyarakat Dalam Pembangunan." *Journal of Education, Cultural and Politics* 4, no. 1 (2024): 70–83. <https://doi.org/10.24036/jecco.v4i1.418>.
- Ngarsiningtyas, Siti Khoiriyah, and Walid Mustafa Sembiring. "Peran Badan Permusyawaratan Desa Dalam Penyusunan Dan Penetapan Peraturan Desa." *Jurnal Ilmu Pemerintahan Dan Sosial Politik UMA* 4, no. 2 (2017): 159–172. <https://doi.org/10.31289/jppuma.v4i2.454>.
- Rinawati, Rinawati, Tarma Sartima, Annisa Fitri, and Nika Saputra. "Peran NGO (Non-Governmental Organization) Dalam Pengimplementasian Urban Farming Sebagai Strategi Adaptasi Di Kecamatan Koto Tengah, Kota Padang." *Unes Law Review* 6, no. 2 (2024): 6544–55. <https://doi.org/10.31933/unesrev.v6i2.1515>.
- Rokib, Muhammad, and Mohamad Isa Ansori. "Peranan Badan Permusyawaratan Desa (BPD) Dalam Legislasi Peraturan Desa: Studi Kasus Desa Kalipang Kecamatan Sarang Kabupaten Rembang." *Ijtihad: Jurnal Studi Hukum Islam* 3, no. 1 (2025): 28–39. <https://ejournal.staika.ac.id/index.php/ijtihad/article/view/109>.
- Rosidin, Utang. "Partisipasi Masyarakat Desa Dalam Proses Pembentukan Peraturan Desa Yang Aspiratif." *Jurnal Bina Mulia Hukum Volume* 4, no. 1 (2019): 168–84. <https://jurnal.fh.unpad.ac.id/index.php/jbmh/article/view/72>.
- Salam, Abdul. "Evaluating the Effectiveness of Village Consultative Bodies in Accommodating and Channeling Community Aspirations: Challenges and Obstacles in Pasirlangu Village, Garut Regency." *Jurnal Ilmu Politik Dan Pemerintahan* 10, no. 2 (2024): 11–22. <https://doi.org/10.37058/jipp.v10i2.12083>.

- Saleh, Hamzah, Marwan Marwan, and Darmawati Darmawati. "Efektivitas Pembentukan Peraturan Desa Melalui Badan Permusyawaratan Desa Di Kecamatan Bulango Selatan." *Jurnal Restorative Justice* 7, no. 2 (2023): 158–77. <https://doi.org/10.35724/jrj.v7i2.5705>.
- Subandi, Ahmad, and Abdur Rahim. "Eksistensi Badan Permusyawaratan Desa Dalam Pembentukan Peraturan Desa Di Desa Mekarjaya Perspektif Musyawarah Dalam Islam." *Salam: Jurnal Sosial & Budaya Syar'i* 6, no. 5 (2019): 501–14. <https://doi.org/10.15408/sjsbs.v6i5.20858>.
- Wardani, Rossi. "Perkembangan Arah Non-Governmental Organization (NGO) Serta Civil Society Di Indonesia: Periode 2024-2025." *Jurnal Sosial Dan Teknologi* 4, no. 9 (2024): 669–679. <https://doi.org/10.59188/jurnalsostech.v4i9.1381>.