

## AUTONOMY AND THE ROLE OF THE VILLAGE HEAD IN THE PERSPECTIVE OF FIQH SIYASAH

Dani Amran Hakim<sup>1\*</sup>, Soni Asmaranda Pratiwi<sup>2</sup>  
<sup>1,2</sup>Fakultas Syari'ah UIN Raden Intan Lampung, Indonesia  
[daniamranhakim@radenintan.ac.id](mailto:daniamranhakim@radenintan.ac.id)<sup>1\*</sup> [soniasmarandapратиwi@gmail.com](mailto:soniasmarandapратиwi@gmail.com)<sup>2</sup>



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**Abstrak:** Law No. 6/2014 on Villages grants all authority and independence to the village government, especially the Village Head, to implement village autonomy. However, the mandate and all its consequences are still not fully implemented. It is still possible for misappropriation or abuse of position in the form of criminal acts of corruption due to the very low participation of the village community. The lack of competent human resources in government management, and the increasingly eroded sense of care and mutual cooperation of village communities have led to ineffective supervision. This research is a descriptive qualitative field research. Data sources were obtained through interviews in Sidoharjo Village, Penawartama District, Tulang Bawang Regency to obtain data on the role of the Village Head in the implementation of Village Autonomy according to Law Number 6 of 2014 concerning Villages and in terms of fiqh siyasah (Siyasah Tanfiziyyah Syar'iyyah). The results of this study indicate that the role of the Village Head in the implementation of Village autonomy based on Law Number 6 of 2014 Article 3, namely the principles of recognition and subsidiarity in Sidoharjo Village, Penawartama District, Tulang Bawang Regency, has been going well. The Village Head has been able to initiate and coordinate Village development programs in accordance with the needs and expectations of the Village community. In addition, the Village Head has also successfully established communication with outside parties and increased community participation in village development. However, there are still obstacles faced in the implementation of village autonomy, such as limited budgets and lack of village community participation. Therefore, further efforts are needed to increase creativity and innovation in finding sources of funds and increasing public awareness of the importance of participation in village development. (2) In the review of fiqh siyasah (Siyasah Tanfiziyyah Syar'iyyah), the Village Head in Sidoharjo Village has also fulfilled the principles of fair, honest, and responsible leadership in carrying out the implementation of village development and in accordance with applicable laws and regulations.

**Key words:** Fiqh Siyasah Tanfidziyah, Village Head, Autonomy

## I. INTRODUCTION

The 1945 Constitution is a strong foundation for organizing regional autonomy by providing broad, real and responsible authority to the regions.(Widjaja, 2010, p. 36) Regional autonomy is a legal community unit that is authorized to regulate and manage the interests of the local community according to its own initiative based on community aspirations.(Widjaja, 2005, p. 19) Regional autonomy is imposed on every region. This autonomy gives regions the authority to manage their own households.

The granting of autonomy authority from the central government to the regions is to enable the regions concerned to organize and manage their own households. Regional autonomy aims to improve the effectiveness and results of governance in the context of service to the community and the implementation of development in the region. To be carried out in accordance with these objectives, the regions need to be given the authority to carry out various government affairs as their household affairs in accordance with applicable laws and regulations.(Adiwibowo, 2007)

Villages also have their own autonomy. Village autonomy is the original autonomy, and village autonomy has been applied earlier than the application of regional autonomy because the village is one of the oldest forms of government. The application of autonomy can be seen with the existence of the Village, the existence of the Village itself has existed before the establishment of the Republic of Indonesia. Villages were already established, although at that time they were still very traditional or simple, not as advanced as they are today.(Adiwibowo, 2007) To be able to implement broad, real and responsible regional autonomy, regional divisions are made as confirmed in the 1945 Constitution Article 18B paragraph (2), namely "The State recognizes and respects the unity of customary law communities along with their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in Law". As an implementation of the provisions of Article 18B of the 1945 Constitution, Law No. 6/2014 was enacted to regulate villages.

Law No. 6/2014 on Villages opens up opportunities for villages to develop their creativity and innovation in developing villages in order to implement the meaning of broad, real and responsible autonomy. This law has also provided a new wind for government life in Indonesia that is reformative, transparent and professional in managing development and governance processes. It has even provided hope for a guarantee to implement optimal regional governance and development, from the people, by the people, and for the people.(Kurniawan, 2015)

The establishment of Law No. 6/2014 on Villages is based on thirteen principles, namely recognition, subsidiarity, togetherness, diversity, mutual cooperation, kinship, democracy, deliberation, independence, equality, empowerment, participation and sustainability. The principle of recognition is the recognition of the right of origin and the principle of subsidiarity is the determination of local-scale authority and local decision-making for the benefit of the village community.(al Arif, 2018, pp. 119–138) This is a form of recognition and stipulation of the authority of the Village government in managing its own government kitchen which aims at the interests of the Village community. Thus, it can be interpreted that the authority of the Village is very broad in line with the mandate of Article 18B of the 1945 Constitution, namely recognition based on origin and local customs (self-governing community), autonomous authority without any intervention from the supra-Village government.(Ra'is, 2018)

The granting of authority to the Village government with the principle of subsidiarity is managed by the Village Head, the Village Consultative Body (BPD), and the Village community. The Village Head is described in Article 1 of Law No. 6/2014 as being in charge of organizing the Village administration, carrying out Village development, fostering

the Village community, and empowering the Village community. The Village Head has the authority to lead the Village administration, appoint and dismiss Village officials, hold the power of financial management and Village assets, establish Village regulations, determine Village revenue and expenditure budgets, foster Village community life, foster Village community peace and order, foster and improve the Village economy and integrate it in order to achieve a productive scale economy for the greatest prosperity of the Village community, develop Village revenue sources, propose and receive the delegation of some State assets to improve the welfare of the Village community, develop the socio-cultural life of the Village community, utilize appropriate technology, coordinate Village Development in a participatory manner.

In implementing the mandate of this Law, the role of the Village Head is very important. The Village Head, which in this Law is referred to as the Village Government, which in organizing Village arrangements is assisted by other Village officials, must certainly have aspects of leadership. Because it is part of the performance of a Village Head. Leadership is the way a leader influences the behavior of subordinates to cooperate and work effectively and efficiently to achieve organizational goals.(Hasibuan, n.d.) Leadership is a mandate and responsibility, not only in this world but also in the hereafter.

Based on Islamic studies and perspectives, power is a gift or favor of Allah which is a mandate to humans to be maintained and implemented as well as possible in accordance with the basic principles set out in the Qur'an and exemplified by the Sunnah of the Prophet. Therefore, the recipient of the mandate must be accountable to God and to those who are under his authority.(Hakiki, 2022) About this leadership task, among others, Allah swt hinted in the Quran Surah Shad verse 26;

O David, We have made you caliph (ruler) in the earth, so judge between men justly and do not follow your lusts, for they will lead you astray from the way of Allah. Indeed, those who stray from the path of Allah will receive a severe punishment, because they forget the day of reckoning (Q.S. Shad [38] 26).

Al-Quran Surah Shad verse 26 above implies that, one of the main duties and obligations of the caliph (leader) is fair (al haq), meaning no distinction between groups, and also a leader should not run his leadership by following lust. The task of leadership is a task *fisabilillah* (way of allah) and therefore noble. Based on this it can be seen that the responsibility in question is one of the leadership ethics. There are still other leadership ethics, as implied in the mandate of Law No. 6/2014, it is also very necessary to have the ability of a leader who can be dynamic, has high creativity and innovation to organize his village. The ability to create programs that build all the potential of community resources in the region.

All the authority and independence granted by Law No. 6/2014 is certainly one of the dilemmas that we can observe in village governance. The terms recognition and subsidiarity are still strange to ordinary people. The mandate and all the consequences of the Law are still not fully implemented. It is hoped that each Village Head truly understands the independence granted in village regulation through these two principles. Independence whose implementation is still adhering to all applicable rules. Likewise, in Islam, leadership ethics is responsible. So the responsibility of a leader in using all his authority to determine or make a decision must prioritize the interests of many people.(Ra'is, 2018)

A Village Head who is a leader in carrying out leadership in everyday life can be observed that there are still some that are not in accordance with norms and religion. According to Muhammad Hanafi Aryan in the daily news detik.com obtained data from the Corruption Eradication Commission (KPK) there are 600 Village Heads in Indonesia who are involved in criminal acts of corruption.(Aryan, 2022) Based on the results of preliminary research with community leaders in Sidoharjo Village, Penawartama Subdistrict, this is very

likely to occur due to the low participation of the village community in planning, implementing and supervising development. The lack of human resources who really have competence in government management as well as the increasingly eroded sense of care and mutual cooperation attitude of the village community greatly affects the success of the village development program. Therefore, this study aims to determine how the role of the Village Head in the implementation of Village Autonomy according to Law Number 6 of 2014 concerning Villages and in terms of fiqh siyasah (Siyasah Tanfiziyyah Syar'iyah).

## II. METHODS

This research is a field research (field research) which is descriptive qualitative analysis.(Arikunto, 2006) Data sources are obtained from where the author obtains data in the form of primary data and secondary data through interview, observation, and documentation techniques. Data sources were obtained through interviews in Sidoharjo Village, Penawartama District, Tulang Bawang Regency to obtain data regarding the role of the Village Head in the implementation of Village Autonomy according to Law Number 6 of 2014 concerning Villages and then reviewed from the aspect of fiqh siyasah (Siyasah Tanfiziyyah Syar'iyah).

## III. RESULTS

### **The Role of the Village Head in the Implementation of Village Autonomy**

According to Law No. 6/2014 on Villages Article 1, Villages are villages and customary villages or referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that are authorized to regulate and manage Government affairs, local community interests based on community initiatives, origin rights, and/or traditional rights that are recognized and respected in the Government system of the Unitary State of the Republic of Indonesia.

The enactment of Law No. 6/2014 on Villages, which regulates the rights, obligations, and authorities of villages in regulating the interests of local communities and in managing village governance and development, has become a guiding principle for the people of Indonesia in carrying out development and community life. In addition, several other implementing regulations also regulate villages, such as Government Regulation No. 43/2014 on the Implementation of Law No. 6/2014 on Villages, Joint Decree of the Minister of Home Affairs, Minister of Finance, Minister of Villages, Development of Disadvantaged Regions and Transmigration No. 900/5356/SJ No. 959/KMK.07/2015 No. 49/2015 on Accelerating the Disbursement, Management, and Use of Village Funds, Minister of Home Affairs Regulation on Procedures for the Formation, Merger, and Dissolution of Villages, and so on. In addition, the Indonesian Constitution, namely the Constitution of the Republic of Indonesia (UUD 1945), clearly recognizes the right of the village as a legal community unit that has autonomy in regulating and managing the interests of the local community.

One of the fundamental changes in the dynamics of the constitutional system is the recognition of local governments as autonomous regions in regulating and managing governance. So that there is a decentralization of power from the center to the regions. The Unitary State of the Republic of Indonesia (NKRI) is divided into Provincial Governments and Provincial Regions divided into Regencies and Cities, each of which has a Regional Government with the principles of autonomy and assistance tasks as the principle of implementation.(al Arif & Paramadina, 2021) Village autonomy is original, unanimous and complete autonomy and is not a gift from the Government.(Widjaja, 2010, p. 165) In other words, Village autonomy is the right of the Village to manage its own households in organizing Village Government, implementing Village Development, fostering Village communities, and empowering Village communities based on Pancasila, the 1945

Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Unity in Diversity.(Setiyana & Hakim, 2021) In the context of village autonomy, the government's task is to create a democratic life, provide fast public services and build public trust towards village independence, so that the village is able to integrate the reality of technological progress without abandoning local cultural values that contain rules, values, norms, rules, and other social institutions.(Hakim, 2019) All the potential of the Village in the form of land rights, population, economic centers and dynamic socio-political dynamics requires wisdom and professionalism in managing the Village for the development of the Village community.(Junaidi, 2018)

The Village Head or other designation is a Village Government official who has the authority, duties and obligations to organize Village households and carry out tasks from the Government and Regional Government. The definition of the Village Head is regulated in the Regulation of the Minister of Home Affairs (Permendagri) Number 84 of 2015 concerning the Organizational Structure and Work Procedures of the Village Government.

Based on the results of interviews with the Head of Sidoharjo Village, he stated that he believes he has an obligation to be responsible for the development and management of the Village administration, which includes the preparation of development plans, supervising the implementation of development programs, managing Village finances, and making decisions in matters relating to the interests of the Village community. In addition, he feels that the Village Head also plays a role in maintaining security and order in the Village. The Village Head is responsible for security and order in the Village and must be able to take preventive action against crime in the Village area. The Village Head must also be able to understand and appreciate the customary and cultural values that exist in the Village, and play a role in maintaining and preserving local wisdom.(A. Mahmud, personal communication, February 23, 2023)

In Fiscal Year 2022 Sidoharjo Village carried out physical development using the Village Fund for the construction of 1150 meters of Farm Business Road Hardening with a width of 3 meters and a height of 0.01 meters with funds amounting to Rp. 138,210,000, - and has been completed with the work according to the RAPBDes. Based on interviews with the Village Secretary and other Village officials, it is known that the villagers are happy with the physical development that has been carried out on the Farmer's Business Road, because previously it was a badly damaged road and a road that was subscribed to muddy during the rainy season. Currently, the road facilitates and facilitates residents in carrying out economic activities and their daily lives.(S. Zaenuri, personal communication, February 23, 2023)

According to Rusmin as the head of Rw 1 in Sidoharjo Village, the Village Head establishes good communication with the villagers to create harmonious cooperation in implementing village development programs. Although the farm road makes it easier for residents to carry out activities. However, due to the limited budget, the construction of the farm road did not meet specifications. Because it uses base B urugan stone which should use base A stone.(R. Nuryadin, personal communication, February 23, 2023) Non-physical development Sidoharjo Village collaborates with related agencies, namely puskesmas and posyandu to serve the health of the village community and conduct socialization related to stunting in children.(A. A. Susanto, personal communication, February 23, 2023)

According to Tri Mulyati, the head of Rw 2, the village head is a friendly figure who is not arrogant. In addition, the village government involves the community in village meetings to discuss problems facing the village and formulate solutions together.(T. Mulyati, personal communication, February 23, 2023) Based on the author's analysis, the Village Head has carried out his duties well in accordance with the principles of recognition and subsidiarity in carrying out Village Autonomy based on Law Number 6 of 2014 concerning Villages.



## **Fiqh Siyasah Review of the Role of the Village Head in the Implementation of Village Autonomy**

Fiqh is the root word of know, understand, and understand. The word Fiqh comes from faqaha-yafquhu-fiqhan. In language, the definition of Fiqh is "deep understanding". (Iqbal, 2014) Etymologically, fiqh is a description of the understanding or comprehension of the speaker's intentions, or a deep understanding of the meanings of words and actions. In terms of terminology, fiqh, according to the view of the scholars of syarak, is knowledge of the laws in accordance with syarak regarding deeds obtained from detailed arguments, or in other words, fiqh is knowledge of the Islamic religion derived from the Qur'an and Sunnah compiled by muhtajid by reasoning and ijtihad. (Iqbal, 2014)

The word siyasah is etymologically a masdar form of sasa, yasusu which means "to organize, manage, steer, lead and rule". (Abdullah, 2002, p. 192) In addition to this meaning, the word siyasah also means "politics and the establishment of a form of policy". The word sasa is synonymous with the words dabbara (to organize), to lead, to govern, and policy of government (Abdullah, 2002, p. 192). *Fiqh Siyasah is part of siyasah syar'iyah which is based on the Al-Quran and Al-Hadist, has a very large position and plays an active role in the systematics of Islamic Law. Because Fiqh Siyasah has nothing but a distinctive feature that is very concerned about the human aspect of a person, both regarding the self, soul, mind and creed, or as an individual or as a member of the community both nation and state and the main goal is not much different from Islamic Law in achieving the benefit of the people both in the world or in the hereafter.* (Abdullah, 2002, p. 192)

Thus Fiqh Siyasah is the science of Islamic governance specifically discusses the intricacies of regulating the interests of mankind in general and the state in particular, in the form of determining laws and policies by the authorities that are in line with Islamic teachings to realize the benefits of mankind and prevent him from various disadvantages that may arise in the life of society, nation and state he lives. (al-Hafid, n.d.) Some of the Quranic verses that are the legal basis of Fiqh Siyasah include:

*And if two groups of believers are at war, then reconcile between them. If one of them wrongs the other, then fight the wrongdoer until he returns to the commandments of Allah. When they have returned, then reconcile between them with justice, and act justly. Indeed, Allah loves those who act justly. (QS. Al-Hujurat (49): 9).*

This verse shows the importance of vigilance and careful judgment in deciding a political and governmental matter. (Hakim & Nopriza, 2022) Furthermore, based on the words of Allah SWT QS. Al-Maidah (5): 44

*Indeed, it was We who sent down the Book of the Torah; in it (there is) guidance and light. By it the prophets who surrendered to Allah gave judgment in the case of the Jews, as well as their scholars and priests, for they were commanded to preserve the books of Allah and they were witnesses to them. So fear not men, (but) fear Me. And do not sell My verses cheaply. Whoever does not judge by what Allah has revealed, then they are the disbelievers.*

This verse shows the importance of laws and ordinances that are enforced in a society, which are the responsibility of the leaders and religious experts. And here are some hadiths that become the legal basis of Fiqh Siyasah, among others: (1) From Ubadah bin Ash-Shamit ra., said: The Messenger of Allah said: *"Indeed, each of you is a leader and each of you is responsible for what he leads. An imam (leader) is the leader of his people and he is responsible for what he leads."* (Bukhari, n.d.); (2) Abu Hurairah reported that he said: The Messenger of Allah (saw) said: *"Whoever is entrusted by the people to lead them, then he dies in a state of betrayal, he will not smell the smell of heaven."* (HR. Bukhari and Muslim) (Bukhari, n.d.) ; and (3) Abu Musa Al-Ash'ari (may Allah be pleased with him) reported: The Messenger of Allah (saw) said: *"Verily, the best of your rulers is the one you love and he loves you, whom you wish good for and he wishes good for you, and the worst of your rulers*

*is the one you hate and he hates you, whom you wish bad for and he wishes bad for you."* (HR Muslim).(M. Muslim, n.d.)

These hadiths show that Islam gives great responsibility to leaders in carrying out their duties. A leader must be responsible for what he leads, must not be treacherous, and must be loved by his people. In addition, the people also have the responsibility to choose good leaders and pray for the good of their leaders.

There are several types of fiqh siyasah that can be distinguished based on the focus of the study. In this study, Fiqh siyasah used in the discussion refers more to Fiqh Siyasah tanfiziyyah Syar'iyah which regulates the actions taken by the government or ruler relating to infrastructure and public services based on the principles of Islamic sharia. In other words, the institution that implements the law or commonly referred to as the executor.

The executor of this supreme power is the government, which is formed according to the needs and demands of the situation and varies from one country to another. As well as legislative policies that are not allowed to deviate from the spirit of the values of Islamic teachings, the political policies of the executive power must also be in accordance with the spirit of the nash and the benefit of the people.(Iqbal, 2014, p. 158). In other words, the Village Head or other designation is a Village Government Official who has the authority, duties and obligations to organize Village households and carry out the duties of the Government and Regional Government. In other words, the Village Head carries out leadership duties because he is a leader. In other terms leaders often refer to the notion of Ulil Amri or officials are people who get the mandate to take care of other people's affairs and Khadimul Umat (servants of the people) with the understanding that a leader must place himself in a position as a servant of the community.(Hafidhuddin, 2003, p. 120)

In addition, in Islam, a good leader is one who is chosen based on his or her quality and capacity to lead, and is chosen through a transparent and fair mechanism. In addition, a good leader must have high moral qualities, including honesty, trustworthiness, and responsibility. The following is one of the Quranic verses related to choosing the characteristics of a good leader:

And we made among them (the sons and grandsons of Prophet Ibrahim) leaders who guided them by our command, because they were patient and confident in our verses.

This verse shows that a good leader is one who has good moral qualities, such as patience, confidence, and willingness to give guidance by adhering to the commands of Allah SWT. Therefore, as leaders, they must have the ability to provide good direction and guidance to the people they lead, based on trust in the teachings of Allah SWT.

According to Mrs. Duwik, the Village Head acts as a mediator between the community and local government. The Village Head must be able to establish good communication with the local government, community leaders, and other villagers to create harmonious cooperation in implementing village development programs. However, it was stated that in the early days of his tenure he still tended to receive input from community leaders and village officials to run the village administration. In addition to the above tasks, the Village Head also plays a role in maintaining security and order in the Village. The Village Head is responsible for security and order in the Village and must be able to take preventive measures against crime in the Village area. The Village Head must also be able to understand and appreciate the customary and cultural values that exist in the Village, and play a role in maintaining and preserving local wisdom..(D. Setiyorini, personal communication, February 23, 2023)

In order to fulfill his duties, Mr. Ali Mahmud equipped himself to become a Village Head with good managerial and leadership skills. In organizing the government, he is assisted by village officials. In addition, Mr. Ali Mahmud is also assisted by other community institutions or organizations such as farmer groups, youth organizations, and Muslimat

groups, which have an important role in advancing the development and welfare of the village community. (A. Hadi Waluyo, personal communication, February 23, 2023)

The Village Head, Mr. Ali, is very concerned about community participation in development and services. He always opens up space for community participation in the policy-making process. In addition, he also actively invites the community to be involved in the implementation of development programs and services. However, the current residents tend to be ignorant, busy with their own lives, so that only those who actively participate in village development. (P. Paryono, personal communication, February 23, 2023)

Based on the results of the author's analysis, the Village Head has carried out the role of a leader who can provide direction and guidance to the Village community. The Village Head is able to lead wisely and fairly, and ensure that policies and actions taken are in accordance with sharia principles and the interests of the Village community. And the Village Head in general has carried out his duties in accordance with Fiqh Siyasah with the principles of leadership with the aim of realizing the benefit of the community.

#### IV. CONCLUSION

Based on the results of the research and discussion above, it can be concluded that the Role of the Village Head in the Implementation of Village Autonomy based on the principles of recognition and subsidiarity in Sidoharjo Village, Penawartama District, Tulang Bawang Regency has been running well. The Village Head has been able to initiate and coordinate Village development programs in accordance with the needs and expectations of the Village community. In addition, the Village Head has also succeeded in establishing communication and increasing community participation in village development, although some people still do not participate optimally. In the review of fiqh siyasah regarding the role of the Village Head in the Implementation of Village Autonomy. The Village Head as the Village Government is the executor of Siyasah Tanfidziyyah and has carried out his duties in accordance with Islamic Sharia in the obligation to implement all forms of laws or regulations made by the holder of power or the government which aims to realize the benefit of the people.

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