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SELECTION OF VILLAGE COMMUNITY INSTITUTIONS SIYASAH DUSTURIYAH PERSPECTIVE

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Abstract:

Election of Village Social Institutions (RT) is a community institution whose election has been regulated in Law, Regional Regulation. The selection process for this social institution is only the village government which plays a role in the selection of the Village Community Institution (RT) and the community is not involved in the process of selecting the Village Community Institution (RT). This type of research is juridical empirical. The approach used is the Sociological Juridical approach. The sampling method used was accidental sampling in non-probability sampling. The data used were primary in the form of interviews and documentation and secondary data in the form of scientific books, theses, research reports and journals. The selection of Village Community Institutions (RT) in Article 3 Paragraph 1 of Permendagri Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions has not been carried out because the election process is only carried out by the government, namely the village government does not involve the community in the election of the Head of this RT. The Implementation of Village Community Institution (RT) Election Is Not In Accordance With The View Of Fiqh Siyasah Dusturiyah because in Fiqh Siyasah Dusturiyah every decision-making process in all social affairs is carried out through consensus and consultation with all parties. The Implementation of Village Community Institution (RT) Election Is Not In Accordance With The View Of Fiqh Siyasah Dusturiyah because in Fiqh Siyasah Dusturiyah because every decision-making process in all social affairs is carried out through consensus and consultation with all parties. Inhibiting Factors in the Selection of Village Social Institutions is when the community is given the right to vote in the election of the Village community institution (RT) it is feared that it is not appropriate because when the election for the head of the RT it turns out that Se Lingkungan RT still has family ties so he won this election because of his family, even though it was the chairman of the RT. RT is not in accordance with the wishes of the community. The Implementation of Village Community Institution (RT) Election Is Not In Accordance With The View Of Fiqh Siyasah Dusturiyah because in Fiqh Siyasah Dusturiyah because every decision-making process in all social affairs is carried out through consensus and consultation with all parties.

Keywords: Village Community Institution Selection (RT); Siyasah Dusturiyah; Permendagri.

Abstrak:

Pemilihan Lembaga Kemasyarakatan Desa (RT) adalah lembaga Kemasyarakatan yang mana pemilihannya telah diatur dalam Undang-Undang, Peraturan Daerah. Proses Pemilihan Lembaga Kemasyarakatan ini hanya pemerintah desa yang berperan dalam pemilihan Lembaga Kemasyarakatan Desa (RT) dan masyarakat tidak dilibatkan dalam proses pemilihan Lembaga kemasyarakatan desa (RT). Jenis Penelitian ini adalah Yuridis Empiris. Pendekatan yang digunakan yaitu pendekatan Yuridis Sosiologis. Metode Pengambilan Sampel yang digunakan ialah *accidental sampling dalam non-probability sampling*. Data yang digunakan ialah Primer yang berupa Wawancara dan Dokumentasi serta data sekunder berupa buku ilmiah, Skripsi, Laporan Penelitian dan Jurnal. Pemilihan Lembaga Kemasyarakatan Desa (RT) dalam Pasal 3 Ayat 1 Permendagri Nomor 18 Tahun 2018 Tentang Lembaga Kemasyarakatan Desa dan Lembaga Adat Desa belum terlaksana Karena proses pemilihannya hanya dilakukan oleh pemerintah saja yaitu pemerintah desa tidak melibatkan masyarakat dalam pemilihan Ketua RT ini. di Desa Labuhan-Lalar terdapat 4 dusun yang rata-rata ketua RT dipilih langsung oleh Kepala desa. hanya di Dusun Wara A Murni Hak masyarakat sudah menggunakan Hak pilihnya. faktor Pendukung dan penghambat Pemilihan Lembaga Kemasyarakatan Desa (RT) yaitu: Faktor Pendukung dalam Pemilihan Lembaga Kemasyarakatan Desa (RT) ini adalah Ketika masyarakat diberikan hak memilih dalam pemilihan Lembaga Kemasyarakatan Desa (RT) Maka Program dari Pemerintah Desa akan terlaksana dengan baik, karena Ketua RT dipilih melalui musyawarah. Dan ketua RT dapat merangkul masyarakat lingkungannya dengan baik. Faktor Penghambat dalam Pemilihan Lembaga Kemasyarakatan Desa ini adalah Ketika Masyarakat diberikan hak memilih dalam pemilihan lembaga kemasyarakatan Desa (RT) ditakutkan tidak sesuai karena ketika pemilihan ketua RT ternyata Se Lingkungan RT Masih ada ikatan keluarga jadi dia memenangi pemilihan ini dikarenakan keluarganya, padahal yang menjabat Ketua RT tidak sesuai dengan keinginan masyarakat. Dalam Pelaksanaan Pemilihan Lembaga Kemasyarakatan Desa (RT) Belum Sesuai dengan Pandangan Fiqh Siyasah Dusturiyah dikarenakan dalam Fiqh Siyasah Dusturiyah karena setiap proses pengambilan keputusan dalam semua urusan kemasyarakatan dilakukan melalui consensus dan konsultasi dengan semua pihak.

Kata Kunci: Pemilihan Lembaga Kemasyarakatan Desa (RT); Siyasah Dusturiyah; Permendagri.

Preliminary

In Law number 32 of 2004 concerning local government, where the village is a legal community unit owned by territorial borders, has the authority to regulate and manage the interests of the local community based on local origins and customs which are recognized and respected in the system of government of the unitary republic. Indonesia. Since the enactment of Law Number 6 of 2014 concerning Villages, the Government, Provincial Government and District / City Government can carry out village arrangement. In this case, it aims to realize the effectiveness of Village Government administration, accelerate the increase in the quality of public services, improve the quality of Village Government governance,¹

In the village is a place for an organized group of people, meaning that in the village live people who form an ordered social system. An orderly social system refers to a pattern of action by a group of people based on their respective roles, status and functions which refer

¹ Article 7 Aya t (3) Law No.6 of 2014 concerning Villages

to mutually agreed values and norms.² According to Law Number 6 of 2014 Article 1, a village is a customary village or what is called a village, is a legal community unit that has territorial boundaries that is authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, the right to suggest, and or traditional rights that are recognized and respected in the government system of the Republic of Indonesia.

Village Administration is the administration of government affairs and the interests of the local community in the government system of the Unitary State of the Republic of Indonesia. and according to Sutardjo Kartodikusumo, a village is a legal entity in which a community resides in power to govern itself.³ The Village Head is a Village Government official who has the authority, duties and obligations to organize his village household and carry out the duties of the Government and local governments.⁴ Article 26 paragraph (1) of Law No. 6 of 2014 regulates four main duties of the Village Head, namely: (1) Organizing Village Government; (2) Implementing Village Development; (3) Implementing Village Community Development, and; (4) Empowering Village Communities.

Labuan Lalar Village is a village located in Taliwang District, West Sumbawa Regency, NTB. In terms of politics and regarding the rules of the majority in society, it is still classified as passive. Village Community Institutions, hereinafter abbreviated as LKD, are a forum for community participation, as a partner of the village government, participating in planning, implementing and monitoring development, as well as improving village community services. In Article 3 Paragraph (1) Permendagri No 18/2018 Types of LKD include: (a) RT; (b) RW; (c) Empowerment of Family Welfare; (d) Youth organization; (e) Integrated Service Post; (f) Community Empowerment Institutions.

And in West Sumbawa regency regional regulation No 14 of 2019 Article 1 paragraph 20 concerning village development planning guidelines, namely: village community institutions, hereinafter referred to as LKD, are social institutions that are formed on the initiative of the community as needed and as partners of the village government in empowering the community. There are several basic reasons why I took or are interested in taking this topic because in the village of Labuhan-lalar Taliwang, West Sumbawa district, which just in 2020 has held the election for the village head of Labuhan Lalar village. And after being elected as the village head, the next step is that the village government will hold an election for a village community institution or abbreviated as LKD.

In the selection of this village social institution, which from previous years was elected by vote at the local RT deliberation, and in 2020 this election for members of social institutions (heads of neighborhoods) was directly elected by the village head. Before choosing the head of the neighborhood unit, the village head gave a letter of dismissal to the RT head who was still in office before the election. And this made the RT head confused and did not understand why the village head had issued a dismissal letter. After the village head directly elects a member of the village community organization, namely the Rukun Tetangga, the village government immediately gives a letter to the local community to attend the inauguration of members of the social organization, namely the neighborhood association.

In Labuhan Village, it consists of 4 hamlets, namely (Wara A, Wara B, Bangsal, Muhajirin, Toroh) and there are 20 Neighborhood Associations. The problematic ones or those directly elected by the village head in the selection of the chairperson of the

² Hanif Nurcholis, *Pertumbuhan dan penyelenggaraan pemerintah desa* (Jakarta: Erlangga, 2011), P

³ <https://www.berdesa.com/definisi-desa-menurut-berbagai-ahli/#:~:text=Menurut%20Sutardjo%20Kartodikusumo%2C%20desa%20adalah,yang%20memiliki%20sistem%20pemerintah%20s%20itself>

⁴ Pasal 1 nomor 7 Permendagri No. 112 tahun 2014 tentang Pemilihan Kepala Desa

neighboring Rukun are in 4 hamlets and there are 4 neighborhood units.⁵ And by this it makes the community confused because they never hold deliberations related to the election of the head of the neighborhood unit and make the local community not want to take part in events or associations with village community organizations or Rukun Tetangga.

In this paper, there are several previous studies which show the pioneering work in this paper are as follows: (1) Wiri Siptun, Researcher, a student of the Sharia Faculty of State Islamic Religious Institute (IAIN) 2019. The difference in this writing is that the two writings, namely Wiri Siptun discuss the role and function of neighborhood leadership in the village of Air Petai, Sukaraja District, and I researched the selection of members of the Community village. deficiencies in this writing in the incomplete conclusion in the results of the discussion.⁶; (2) M. Wawan Darmawan, a student researcher majoring in criminal law and administration of the Islamic Faculty of UIN Alauddin Makassar. The difference between the two researchers is that Wawan Darmawan examines the functions and roles of RT and Kelurahan officials in development in Karunrung Village, Rapponcini District.

I researched the selection of members of village community organizations in the village of labuhan lalar, Taliwang sub-district, West Sumbawa, West Nusa Tenggara. The weakness in this writing is the lack of public knowledge in how the process of forming RT management in accordance with the Regional Regulation applies in the district.⁷; (3) Parizon, Researcher, a student majoring in Siyasaah Syar'iyah, Sharia faculty, UIN Raden Lampung. The difference between these two studies is that parizon researchers are more concerned with how democracy is applied in RT elections. I researched the selection of members of village community organizations, namely in which the election process was directly elected by the village head. The weakness in this writing is that it has not been implemented quite well in accordance with the prevailing laws and regulations in Empat Lawang Regency.⁸

and there are some hopes in this paper, namely: (1) This is to find out the processes, obstacles, and what the rights of the community are not fulfilled in the selection of members of the village community organizations, namely the Rukun Neighbor.

Research Methods

This research uses the type of research, namely juridical empirical. Empirical juridical research is legal research regarding the enactment or implementation of normative legal provisions in action at any particular legal event that occurs in society.⁹ Empirical juridical research is also called a research conducted on actual conditions or real events that occur in society in which to know and be able to find the facts and data needed.¹⁰ The approach method used in this research is the sociological juridical approach, in Soerjono Soekanto's opinion, to identify and conceptualize law as a real and functional social institution in a real life system.¹¹ Data collection techniques in this paper are using interviews and documentation. Interviews were conducted freely openly by using a tool in the form of a list of questions that had been prepared (as an interview guide) in accordance with the problems to be searched for without closing the possibility of adding other spontaneous questions in connection with the answers given by the respondent.¹² Documentation Documentation is a

⁵ Rencana Pembangunan Jangka Menengah Desa (RJPM Desa) Desa Labuhan-Lalar 2019-2025

⁶ <http://repository.iainbengkulu.ac.id/3861>

⁷ <https://repository.uin-alauddin.ac.id/11461/1/mersatria%20s%20Smile%20di%20desa%20bellapunranga.pdf>

⁸ <http://digilib.esaunggul.ac.id/public/UEU-Master-2580-Tesis%20Kepuas%20Pelayanan%20Masyarakat.pdf>

⁹ Suharsimi Arikunto, *Prosedur Suatu Pendekatan Praktek*, (Jakarta: Rineka Cipta, 2011), 126.

¹⁰ Bambang Waluyo, *Penelitian Hukum Dalam Praktek*, (Jakarta: Sinar Grafika, 2002), p 15.

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI Pres, 1986), p. 51.

¹² Amiruddin dan Zainal Askin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2004), p 49

technique for obtaining data through books and the like that are relevant to research. Besides that, you can also take data in the field which can be in the form of photos and so on.

Village Community Institution (RT) Selection Process

As we know, the local government has been granted Regional Autonomy which is stated in the Law and Regulations Number 23 of 2014 Article 2 Paragraph 6 which reads:

"Regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage government affairs and the interests of local communities in the system of the Unitary State of the Republic of Indonesia".¹³

In essence, regional autonomy is given to the people as a legal community unit which is given the authority to regulate and manage government affairs by themselves according to the aspirations and interests of the community as long as it does not conflict with the national legal order and other public interests. This authority is given from the central government to the regional government and in its implementation it is carried out by the regional head and the regional people's representative council (DPRD) and assisted by regional apparatus organizations (OPD). So the Central Government has given the right to local governments to take care of their own households but cannot escape from the national laws. In this case the rights of the community in the selection of village social institutions (Rukun Tetangga) have been regulated in several regulations.¹⁴

Permendagri Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions:

LKD was formed or the Village Government and Community Initiative

Regional Regulation Number 14 of 2019 concerning Guidelines for West Sumbawa Development Planning.

Article 1:¹⁵

(20) Village Community Institutions, hereinafter referred to as LKD, are social institutions established on the initiative of the community according to the needs and as partners of the village government in empowering the community.

Article (68) letter d, Article (3) paragraph 1, and Article (1) paragraph 20 have explained that the community is entitled and has the right to elect the Head of Rukun Tetangga in a village. Rukun neigh is a type of LKD which is located at the bottom of the village government structure and closest to the community. This institution exists on the initiative of the local community.

In the Election of Village Social Institutions (RT) in Labuhan-Lalar Village Unlike the previous years, in 2020 with the new village head being appointed and serving as well, the implementation of this LKD (Rukun Tetangga) Election where the Village Head uses his own or direct voting rights Appoint and select members of the LKD (RT) by their own choice and vote without giving the community the right to give their own choice to the candidate for the RT head. Following are the responses from the resource persons interviewed by researchers regarding.

From several opinions from the interviews expressed by several interviewees, we can conclude that the process or chronology of the selection of LKD (RT) in Labuhan Lalar Village, Taliwang District, West Sumbawa Regency, is very powerful in exercising the prerogative right to elect the Head of the RT without deliberation with neighborhood

¹³ Peraturan Perundang-undangan No 23 tahun 2014 tentang

¹⁴ Alfian, Ramadhan, "dinamika pemilihan ketua rukun tetangga (kasus pemilihan ketua rt 05 rw 06 kelurahan tanjung RHU kecamatan limapuluh kota pekan baru: Jom fisip, no 1(2017) <https://jom.unri.ac.id/index.php/JOMFISIP/article/view/12722>

¹⁵ Perda Sumbawa Barat No. 14 tahun 2019 tentang pedoman perencanaan pembangunan sumbawa barat

community RT. The Village Government must initiate or give the community the right to choose who will become the Leader of the Head of the Neighborhood Association according to the wishes of the community itself. Because the existence of the Head of the RT actually has a big role in the community in terms of fostering social life in the community and in the running of the Village Government Program.

In the Election of Village Social Institutions (Rukun Tetangga) where the community is given the right to elect its own leader, this election is through deliberation with the community or the head of the RT neighborhood family. because one of the manifestations of the implementation of the people's sovereignty in the context of administering the government, namely the recognition of the people to take an active role in determining the form of government administration. the people are sovereign to determine and choose according to their aspirations to whom they believe most trusted and able to carry out their aspirations.¹⁶ As for the process of selecting Village Community Institutions according to Permendagri number 18 of 2018, which is the Election Process for Village Government Partners.

Article 68:

Labuhan-Lalar Village consists of 5 hamlets, namely: Bangsal Hamlet, Toroh Hamlet, Muhajirin Hamlet, Wara A Hamlet, Wara B Hamlet, of the several hamlets that fully exercise their voting rights in the selection of Village Community Institutions (RT), namely in Wara A hamlet. which in this hamlet is pure who elects the head of the Rukun Tetangga, full of the hearts of the environmental community itself. As we know, members of the Village Social Institutions are mentioned in Permendagri No. 18 of 2018, namely RT.

The right to vote is a right guaranteed in the constitution as stated in the decision of the Constitutional Court Number 011-017 / PUU-I / 2003 which states, "considering, that the constitutional rights of citizens to vote and be elected (right to vote and right to candidate) are rights guaranteed by the constitution, laws, and international conventions, then the limitation, storage, elimination and elimination of these rights constitute a violation of the rights of citizens of the state. and besides that, Law number 30/1999 on Human Rights (HAM) regulates the right to vote as stated in article 43 which states, "every citizen has the right to be elected and to vote in general elections based on equal rights through direct voting. , public, free, secret, honest, and fair in accordance with the provisions of laws and regulations. in the 1945 Constitution, "sovereignty is in the hands of the people and is exercised according to the constitution.

from the provision "sovereignty is in the hands of the people, is that the people have sovereignty, responsibilities, rights and obligations to democratically elect a leader who will organize the government in order to manage and serve all levels of society, as well as elect people's representatives to oversee the running of the government. Therefore, voting in elections is a right for citizens. thus, as a right, can be used or not used. from the provision "sovereignty is in the hands of the people, is that the people have sovereignty, responsibilities, rights and obligations to democratically elect a leader who will organize the government in order to manage and serve all levels of society, as well as elect people's representatives to oversee the running of the government. Therefore, voting in elections is a right for citizens.¹⁷

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¹⁶ Mohammad Rohli, hak untuk memilih warga negara sebagai sarana menjalankan kedaulatan rakyat dalam pemilihan, kompasiana, 2020.

¹⁷ Hasanuddin, "penataan lembaga kemasyarakatan desa di kecamatan tambang tahun 2010-2015: Jom Fisip, no 1(2017) <https://media.neliti.com/media/publications/205649-penataan-lembaga-kemasyarakatan-desa-di.pdf>

manage and serve all levels of society, as well as elect people's representatives to oversee the running of the government. Therefore, voting in elections is a right for citizens. thus, as a right, can be used or not used.¹⁸

Indonesia is a democratic country which is an ideological and factual statement that cannot be denied. As a democratic country, it can be seen from the enactment of general elections (Election) every five years, starting from the district and city levels.¹⁹ The current democracy is a democracy that is able to increase the political participation of the community so that it can be an answer to every national problem. In general elections, it is an important moment to carry out every pillar of democracy, because democracy for the Indonesian nation is a state structure that is most appropriate to human dignity that respects and guarantees the fulfillment of human rights (HAM).²⁰

Impact of Village Community Institution (RT) Selection by the Village Head

Selection of the Village Community Institution (RT) in Labuhan-Lalar Village, which consists of 5 hamlets, only 1 hamlet gives all the rights of residents in the election for the head of this RT, but in 4 hamlets there are those who use their voting rights and some are not given the right to vote because the election is directly appointed by the village head himself. The rights of citizens or the community in elections or voting in elections should not be underestimated, because the role of the RT Chair in the community is very important, if the community is not given the right to elect the RT head and the village head chooses the RT head by himself, then when an activity is held by the village government will not run smoothly.

The explanation given by Mr. Abdullah Ak²¹ related to the importance of selecting the RT head by consensus, that the people of the labuhan lalar village, especially those in Bangsal, Toroh, Muhajirin, and Wara B hamlets, know more about and understand the criteria for the RT leader or head they will choose in the selection of Village Community Institutions (RT) and the opportunity to vote by means of this deliberation has been taken over directly by the village head of labuhan-lalar who directly elects the head of the RT without deliberation with the local community. and the impact of this direct election by the village head, the local community is indifferent to the programs held by the village, for example, during a healthy village competition in the context of the Republic of Indonesia's Independence Day, one of which was in RT 03 because the head of the RT was chosen by the village head not by deliberation of local residents.

Public Knowledge About the Election Regulations of LKD (RT)

The Prevailing Laws as a written law which is given a form from the start it is expected that in its implementation it will provide legal certainty. based on the fact that a written law contains many weaknesses, but also has advantages compared to unwritten law. the role of statutory regulations is increasingly important as a demand for the legality principle as one of the characteristics of a constitutional state. In the modern Welfare State, when planning plans, laws and regulations are increasingly used as a framework for the plan itself, and as a guiding instrument in implementing the plan. according to Aan Seidmen²² that in the absence of a

¹⁸ <https://mkri.id/index.php?page=web.Berita&id=9724>

¹⁹ Hermansyah, "Pemilihan Pemimpin Sebuah Pertarungan": Jurnal Varia Bina Civika
<https://jurnal.untan.ac.id/index.php/civika/article/view/445>

²⁰ Hyonimus. Rowa, "Efektivitas Implementasi Kebijakan Penataan Lembaga Kemasyarakatan Rukun Tetangga Dan Rukun Warga Di Kabupaten Bogor Provinsi Jawa Barat: Kemenristek Dikti No 21 (2018)
<http://ejournal.ipdn.ac.id/JIWPB/article/download/338/200/>

²¹ Abdullah Ak, Interview (Labuhan-Lalar, 14 October 2020)

²² Aan Seidmenn et.all *Penyusunan Rancangan Undang-Undang Dalam Perubahan Masyarakat yang demokratis: Sebuah Panduan untuk membuat Rancangan Undang-Undang, ELIP., 2001*

Law, the changes that have occurred as proposed or predicted by the government, have occurred accidentally and are only intuitive.

Bagir Manan²³ presents the function of laws and regulations, namely internal and external functions

Aan Seidmen, saw the function of the law as a legal system and its influence on behavior patterns. according to Seidmen²⁴ the functions of the law are: (a) as an effective statement of policy in this aspect, it is stated that in the end the government will only have a choice, namely to implement its policies through laws, there are two reasons for the government to translate its policies into laws which are expected to be able to answer various people's behavior and various interests which this applies not only to the community but also to the government, especially in terms of legitimacy. therefore laws are needed to govern and demand legitimacy; (b) law as an important step for the State in efforts to change behavior. The statutory regulations are prepared by the compilers to create an environment that supports the development process, so the most important task of laws is to provide directions for new or expected goals.

the function of statutory regulations as stated by Seidmenn, emphasizes that laws and regulations contain government policies to be achieved, to answer various interests of the community and especially as a means of legitimacy for the government to run government.

Based on the results of the interview presented by Mr. Latief, there are still many people who do not know the legal basis that regulates community rights in the selection of neighborhood community organizations (LKD). and in the village of labuhan-lalar, there are two models in the election, namely the first is directly elected by the village head and elected by the community in a particular RT.

The Implementation Of Election Of Vilaage Social Insitutions (RT) According To The Viewment Of Fiqh Siyasa Dusturiyah

The Implementation of Village Community Institution Election Is Already In Accordance With Siyasa Dusturiyah's View.

Siyasa Dusturiyah is a part of siyasah fiqh which discusses the problems of State legislation. and also discussed, namely the concepts of the constitution (constitutional constitution of a State) and other histories of legislation in a country), legislation (how to formulate legislation), democratic institutions and shura which are important pillars in these laws. and it also discusses the concept of rule of law in siyasa and the reciprocal relationship between the government and citizens must be protected.²⁵ The problems that exist in Siyasa Dusturiyah are the relationship between the leader on the one hand and the people on the other as well as the institutions in society.²⁶ These institutions include institutions at the central level to institutions at the lowest level, such as in villages. Institutions that exist in the village that support the village government are called village social institutions. Village community organizations are partners of the village government in carrying out their activities in the village.

Fiqh siyasah dusturiyah can be divided into several parts, namely.²⁷

²³ In Halim Hamzah, Practical Ways to Arrange and Design Regional Regulations (A Theoretical and Practical Study (Dissertation of The Theoretical Conception Manual towards empirical articulation), (Kencana Planner Media Group, 2009), 60-65

²⁴ Aan Seidmenn, et.all. Loc.Cit

²⁵ Muhammad iqbal, Fiqh Siyasa intelektualisasi doktrin politik islam (Jakarta: Prenada Media Group, 2014), p.177.

²⁶ A. Djazuli, Fiqh Siyasa Implementasi kemaslahatan umat dalam rambu-rambu syariah (Jakarta: Kencana, 2004), p 47.

²⁷ A. Djazuli, Fiqh Siyasa Implementasi Kemaslahatan Umat dalam rambu-rambu syariah (Jakara: Kencana, 2004), p 55.

The field of *Siyasah tasri'iyah* includes the issue of *ahlu hali wal aqdi*, the representation of people's problems. relations between Muslims and non-Muslims in one country, such as constitutions, laws, implementing regulations, regional regulations, and so on; (2) The field of *Siyasah tanfidiyah*, includes matters of *Imamat*, issues of *baiah*, *wizarah*, *waliy al-ahadi*, and others; (3) The field of *Siyasah qadlaiyah*, including judicial matters; (4) The area of *Siyasah Idariyah*, including administrative and personnel matters.²⁸

as for the concept of a rule of law in *siyasah dusturiyah*, including (1) Constitution; (2) Legislation; (3) *Ummah*; (4) *Shura* and democracy. according to *al-mawardi*, *siyasah dusturiyah* is to discuss seven main points of discussion, namely: (1) People's Issues; (2) *Imamat*, its rights and obligations; (3) *waliyul ahdi*; (4) *bai'ah*; (5) representatives; (6) *wizarah* and comparison; (7) the principle of please help. the above principles are based on the arguments taken from the *Koran*, the *hadiths* and the products of *ijtihad*. *ijtihadiah* arguments that are used as a basis for fighting on the following rules which means:

"The policies of a leader concerning the interests of the people must follow the principles of benefit".²⁹

The *Siyasah Dusturiyah* Principles include:

Principle of Sovereignty The Principle of Sovereignty is the highest power in a State. absolute and legal sovereignty belongs to Allah. This sovereignty is practiced and entrusted to *mausia* as the caliph on earth. in the study of constitutional theory and state order, the word sovereignty is a key word that has always appeared and been a matter of debate throughout history. Sovereignty in the classical view cannot be separated from the concept of the State. and without sovereignty what is called the State does not exist, because it is soulless.³⁰; (2)

Principles of Justice The principle of justice is found in the *Al-Quran Surah an-nisa* verses 58 and 135. as this principle can also be found in *Surah As-Shura* 15. The principle of justice is the main key to the administration of the State. justice in law requires every citizen to be equal before the law. When the Prophet started to build *Medina*, he started by building a joint commitment with elements of society living in *Medina* from various ethnicities and religions;

(3) Principles of Deliberation and Ijma ' The principle of Deliberation is found in the *Koran* in *Sura Al-Imran*: 159. and the Principle of Deliberation is also found in *Surat As-Shura*: 38. *Shura* and *Ijma* 'is a decision-making process in all social affairs carried out through consensus and consultation with all parties. The leadership of the State and government must be enforced based on the consent of the people through fair, honest and trustworthy elections; **(4) In the selection of Village Community Institutions (RT)** which took place in *Labuhan-Lalar Village* where the head of the RT was chosen directly by the village head, this was a form of incompatibility with the Principle of Deliberation and *Ijma* in the *Siyasah Dusturiyah* Principle. because in the Principle of Deliberation and *Ijma*, the leadership of the State and government must be enforced based on the consent of the people through fair, honest and trustworthy elections. and the Village Head also did not consult with village officials at all, let alone with the RT community in *Labuhan-Lalar Village*; **(5)**

Principle of Eq The principle of equality is found in *Al-Quran Al-Hujarat*: 10 and *Surat Al-Hujarat*: 13. The verse above clearly proves that the recognition of Islam for the existence of plurality in the socio-cultural community. however, Islam does not tolerate the notion of pluralism if what is meant is the truth of the relativity of all religious teachings or religions or

²⁸ Rifai', Imam Jalaludin, "Tinjauan *Siyasah Dusturiyah* Dalam Kebijakan Bupati Kuningan Nomor 451.7/Kep.58-Pem.Um/2004 Tentang Pelanggaran Kegiatan Ajaran Ahmadiyah Di Kuningan Jawa Barat": IAI Bunga Bangsa Cirebon Jurnal Edu Law, Vol 1 No 1

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²⁹ Abdul Mujib, *Prinsip Ilmu Fiqh* (Jakarta, Kalam mulia, 1994), p. 61.

³⁰ Jimly Asshidiqie, *Konstitusi dan konstitualisme indonesia* (Jakarta: Sinar Grafika, 2011)

all religions. because Allah closed the verse with the sentence "Surely the most noble person among you with Allah is the most Taqwa". This means that the parameters of goodness and basic truth are religion, not reason, let alone feelings; **(6) The principle of the rights and obligations of the State and the people** The principle of the rights and obligations of the State and the people is found in the Qur'an, surah an-nisa: 59. All citizens are guaranteed certain basic rights. According to Subhi Mahmassani in his book *Arkan Huquq al-insan*, some of the rights of citizens that need to be protected are guarantees of personal security, dignity and property, freedom to express opinions and gather, the right to get proper education, medical and health services, and security. to carry out economic activities; **(7) The principle of amar ma'ruf nahi is evil** The principle of amar ma'ruf munkar is found in Al-Quran Sura Al-Imran: 104 "And let there be among you a group of people who seduce goodness, thoroughly to the Ma'ruf and prevent from evil, they are the lucky ones" .

Amar ma'ruf nahi munkar is a check and balancing mechanism in the Islamic political system. This system is an institution in *ahlu halli wal aqdi* (Parliament), *wilayat al hisbah* and *wilayat al qadha* '. a leader in the view of the majority of Islam (Sunni) is not a saint (*Ma'shum*) therefore very likely to be criticized and advised.

the notion of "a group of community members who represent the ummah (people) in determining the direction and policies of the government for the sake of achieving the benefit of their lives. In line with this understanding, Abdul Hamid al-ansari stated that the Shura council that compiles *ahl al-shura* is a means used by the people or their people's representatives to discuss social problems and the benefit of the people. thus it is actually the people who have the right to determine their destiny and determine who they will elect or appoint as head of the state in accordance with the general benefit they want.³¹

in a more popular term used at the beginning of Islamic rule on this subject is *ahl al-shura*. during the time of the fourth caliphate, especially during the period of "Umar" this term refers to the meaning of several senior friends who carried out deliberations to determine policies and elect a successor to the head of the state. they are six senior friends who conduct deliberations to determine who will replace him after he dies.³²

In this case, it is concluded that in choosing a leader by conducting deliberations because in fact the community has the right to vote or deliberate to elect their leader because the *Rukun Tetangga* is the leader at the lowest level in the village who is directly close to the community. as expressed by one of the sources interviewed by the researcher, namely "

"The head of the RT is closest to us because they are in the same environment as our neighborhood. In the previous election for the head of the RT, we also cast a vote in the RT Head election deliberation. I am also surprised that this year we are not given the right or are not allowed to vote to choose who is the leader of our *Rukun Tetangga*. not the village head who knows the nature of our RT head who knows better. "³³

This opinion explains that here the community has not been given the right to vote in the election of the Village Community Institution, namely *Rukun*. In *Siyasah Dusturiyah*, there are conditions and mechanisms for choosing *ahl al-hall wal'aqd*.³⁴

As for the legal requirements of *Ahl al-hall wal'aqd* according to Al-Mawardi are:³⁵
(1) fair with all the conditions; (2) knowledge that enables him to know who is entitled to

³¹ Ibid, p. 58

³² Muhammad Iqbal, *Contextualization of Doctrine...* p. 160

³³ Abdullah Ak, Interview (Labuhan-Lalar, 14 October 2020)

³⁴ Awaluddin, Azrzf Norakmal dkk, "Aristoractic Elements In Leader Election Contextual Analysis In The Election Of Saidina Abu Bakr, Muawiyah and Malay Sultanate": Publisher Kolej Universiti Sultan Azlan Shah, Perak Malaysia, Desember 2013, doi: 10.7187/GJAT462013.03.02
<http://site.gjat.my/main/3074/index.asp?pageid=141384>

become an Imam (Caliph) in accordance with legal Criteria; (3) insight and wise attitude that enabled him to choose who was the most appropriate to become an Imam (caliph), and most effective, and most skilled in managing all interests.

The Siyasah scholars formulated their views on Ahl al-hall wal'aqd according to them. These caliphs, through four different election methods, were chosen by Islamic leaders to become heads of the state. Furthermore, this election was followed by the general oath of allegiance (bay'ah) of the Islamic ummah towards the elected caliph. Al-Mawardi outlined the differences in opinion of the scholars regarding how many Ahl al-hall Wal'Aqd could be said to represent the people's choice to appoint the head of the state. According to him, some scholars view that the election of the new head of state is valid if it is carried out by *jumhur* Ahl al-hall Wal'aqd. in other opinion, it is sufficient to only be elected by five members of Ahl al-hall Wal'aqd. Likewise with the election of Uthman ibn Affan who was chosen by five senior friends. this opinion according to Al-Mawardi.

From some of the opinions in Siyasah Dusturiyah's view in the selection of the Village Community Institution, the RT is not in accordance with the Fiqh Siyasah Dusturiyah's view because in the election of the head of the RT this is chosen by the village head directly without involving the community or deliberating with the community about who will be the head of the RT. because in Siyasah Dusturiyah's view, the election of the head of state alone must involve the *Jumhur Ulama*. The Implementation of Village Community Institution (RT) Election is Not In Accordance with the View of Fiqh Siyasah Dusturiyah because in Fiqh Siyasah Dusturiyah every decision-making process in all social affairs is carried out through consensus and consultation with all parties.

Conclusion

The Village Social Institution (RT) Selection Process in Labuhan-lalar Village was not implemented because the Village Community Institution (RT) selection was chosen only by the Village Government and not with community partners. This is inconsistent with Permendagri Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions . In the implementation of the selection of village community institutions (RT) it is not in accordance with Siyasah Dusturiyah's views because every decision-making process in all social affairs is carried out through consensus and consultation with all parties and From some of the opinions in Siyasah Dusturiyah's view in the selection of the Village Community Institution, the RT is not in accordance with the Fiqh Siyasah Dusturiyah's view because in the election of the head of the RT this is chosen by the village head directly without involving the community or deliberating with the community about who will be the head of the RT. because in Siyasah Dusturiyah's view, the election of the head of state alone must involve the *Jumhur Ulama*.

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³⁵ Imam Al-Mawardi, *al ahkam al-sulthaniyah hukum ketatanegaraan dalam hukum islam* (Jakarta: Darul Falah, 2006), p 3.

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