Pakistan Journal of Life and Social Sciences

www.pjlss.edu.pk

Clarivate Web of Science Zoological Record

https://doi.org/10.57239/PJLSS-2025-23.1.00535



RESEARCH ARTICLE

The Nature of Representation in the Filling of Village Council Members

Nirwan Moh. Nur^{1*}, La Ode Husen², Hambali Thalib³, Kamal Hidjaz⁴

¹Student Doktoral of Law, Universitas Muslim Indonesia

^{2, 3, 4} Lecturer Universitas Muslim Indonesia, Makassar City, Indonesia

ARTICLE INFO	ABSTRACT
Received: Jan 6, 2025	This research aims to: (1) To explain, analyze and discover the nature of
Accepted: Feb 20, 2025	representation in filling out members of the Village Consultative Body. (2) To explain, analyze and find the filling of members of the Village Consultative Body
Keywords Representation Members Village Consultative Body *Corresponding Author: nirwanmohnur.pasca@g mail.com	explain, analyze and the the mining of members of the Vinlage Consultative Body in accordance with the spirit of local democracy. (3) To explain, analyze and discover the ideal concept of representation in village consultative body institutions in accordance with the spirit of local democracy. This type of research is legal research with a normative legal research type. used are the statute approach (legislative approach), historical approach (historical approach) and comparative approach (comparative approach). Thus, this approach is used to reveal the nature of the representation of the village consultative body in filling out the members of the village Consultative Body based on Law Number 6 of 2014 concerning Villages. The results of this research show that: (1) The essence of representation in filling out members of the Village Consultative Body is that the BPD is a bridge between the community and the village government which can then accommodate the aspirations of each Village Community so that they can connect and establish sparring partners in the village in carrying out policies between the Village Government in terms of the Village Head, BPD and Community can work together in one interest and innovate in development and village government, without having to reduce the control function. (2) The members of the Village Consultative Body (BPD) are representatives of the village population based on regional representation whose filling is carried out democratically. Members of the Village Consultative Body must consider and pay attention to; Area size, women's representation, population and village financial capacity. (3) The ideal concept for filling members of the Village Consultative Body is based on local democracy to guarantee the independence of the BPD in carrying out its functions to avoid interference by personal interests. Creation of credibility for BPD members who always fight for aspirations.

INTRODUCTION

The principle of the rule of law has developed in line with the dynamics of society and the state. This concept has been developed since the Ancient Greek era by philosophers who emphasized the importance of the rule of law in realizing the rule of law. The evolution of the principle of the rule of law from Ancient Greece to the present day has been influenced by the growing acceptance of popular sovereignty and democracy in state life. The principles of the rule of law (nomocratie) and popular sovereignty (democratie) developed simultaneously, like two sides of a coin. This concept then gave birth to the idea of democratic rule of law or constitutional democracy, which emphasizes that law must be built and enforced based on democratic principles. Therefore, laws should not be established, interpreted or enforced in an authoritarian manner solely on the basis of power. On the contrary, democracy must be based on the law in order to avoid deterioration that could jeopardize

its sustainability. The modern democratic state is based on the consensus of the majority of the people on the idealized form of the state. State structures are needed to protect and accommodate the interests of society through effective governance mechanisms.

In a country, there are various groups with diverse interests that, if not managed properly, have the potential to cause conflict and return the situation to the conditions before the formation of the state. Therefore, one of the functions of the state is to fulfill and protect the interests of each of its citizens. Indonesia is a country with a pluralistic society consisting of various ethnic and cultural groups. Most of the population lives in rural areas, which have different characteristics compared to urban communities. Constitutionally, Indonesia adheres to a rule of law system as stated in Article 1 Paragraph (3) of the 1945 Constitution which states that "Indonesia is a State of Law." As a state of law, Indonesia is obliged to guarantee legal certainty and protection for every citizen in the life of the nation and state. One of the characteristics of a state of law is the implementation of a democratic system based on popular sovereignty, where this system must be oriented towards the interests of the community. The existence of villages is recognized in the Indonesian constitutional system, as explained in Article 18 of the 1945 Constitution (before the amendment).

Historically, village regulations have undergone changes since the Old Order, New Order, and Reform eras. In the reform era, village regulation was regulated through Law No. 32/2004 on Regional Government. However, the regulation has not been able to fully accommodate the needs of village communities and has not been in line with the times, especially in the aspects of customary law communities, democratization, diversity, community participation, and equitable development. This has led to social inequality that can threaten the integrity of the Unitary State of the Republic of Indonesia (NKRI). In response to these issues, on January 15, 2014, the government passed Law No. 6/2014 on Villages. This law regulates various aspects related to villages, including the existence of the Village Consultative Body (BPD), which is a village government institution with members who represent the population based on regional representation and women's representation. Further provisions regarding the BPD are regulated in Minister of Home Affairs Regulation No. 110/2016. Article 6 of the regulation states that BPD membership is filled based on regional representation and women's representation.

The BPD strengthens the institutionalization of democracy at the village level and is expected to respond to the dynamics of village governance and development. As a representative institution, the BPD has the main task of forming village regulations and overseeing the implementation of the village head's duties. Therefore, BPD members need to have adequate skills and understanding in order to perform their duties optimally. In addition, regional and women's representation in the BPD is also an important aspect in the concept of representation to ensure the fulfillment of the functions of this institution in accordance with the needs of the village community. This study aims to evaluate the quality of representation in the BPD and the effectiveness of its functions. This study is expected to provide new ideas regarding the design of representation of BPD members that are more in line with the objective conditions of the village, especially considering the limited human resources, socioeconomic, and local culture that must be preserved as a national asset. The importance of institutionalizing democracy at the village level must be balanced with policies that take into account local characteristics in order to improve the quality of BPD functions and support the realization of village autonomy. Based on Law No. 6/2014, a village is a legal community unit with territorial boundaries that has the authority to regulate and manage its own interests based on origin rights and traditions recognized in the NKRI government system.

Thus, a village has three main elements: an area with its various aspects, a population with its social characteristics, and a way of life that reflects culture and customs. As autonomous entities, villages have a self-governing system that is based on the principles of Pancasila and the 1945 Constitution. Efforts to encourage village autonomy have been made since Indonesian independence through various regulations, such as Law No. 19 of 1965, Law No. 5 of 1979, Law No. 22 of 1999, and Law No. 32 of 2004. With decentralization, villages are expected to manage their potential and empower their communities independently.

1. THEORETICAL FRAMEWORK

The theoretical framework in this study relies on the concept of the rule of law (Rechtsstaat & Rule of Law), which emphasizes the rule of law and the protection of human rights as stipulated in Article 1 paragraph (3) of the 1945 Constitution, as well as the theory of constitutional democracy, which balances the principles of the rule of law with popular sovereignty in a constitutional democracy. In addition, legal pluralism theory is relevant in the context of villages that have a customary law system that is recognized in the history of Indonesian state administration. Village autonomy as a form of government decentralization is explained through decentralization theory, which aims to increase the effectiveness of local governance and community participation in local potential-based development, as stipulated in Law No. 6/2014. The concept of representation (Representation Theory) is also the basis for institutionalizing village democracy through the Village Consultative Body (BPD), which ensures geographical and social community representation. In terms of development, Sustainable Development theory emphasizes the importance of a balance between economic, social, and environmental aspects in village policies so that sustainable development can be realized. By referring to these theories, this study seeks to understand the implementation of the principles of rule of law and democracy in village management, particularly in relation to the effectiveness of village autonomy and representation in the BPD.

2. METHODOLOGY

The type of research used is normative juridical with a statute approach, historical approach, and comparative approach to reveal the nature of representation of the Village Consultative Body in filling its members based on Law Number 6/2014 on Villages. In normative legal research, the legal materials studied consist of primary legal materials, such as the 1945 Constitution of the Republic of Indonesia and Law No. 6/2014 on Villages; secondary legal materials in the form of textbooks, journals, scientific articles, seminar papers, and printed media; as well as tertiary legal materials that provide guidance or explanation of primary and secondary legal materials. The technique of collecting legal materials was carried out with a card system, which included overview cards, citation cards, and analysis cards, where the cards were arranged based on the author's name, while the analysis was carried out based on the object of research. The technique of analyzing legal materials begins with collecting primary and secondary legal materials through literature studies, government and private publishing institutions, digital media, and scientific meetings such as seminars and workshops. After that, the rules of law in the legislation were studied and identified, then analyzed using the "IRAC" method (Issues, Rule, Analysis, Conclusion) as proposed by Terry Hutchinson. The legal material is used to explain legal issues based on relevant legal theories, concepts and principles. Furthermore, all materials that have been collected are analyzed in depth to obtain the essence in the form of ideas, proposals, arguments, and related provisions. Research findings are analyzed with deductive and inductive reasoning to produce propositions and concepts in the form of definitions, descriptions, and classifications as research results.

3. RESULTS AND DISCUSSIONS

3.1. The Nature of Representation in the Filling of Village Council Members

The nature of representation in the filling of members of the Village Consultative Body (BPD) stems from the long history of villages as the forerunner of government in Indonesia, with autonomous social structures, strong traditions, customs, and laws. However, centralization policies during the New Order era through Law No. 5/1979 led to a decline in village autonomy. The 1998 reformation brought changes with the birth of Law No. 22/1999, which emphasized the principles of democracy, community participation, and village autonomy, and was later strengthened by Law No. 32/2004 and Law No. 6/2014. The village as the lowest unit of government has an important role in the Indonesian government system, in contrast to the kelurahan which is only an extension of the regency/city government. In its development, the village representative institution has changed from the Village Representative Body (BPD) to the Village Consultative Body (BPD), which functions as the village

legislative body with the task of protecting customs, making village regulations, accommodating community aspirations, and overseeing the running of the village government. Under Law No. 6/2014, the BPD plays a more democratic role as its members are elected through deliberation and consensus, and are no longer led by the village head, thus providing a more independent oversight function.

However, previous research has shown that the role of the BPD still faces various obstacles, such as a lack of public understanding of the BPD's functions, difficulties in conveying its role, conflicting community aspirations, and a lack of socialization by the BPD. This indicates that although the BPD has progressed in its representation function, optimization efforts are still needed so that its role as a bridge between the village government and the community can be more effective in the democratization process of village governance. The Village Consultative Body (BPD) is an element of the village government that functions to establish village regulations together with the village head, accommodate and channel community aspirations, and oversee the implementation of village regulations in the context of implementing village government performance. According to Widjaja, the BPD consists of community leaders who uphold customs, make village regulations, and supervise the administration of the village government. In the division of government tasks, there is a horizontal division based on function and vertically based on levels of authority, as applied in the concept of autonomy and decentralization in a unitary state. Although not explicitly referred to as autonomous regions, Law No. 22/1999 and Law No. 32/2004 provide authority for villages to regulate and manage the interests of the local community. Since the independence era, the position of villages has been recognized in Article 18 of the 1945 Constitution, which mentions the existence of a legal community unit that has an original structure and special position. Regulations related to village governance have changed, from Law No. 19 of 1965 on Praja Villages, which was later postponed due to the political situation, to Law No. 5 of 1979, which homogenized the form of village governance in order to realize Pancasila democracy. However, this uniformity inhibited the creativity and participation of village communities. The development of village regulations shows that the village as a legal community unit still has the authority to regulate and manage the interests of its community, with the BPD as a representative institution that ensures that the aspirations of the community are channeled and village regulations are in accordance with the principles of democracy and justice.

The Village Representative Body or other designation in accordance with the culture that develops in the village functions as a legislative and supervisory institution in terms of the Village Budget or Village Regulations, as well as the Decree of the Village Head, as well as a means of accommodating and channeling the aspirations of the village community. Other village community organizations can be formed in accordance with the needs of the village. The presence of the BPD with its functions and authority allows for balance and mutual supervision in the administration of village governance, so that the existence of the village head, which during the New Order era was like a "single ruler" in the village, will no longer occur. To support the implementation of Law No. 22/1999, particularly regarding village governance, Government Regulation No. 76/2001 on the General Guidelines for the Regulation of Villages was issued, which in Article 31 states that members of the Village Representative Body are elected from and by the villagers who are citizens of the Republic of Indonesia and meet the requirements set forth in the Regional Regulation.

The replacement of Law No. 22/1999 with Law No. 32/2004 has implications for the administration of village governance in order to adjust to Article 18B of the 1945 Constitution, so that regional heads are no longer responsible to the DPRD and village heads are no longer responsible to the BPD. Law No. 32/2004 corrected the weaknesses of Law No. 22/1999 by emphasizing the recognition of customary law communities, the definition of villages and rural areas, village governance systems, village officials, village councils, community institutions, village finances, village cooperation, as well as guidance, supervision, and empowerment of village communities. The village government consists of the village government and the Village Consultative Body, where the village government includes the village head and village apparatus, with the village secretary coming from a qualified civil servant.

Law No. 32/2004 provides an opportunity for indigenous communities to elect village heads or other designations in accordance with their customary laws, with election procedures further regulated in regional regulations that are guided by government regulations. The village head is no longer accountable to the BPD, but is only required to submit an accountability report (LKPJ) without the consequence of immediate dismissal. The term of office of the village head is set for six years and may be re-elected for one subsequent term. The function of the Village Consultative Body is to establish village regulations together with the village head and to accommodate and channel the aspirations of the community, with its membership determined through deliberation and consensus. The election of BPD leaders is conducted from and by BPD members, with procedures regulated in regional regulations. Villages can also establish community institutions that are determined through village regulations based on the laws and regulations. The replacement of Law No. 22/1999 with Law No. 32/2004 caused the Village Representative Body to change its name to the Village Consultative Body (BPD), which although no longer has a supervisory function over the village head, still has a role in accommodating community aspirations and establishing village regulations. In Government Regulation No. 72/2005 on Villages, Article 34 reaffirms the function of the BPD in establishing village regulations together with the village head and accommodating and channeling community aspirations. Prior to the enactment of Law No. 22/1999, the BPD was known as the Village Consultative Body (LMD) under Law No. 5/1979, which functioned as a consultative body without legislative authority, and the village head even served as chairman of the LMD. Law No. 22/1999 transformed the LMD into a Village Representative Body, strengthening village democratization, with the functions of upholding adat (customs), making village regulations, channeling community aspirations, and supervising village administration, including proposing the dismissal of the village head to the regent. In Law No. 32/2004, the name of the Village Representative Body was changed to the Village Consultative Body (Badan Permusyawaratan Desa, BPD), with functions streamlined to two, namely establishing village regulations and accommodating and channeling community aspirations, as confirmed in Government Regulation No. 72/2005.

Representation in the filling of members of the Village Consultative Body (BPD) as stipulated in PP No. 72/2005 emphasizes that the BPD has a role in establishing Village Regulations together with the Village Head and is a forum for accommodating community aspirations. The performance of the BPD is measured by its ability to channel and follow up on community aspirations, as affirmed in Bintan Regency Perda No. 72/2007. Community aspirations can be submitted directly to the BPD or through RT/RW to the deliberation forum. In addition to its representative function, the BPD has a legislative function in establishing village regulations and a supervisory function over the administration of the village government. Since the change from the Village Consultative Body (LMD) to the BPD under Law No. 22/1999 and Law No. 32/2004, the role of the BPD has become more independent and is no longer under the authority of the sub-district head. In its development, the community has responded to the change in BPD with a variety of attitudes, ranging from rejection to full support, depending on how the principles of democracy, rule of law, and customary rights are respected in its implementation.

The BPD is expected to uphold popular sovereignty and become an instrument of village democracy through community participation in village policies, direct election of the village head, and control over the village government. However, there are still concerns about hidden centralization in the BPD arrangement, which seems uniform and does not take into account local diversity. As a representation of the village community, the BPD is expected to become a more democratic forum for aspirations, an effective control tool, and a communication bridge between the community and the village government in formulating policies that suit local needs.

3.2. Filling Village Council Members in the Spirit of Local Democracy

The issue of villages remains an interesting discussion, especially since the enactment of Law No. 6/2014 on Villages. This regulation was presented to strengthen the position of villages, which had been considered marginalized due to the dominance of the central government. With this law, villages receive wider recognition through the principles of recognition and subsidiarity, which

emphasize that villages have rights of origin and local authority based on the traditions and initiatives of their own communities. In addition, there are significant changes in the design of village institutions, such as the reaffirmation of the role of the Village Consultative Body (BPD), greater transfers of village funds to support development, and increased opportunities for citizen participation in controlling the running of village government. With this regulation, opportunities to strengthen democratization at the village level are increasingly open. However, challenges also remain, especially in ensuring that changes in the design of village institutions are accompanied by an increase in institutional capacity so that they do not become mere tools of certain elite interests.

In the context of changes in village institutions, the existence of the Village Consultative Body (BPD) is an important part that needs to be considered. The Village Law reaffirms the role of the BPD as a partner of the Village Head in running the government. Within the village government structure, the BPD has a primary function as a village legislative body that plays a role in legislation, supervision, and representation. The legislative function of the BPD is realized through its authority to draft and ratify Village Regulations (Perdes) together with the Village Head. This means that any rules that apply in the village cannot be enacted without going through the BPD approval mechanism. In addition, the BPD also functions as a supervisor of the performance of the village government, including in controlling the use of the village budget in accordance with the needs of the community. Meanwhile, in the representation function, the BPD acts as an extension of the villagers in conveying their aspirations, complaints, and needs to the village government. With these roles, the BPD is an important element in the dynamics of local village politics, where this institution acts as a counterweight to the power of the Village Head so that governance is more accountable and participatory.

Despite its strategic role, in practice the effectiveness of BPD performance in carrying out its functions still faces various challenges. A number of studies have shown that the role of the BPD in the aspects of legislation, supervision and representation is still not optimal due to various obstacles, both internal and external. Internally, one of the main factors causing the weak performance of the BPD is the low capability of members in understanding their duties and authorities. This lack of understanding has led to many BPD members being unable to perform their functions optimally. In addition, limited facilities and infrastructure, such as the unavailability of an adequate office, are also an obstacle in supporting the smooth work of the BPD. Another important factor is the relatively small incentives for BPD members, which does not encourage them to be more active in carrying out their duties.

Meanwhile, from an external perspective, one of the main challenges faced by the BPD is the leadership style of the Village Head, which tends to be autocratic. Village heads with this leadership style often try to limit or even reduce the role of the BPD so that it continues to dominate village governance. In addition, the lack of community participation in the selection process of BPD members also contributes to the weak role of this institution. Many villagers do not care much about the selection of BPD members, so the selection process tends to be a formality without really considering the competence of the candidates. As a result, elected BPD members often lack the capacity to perform their duties properly. This condition is further exacerbated by the weak supervisory function performed by the BPD, where many cases show that supervision is limited to fulfilling administrative requirements without any serious effort to control policies made by the Village Head. In this situation, the BPD often becomes a rubber stamp that approves every policy of the Village Head without any real critical role.

However, the studies that have been conducted on the weaknesses of the BPD institution have mostly focused on analyzing aspects of personal, technocratic, and procedural (legal-formal) capacity. As a result, many other aspects have not been comprehensively mapped, such as the pattern of political relations between the BPD and the village head and how these dynamics affect village governance. The political constellation at the village level, including the process of selecting BPD members, also needs to be taken more seriously as part of the institutional analysis of the BPD. Therefore, there needs to be a more in-depth study that not only highlights the weaknesses of the BPD from a technical

and procedural perspective, but also looks at how local political dynamics affect the effectiveness of this institution in carrying out its role.

In the history of village politics in Indonesia, the position and role of the BPD has ebbed and flowed in accordance with the dynamics of national politics and the interests of the ruling regime. In the beginning, the existence of the BPD was more symbolic without having clear authority in village governance. This led to the dominance of power remaining in the hands of the Village Head, while the BPD only functioned as an administrative complement. This situation was particularly prevalent during the Old and New Order periods, when village governance structures were more centralized and under the control of the central government. However, after entering the reform era in 1999, the BPD began to gain institutional strengthening with a clearer assertion of authority. Nevertheless, the dynamics of ups and downs continue to occur, and in practice, the effectiveness of BPD in carrying out its functions still faces various challenges.

Ideally, the village government structure should reflect the concept of separation and distribution of power as proposed by classical political philosophers such as John Locke and Montesquieu. In this concept, power should not be centralized in only one party, but should be distributed proportionally to prevent abuse of authority. Thus, the Village Head functions as an executive body, while the BPD functions as a legislative body that oversees and balances power at the village level. Unfortunately, in practice, the implementation of this concept still faces various obstacles, mainly due to the tendency of the Village Head to continue to dominate the running of the village administration.

Empirically, the existence of the BPD in many villages remains ambiguous. Although formally the BPD has considerable authority in the village governance system, in reality many BPDs only function administratively without any real influence in the decision-making process. This is due to various factors, including the weak capacity of BPD members, limited resources, and local political dynamics that are not always supportive of strengthening the role of the BPD. Therefore, to strengthen the role of the BPD in the village governance system, more comprehensive efforts are needed, both in terms of increasing the capacity of BPD members, improving the system for selecting members, and reforming village governance to make it more open and participatory.

Thus, issues related to the BPD cannot be separated from the broader discourse on village democratization and the balance of power in village governance. As an institution with a strategic role, the BPD must be able to perform its functions optimally in order to become an effective instrument in realizing more transparent, accountable, and participatory village governance. Therefore, there is a need for a more in-depth study of the dynamics of the BPD institution and the efforts that can be made to strengthen its position in the village governance system.

The development of the Village Consultative Body (BPD) from 1965 to 2016 has undergone significant changes in terms of position, function, member selection mechanism, and representation of the village community.Initially, under Law No. 19 of 1965, this institution was known as the Village Consultative Body (BMP), which functioned as part of the village government under the leadership of the Village Head.Under Law No. 5/1979, this institution changed its name to the Village Consultative Body (Lembaga Musyawarah Desa, LMD) with a similar role, still under the leadership of the Village Head. Significant changes occurred with the enactment of Law No. 22/1999, which transformed it into the Village Representative Body (BPD), whose position is equal to that of the Village Head in the administration of village governance. This position was maintained in Law No. 32/2004, which reaffirmed its equality with the Village Head. However, in Law No. 6/2014, there was a fundamental change in which the BPD was no longer an element of the village administration and was outside the village administration structure.

In the early days, under Law No. 19/19/1965 and Law No. 5/1979, the main function of this institution was as a forum for village community deliberation. With Law No. 22/1999, the functions of the BPD were expanded to include legislation, supervision, representation, and a role in budgeting.In Law No. 32/2004, the legislative function was maintained with a broader scope.In Law

No. 6/2014, the functions of the BPD still involve legislation but with certain limitations, in addition to continuing to perform representative and supervisory functions.

In terms of the selection and representation of members, in the early period, members were selected from villagers in general, but in Law No. 5/1979 membership began to be more limited to dusun heads, leaders of community institutions, and community leaders. In Law No. 22/1999, BPD members were selected from eligible groups of citizens, including elements of adat, religion, social organizations, and professions. Law No. 32 of 2004 regulates the representation of members from representatives of certain groups such as RT/RW heads, religious leaders, social organizations, and community leaders. In Law No. 6/2014, members can again come from villagers in general with the condition of regional representation.

The process of selecting members has also changed over time. Initially, members were selected through direct elections, with the village head and village secretary serving concurrently as chairman and vice chairman. Under Law No. 5/1979, the election mechanism was conducted through deliberation with the structure still led by the village head and village secretary.With Law No. 22/1999, the system changed to direct election, with the chairman and deputy elected from and by BPD members. Law No. 32/2004 maintained the mechanism of deliberation and consensus. In Law No. 6/2014, elections can be conducted either through deliberation or directly.

The evolution of the BPD shows the dynamics that affect the power relationship between the BPD and the village head. Strengthening the function of the BPD contributes to the democratization of the village, while the weakness of the BPD can hamper the checks and balances mechanism. Based on the pattern of relationships formed, there are four types of political relations between the BPD and the Village Head. First, a dominative relationship, where the Village Head dominates village policies without the involvement of the BPD, leading to weak oversight.Second, a collusive relationship, which is a harmonious relationship but in a negative sense, because the BPD only becomes a tool for policy legitimization without an effective control role. Third, a conflictual relationship, in which the BPD and the village head often experience a clash of interests that causes political instability in the village. Fourth, the partnership relationship, which is an ideal relationship that allows for checks and balances with intensive communication. Changes in the position and function of the BPD in various laws show that the existence of this institution continues to undergo adjustments in order to improve the effectiveness of village governance and strengthen democracy at the local level.

4. CONCLUSSION

Based on the discussion and analysis results that have been described, it can be concluded that the nature of representation in the filling of members of the Village Consultative Body (BPD) is as a bridge between the community and the village government, which functions to accommodate the aspirations of the community and establish cooperation with the village government in implementing policies without reducing the control function. The members of the BPD are representatives of the local villagers, where the filling is carried out democratically based on regional representation, as stipulated in Article 56 paragraph (1) of Law No. 6/2014 on Villages, which states that the election of BPD members can be done directly or through deliberation of representatives. In filling the BPD members, it is necessary to pay attention to the area, women's representation, population, and financial capacity of the village. However, if women's representation is only a formality, then the basic principles of democracy are still far from expectations, especially in terms of equality and protection of basic human rights as mandated by the 1945 Constitution. The ideal concept of filling BPD members should be based on local democracy to ensure the independence of the BPD in carrying out its functions, avoiding the intervention of personal interests, and ensuring that the aspirations of the community can be voiced with credibility and integrity. Therefore, it is recommended that the BPD submits a judicial review to the Constitutional Court to examine Law No. 6/2014 on Villages, particularly regarding women's representation and the composition of the BPD as a rule-making, controlling and budgeting institution. In addition, the DPR and the Government are expected to strengthen the substance of the Village Law, especially in terms of women's

representation and the role of the BPD as a representative institution of the village community, so that provisions that conflict with the 1945 Constitution can be corrected.

5. REFERENCES

Book

- Abdul Rasyid Thalib (2006). Wewenang Mahkamah Konstitusi dan Implikasinya dalam Sistem Ketatanegaraan Republik Indonesia. PT Citra Aditya Bakri, Bandung.
- Adnan Buyung Nasution (2010). Demokrasi Konstitusional. Buku Kompas, Jakarta.
- Abu Daud Busroh (2006). Ilmu Negara. PT Bumi Aksara, Jakarta.
- Aminuddin (2001). Pemberdayaan Dewan Perwakilan Rakyat Daerah (DPRD) Kota Palu dalam Rangka Pelaksanaan Otonomi Daerah. Tesis, PPS-Unhas, Makassar.
- Ateng Syarifudin (2006). Hakikat Otonomi Daerah dan Desentralisasi dalam Pembangunan Daerah. Citra Media, Jakarta.
- Bagir Manan (1994). Hubungan Antara Pusat dan Otonomi Daerah. Bina Cipta, Jakarta.
- Cass R. Sunstein (2001). Designing Democracy: What Constitutions Do. Oxford University Press, New York.
- C.F. Strong (1960). Modern Political Constitutions: An Introduction to the Comparative Study of Their History and Existing Form. Sidgwick & Jackson Limited, London.
- Djokosoetono (2006). Hukum Tata Negara. IN-HILL-CO, Jakarta.
- Dahlan Thaib (2009). Ketatanegaraan Indonesia: Perspektif Konstitusional. Total Media, Yogyakarta.
- Faisal Abdullah (2009). Jalan Terjal Good Governance: Prinsip, Konsep, dan Tantangan dalam Negara Hukum. PUKAP-Indonesia, Makassar.
- Jimly Asshiddiqie (2008). Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi. PT Bhuana Ilmu Populer, Jakarta.
- La Ode Husen (2004). Negara Hukum, Demokrasi, dan Pemisahan Kekuasaan. Laboratorium Hukum, FH-UMI, Makassar.
- Miriam Budiardjo (2008). Dasar-Dasar Ilmu Politik. PT Gramedia Pustaka Utama, Jakarta.
- Moh. Mahfud MD (2010). Konstitusi dan Hukum dalam Kontroversi Isu. Raja Grafindo Persada, Jakarta.
- Munir Fuady (2010). Konsep Negara Demokrasi. PT Refika Aditama, Bandung.
- Ni'matul Huda (2006). Hukum Tata Negara Indonesia. Raja Grafindo Perkasa, Jakarta.