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VILLAGE GOVERNMENT GOVERNANCE IN DETERMINING BORDER TAPES BETWEEN BULUH MANIS VILLAGE AND PEMATANG PUDU VILLAGE IN BENGKALIS DISTRICT

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ABSTRACT

This research examines the Governance of Village Governments in Determining Boundaries which have problems regarding Governance in the settlement of boundaries. This study aims to determine village government governance in determining the boundaries between Buluh Manis Village and Pematang Pudu Village in Bengkalis Regency. This type of research, which is located in Buluh Manis Village, Bathin Solapan District and Pematang Pudu Village in Mandau District, is descriptive with qualitative methods, namely research that seeks to describe the object or subject under study in accordance with what it is, and to explain variables and indicators. The results of the study regarding Village Government Governance in Determining the Boundary between Buluh Manis Village and Pematang Pudu Village in Bengkalis Regency were analyzed through four indicators. First, the accountability is both normative accountability and positive accountability can be correlated well because the Bengkalis Regency Government in solving this problem is responsible for the authority assigned to it as it has done several stages of solving the boundary problem between Buluh Manis Village and Pematang Pudu Village. Second, the transparency, namely the openness of the process in the formulation of public policies and the action of its implementation can be seen by the community knowing how the process in the formulation of decision-making to determine the boundaries between Buluh Manis Village and Pematang Pudu Village or in the implementation action which also includes representatives from the community such as community leaders. Third, the participation is that the Bengkalis Regency Government has conducted mediation by opening a discussion forum between the parties involved in the completion of boundary determination. Fourth, the legal certainty that there is no legal certainty or applicable regulations set by the Bengkalis Regency Government in resolving the boundary problems between Buluh Manis Village and Pematang Pudu Village.

Keyword: Establishment, Governance, Boundaries

INTRODUCTION

Regional autonomy contained in Law Number 23 of 2014 concerning regional government emphasizes real and responsible autonomy. Real autonomy is regional freedom to carry out the authority granted by the central government in certain fields that actually exist and are needed and grow, live and develop in the region. Meanwhile, responsible autonomy is the embodiment of accountability as a consequence of granting rights and authorities to the regions in the form of duties and obligations that must be borne by the regions in achieving the objectives of granting this autonomy, such as improving services and improving community welfare, developing democratic life, justice and equal distribution and maintenance of harmonious relations, in line, between the central government and regional governments in order to maintain the integrity of the Unitary State of the Republic of Indonesia.

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In realizing this responsible autonomous capability, many regions have divided regions in the hope that the autonomy granted can fully touch all components of society. The formation or division of regions is felt as a necessity, to realize efforts to increase the effectiveness of governance, implementation of development and community development and to further accelerate the realization of an even distribution of social welfare. Besides that, to bring services closer to the community and create a more effective supervisory control room. This rationale is usually used as the background for regions down to the sub-district and village levels to carry out regional expansion.

However, in terms of regional division, it has its own consequences for each region concerned, which can be seen from the policy of regional expansion, which in practice is difficult to implement smoothly as expected by the central government. The act of regional expansion was not accompanied by proper preparation, such as the establishment of unclear boundaries. The National Coordinating Board for Surveys and Mapping of the Ministry of Home Affairs has defined regional boundaries, namely "the separation between one region and another, where within the scope of the regional boundaries the implementation of the authority of each region is carried out" (Ministry of Home Affairs, 2002: 3). This means that basically the authority of a region may not be exercised beyond the regional boundaries stipulated in laws and regulations. Furthermore, territorial boundaries are the boundaries of inter-regional government administration areas which are a series of coordinate points that are on the surface of the earth.

As a result of the difficulty in carrying out the implementation of regional expansion, it causes a delay in the development and growth of the region. As happened in several districts/cities regarding territorial border disputes both among members of the public and political elites who are on the border, which in general have not been resolved due to the problem of settling the boundary line . The perceptions of the people and political elites are different, as well as boundary disputes , which are usually very prone to occur if the contested area has very adequate natural and economic resource potential. Obstacles like this that hit many regions in regencies and cities, such as boundary disputes between parent regions and newly created areas or newly created areas and other newly created areas , are common in Indonesia.

In the Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines and Confirmation of Village Boundaries, hereinafter abbreviated as Permendagri No.45 of 2016, that village boundaries are government administrative area boundaries between villages in the form of coordinate points that are on the surface of the earth such as natural signs such as ridges/mountain ridges/mountains (watershed), river medians and/or artificial elements in the field as outlined in map form. Furthermore, the determination of village boundaries is the process of determining village boundaries kartometrically on an agreed base map.

The purpose of setting village boundaries is to create an orderly administration of government, provide clarity and legal certainty regarding the boundaries of a village's territory that fulfills technical and juridical aspects. Next, a Team for Determination and Confirmation of Regency/City Village Boundaries will be formed. In article 9 of Permendagri No. 45 of 2016 the stages of setting village boundaries begin with the collection and research of the documents needed to obtain an initial indication of the boundary line. Then proceed with the selection of the base map using the Indonesian Topographical Map (RBI Map) scale 1: 5000 and if the RBI map is not yet available, you can use a high-resolution upright image with a minimum spatial resolution of 4 meters.

The village boundary determination map will be signed by each Village Head and witnessed by the District/City Village Boundary Determination Team (PPB). The District/City Village PPB Team

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has the task of carrying out the determination and confirmation of village boundaries in accordance with statutory provisions stipulated by a Regent/Mayor Decree. The Village PPB Team is also required to coordinate with the District/City Boundary Affirmation Team .

Regency/city Village PPB Team as stated in article 7 of Permendagri No. 45 of 2016 has the following functions:

- a. Take an inventory of written legal bases and other legal sources related to village boundaries;
- b. Examine the written legal basis as well as other legal sources to determine temporary boundary lines on the map;
- c. Planning and carrying out determination and confirmation of village boundaries;
- d. Coordinate the implementation of village boundary determination and confirmation with related agencies;
- e. Carry out technical/field supervision and/or assistance in confirming village boundaries;
- f. Carry out the socialization of determining and confirming village boundaries;
- g. Proposing financial support in the district/city regional revenue and expenditure budget for the implementation of setting and confirming village boundaries;
- h. Prepare a draft district head regulation on village boundary maps and draft district head regulations on village boundary maps;
- i. Report all activities on establishing and confirming village boundaries to the bupati/mayor with a copy to the governor.

Kelurahan Government in determining boundaries is only being a member of the District/City Village Boundary Determination and Confirmation Team. While the full authority or party responsible for setting village or kelurahan boundaries is the Regent/Mayor through a Regent/Mayor regulation. Bengkalis Regency is one of the regencies in the administrative area of Riau Province, in 2015 it gave birth to Regional Regulation Number 6 of 2015 concerning the Establishment of Bandar Laksamana District, Talang Muandau District and Bathin Solapan District. In 2015, out of the 8 sub-districts in Bengkalis Regency, they were divided into 11 sub-districts. One of the sub-districts that was split was Mandau District, which was split to become the Bathin Solapan District and the main sub-district itself. As a result of the division, the villages/kelurahan in Mandau sub-district have become 24 villages/kelurahan and Bathin Solapan sub-district have 11 villages/kelurahan.

The formation of sub-districts that occurred in the Bengkalis Regency in 2015 was carried out based on Government Regulation Number 19 of 2008 concerning Sub-Districts. Article 3 explains that the establishment of a sub-district must meet regional administrative, technical and physical requirements. On the map attached to the Regional Regulation of Bengkalis Regency Number 6 of 2015 there is only an explanation regarding the boundaries of the sub-district administrative area and there is no explicit explanation regarding the administrative boundaries between villages.

The ambiguity in the boundaries of this administrative area, is often the main source of problems between the two bordering areas, in line with the development of the region, the increase in population and the increase in the area of land use. One of them, as a result of the unclear administrative boundaries between villages that became a prolonged dispute, namely between Buluh Manis Village, Bathin Solapan District, and Pematang Pudu Village, Mandau District. Various problems arose, such as conflicts over territory between two villages or administrative services that became ambiguous. The blurring of the boundaries between Buluh Manis Village, Bathin Solapan District, and Pematang Pudu Village, Mandau District, has occurred since 2015 until now due to division of subdistricts, even before the division took place. In 2018 the Buluh Manis Village Government submitted a request to the Bengkalis Regency Government to set boundaries because the village had so far referred

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to Regional Regulation Number 15 of 2012 and if it refers to Regional Regulation Number 6 of 2015, the Buluh Manis Village area remains only one third of one third current area which would be very detrimental.

The Bengkalis Regency Government reactively accepted the request from the Buluh Manis Village Government by conducting a review in 2019 together with the Mandau Sub-District Head represented by the Secretary of the Mandau Camat, Sub-District Head of Bathin Solapan, as well as community leaders from the Pematang Pudu Village and Buluh Manis Village accompanied by the Community Security and Order Supervisor Bhayangkara and also the Civil Service Police Unit who jointly went to the field to determine the boundaries of the village and sub-district.

Referring to Permendagri No. 45 of 2016 concerning Determination and Confirmation of Village Boundaries which states that in the event of a dispute over the determination and confirmation of village boundaries, settlement of village boundary disputes is carried out. Then the settlement of village boundary disputes between villages in one sub-district area was resolved by deliberation/consensus facilitated by the Camat as outlined in the minutes. Settlement of village boundary disputes between villages in different sub-districts within one district/city area is resolved by deliberation/consensus facilitated by the Regent/Mayor as set forth in the Minutes. Furthermore, if deliberation/consensus efforts are not reached, dispute resolution is determined by the Regent/Mayor with a Regent/Mayor Regulation.

Even so, the problem of village boundary conflicts has also not been resolved. Meanwhile, the Bengkalis Regency Government handed over this dispute to the Sakai Tribe Traditional Leader to decide where the boundary between Buluh Manis Village and Pematang Pudu Village was. However, even though the minutes of the agreement on determining the boundaries have been determined by the traditional leaders and supported by several signatures from the Mandau Sub-District Head and the Pematang Pudu Sub-District Head, the resolution of the boundary conflict between Buluh Manis Village and Pematang Pudu Sub-District has not been clear.

The boundary problems that occur between Buluh Manis Village and Pematang Pudu Village can be seen from three parts, namely political, economic and social. In relation to politics, the problem of the boundary between the village and the kelurahan has political elements in it so that the solution that has been carried out still has not found a way out. In addition, from an economic perspective, from the point of view of the boundaries of the disputed area, there are no economic elements that could become a factor for this area to be contested. Meanwhile, if viewed from a social perspective, the result of the occurrence of problems regarding this boundary has caused conflict among the people who are in the border region.

Thus, until now, the Government of Bengkalis Regency has not issued clear regulations in terms of efforts to resolve related problems. Meanwhile, what is written in Permendagri No. 45 of 2016, if deliberation/consensus is not reached, dispute resolution can be determined by the Regent/Mayor with a Regent/Mayor Regulation.

Understanding that the village is important for Indonesia at this time, various programs are designed to support the implementation of village governance. To achieve this, it is hoped that the Regional Government of Bengkalis Regency will be able to find answers on how to apply the principles of good governance related to the delimitation of boundaries between Buluh Manis Village and Pematang Pudu Village. United Nation (UN) (in Smith, 2007: 4) defines *good governance* as policies that support the development of society (including developing the ability of the private sector to create jobs), the administration of democratic governance, decentralization, consensus and accountability (by functioning legislators, and a judiciary system that is appropriate for law enforcement and human rights

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protection).

The use of this theory has relevance to the object under study based on phenomena that the authors found in the field such as the lack of clarity and legal certainty for the village government in adopting and implementing policies as a result of not reaching an agreement between the Buluh Manis Village government and the Pematang Pudu Village regarding boundaries. Claims occurred between the village government and the sub-district, causing double administrative services. As well as the absence of clear boundaries between villages related to land boundaries.

Because of the background above, the author is interested in conducting research on how village government is managed in determining the boundary between Buluh Manis Village and Pematang Pudu Village in Bengkalis Regency.

RESEARCH METHODS

The method used in this research is a qualitative method with a descriptive approach, namely research that seeks to describe the object or subject under study as it is, and to explain the variables under study. In this case the author will use objective conditions found in the field based on data related to the problem of Village Government Governance in the Determination of Boundaries between Buluh Manis Village and Pematang Pudu Village in Bengkalis Regency.

Creswell (2014: 8) defines qualitative research as a process of inquiry to understand social problems or human problems, based on the creation of a complete holistic picture formed by words, reporting detailed views of informants, and arranged in a natural setting. Types and sources of data using primary data and secondary data with data collection techniques through interviews observation and documentation. The data is processed using descriptive analysis, namely by describing and presenting data based on realities in the field about how the village government is managed in determining boundaries.

DISCUSSION

The implementation of *good governance* is a prerequisite for every government to realize the aspirations of the people and achieve the goals and aspirations of the nation and state. Therefore it is necessary to understand *good governance* through an understanding of the principles contained therein. The principles of *good governance* are related to supervision and control, namely controlling a good government, so that the method and use of methods can achieve the results desired by *stakeholders*. So that this principle can be used to analyze a problem that occurs, one of which is the problem of determining regional boundaries. Where the territorial boundaries themselves have the meaning as a separator between one region and another, where within the scope of the regional boundaries the implementation of the authority of each region is carried out. In this study the principles of good governance used have several aspects according to BC Smith (2007:13) as follows:

Research Results and Discussion of Accountability

Accountability is defined as an obligation for every person or group of people (organizations) who are given the responsibility to deliver accountability to interested parties. The efforts made by the Bengkalis Regency Government are responsible for the problem of determining the boundaries that occur between Buluh Manis Village and Pematang Pudu Village.

In the context of accountability for solving the problem of determining boundaries, it can be concluded that the responsibilities carried out are in accordance with existing regulations even though

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a final decision has not been reached. As a result of the absence of a final decision by the District Government, in terms of administrative services there is still overlap so that the community feels the direct impact of this problem. The Bengkalis Regency Government and the Bengkalis Regency Community and Village Empowerment Service have carried out their responsibilities in accordance with applicable regulations, namely Permendagri No.45 of 2016 concerning Guidelines for Determining and Confirming Village Boundaries. It's just that the settlement phase has not been completed due to difficult field determinations where when the boundary pillars were installed between Buluh Manis Village and Pematang Pudu Village there was a conflict between interested parties.

Table I. Population Data of Buluh Manis Village in the Conflict Area in the Expansion of Bathin Solapan District

No	Description	RW	Number of families	Information
1	The people of Talang Pancah	001	175	Already Domiciled Before
	Hamlet	004	140	Expansion
		005	280	
2	Talang Pagambang hamlet	006	86	
	community			
Amount			681	

Source: Buluh Manis Village Office, 2020

The table above is the number of residents living in border areas that are still in conflict. It can be seen that before the division of Bathin Solapan Sub-district and Mandau Sub-District, the population already lived in that place, with RW 001 consisting of 175 families, RW 004 consisting of 140 families, RW 005 consisting of 280 families and RW 006 of 86 families, with a total of 681 KK which is divided into two hamlets. From the table above it is known that several groups of people who feel the direct impact of this problem such as double administration, even though they were domiciled before the division of the sub-district.

The problems that occurred regarding the determination of boundaries led to the occurrence of dual administrative services between Buluh Manis Village and Pematang Pudu Village. Administration becomes overlapping among the people who are on the border, so that there are some people who carry out administrative services to the Pematang Pudu Village and vice versa, there are some people who carry out administrative services to Buluh Manis Village. This is because Buluh Manis Village and Pematang Pudu Sub-District adhere to their opinion based on the legal basis of each, namely Buluh Manis Village is guided by Regional Regulation No. 15 of 2012, while Pematang Pudu Sub-District is guided by the Bengkalis Regent's Decree of 1998. But with the absence of an agreement between the two parties is proven to have led to a dualism of government which creates a dilemma in society because they are administratively provided with services from two different governments.

So it can be said that both normative accountability and positive accountability can be well related. For normative accountability, the Bengkalis Regency Government in solving this problem is responsible for the authority assigned to it. Meanwhile, for positive accountability, the Bengkalis Regency Government also considers the wishes of the community by not imposing their will if this problem has not reached a consensus and avoiding turmoil that will trigger conflict among the community.

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Research Results and Discussion Transparency

Transparency is an important element for the implementation of functions in government. Transparency can be seen from the openness of the process in the formulation of policies and their implementation actions as well as the clarity and completeness of the information needed by the public. The transparency carried out by the Bengkalis Regency Government is related to solving the problem of determining this boundary, where the Bengkalis Regency Government in carrying out their duties to settle the boundary between Buluh Manis Village and Pematang Pudu Village is appropriate and they also have the ability to master the task well. In settling this boundary, the Bengkalis Regency Government is transparent to the community where the Regency Government has carried out several stages in determining the boundary as a manifestation of the will of the community and in terms of openness, the Bengkalis Regency Government wants to realize policies that are indeed pro-community by not causing detrimental conflicts in the community, between communities.

The openness that was carried out by the Bengkalis Government in terms of settling the boundaries that occurred between Buluh Manis Village and Pematang Pudu Sub-District had been carried out by holding deliberations several times involving community leaders. However, even though mediation has been conducted several times to resolve border issues, it still raises various problems and is not resolved. This is evidenced by the fact that there is still a dualism of government that occurs and the fact that in the field people who live on the border are still ambiguous in carrying out administration with the problem of this boundary not being resolved.

Transparency is important, especially if there are border problems like this. The openness of the process in the formulation of public policies and their implementation actions as well as the clarity and completeness of the information needed by the community has been transparently carried out by the parties involved in solving boundary problems, it can be seen by the community knowing how the process is in the formulation of decision-making for determining boundaries between Buluh Manis Villages with the Pematang Pudu Village or in its implementation actions which also include representatives from the community such as community leaders.

Research Results and Participation Discussion

In government participation can be interpreted as the participation or involvement of the community in the policy formulation process or the act of implementing the policy itself. Participation in the stages of solving the problem of determining the boundary between Buluh Manis Village and Pematang Pudu Village which was carried out by the Bengkalis Regency Government as the main person in charge.

There is no problem in determining the boundaries between Buluh Manis Village and Pematang Pudu Village, where all parties involved can participate properly and be involved in the decision-making process. It's just that a decision could not be taken because there were still differences of opinion so that no consensus was reached on the determination of the boundary that occurred between Buluh Manis Village and Pematang Pudu Village.

The District Government as the person responsible for solving the boundary problem has carried out its duties properly in order to find a bright spot in accordance with what the community wants. However, in order to maintain democracy, the District Government still pays attention to the participation of the existing community, and does not want to appear to be in a hurry to make a decision if this will have a negative impact on the community.

So it is known that the indicators of participation are found in the Bengkalis Regency

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Government which has mediated by opening discussion forums between the parties involved in completing the boundary determination including involving people who have strong influence in the organization and also contributions from the community leaders concerned. Mediation through deliberations was carried out several times by the Bengkalis Regency Government with the District Government as the facility provider, this was done to realize the wishes of the people who hoped this problem would be resolved without harming both parties. This means that the District Government cares about the wishes of the community and can understand the needs of the local community even though there are still differences of opinion which have resulted in a decision not yet being reached.

Research Results and Discussion on Legal Certainty

With legal certainty, everyone knows the limits of the actions they take, meaning they know what is permissible to do and what is not permissible in the community, be it between individuals or the community. Legal certainty related to the problem of determining boundaries that occurred between Buluh Manis Village and Pematang Pudu Village it doesn't exist yet because the problems that have occurred have not yet reached an agreement, so there are no final regulations governing this problem. But for legal clarity regarding boundaries in the Village or Kelurahan, both parties use a legal basis regarding boundaries that are different from their respective versions of the map. Where the Pematang Pudu Village is based on the 1998 Decree while the Buluh Manis Village is based on Regional Regulation No. 15 of 2012. Due to differences in the legal basis and the maps they have, this is what creates problems, even though in general the boundary maps in SK or Perda are indicative in nature, which means they only indicate and are not a final decision. Therefore, the district is the arbiter of this problem because this problem belongs to the sub-district boundary, sooner or later we will solve it.

It is known that in terms of legal certainty related to the determination of the boundary between Buluh Manis Village and Pematang Pudu Village, the Regency Government has not yet decided. This is because an agreement has not been reached between the two parties involved. Even though this problem has been going on for quite a while and it should be in accordance with Permendagri No. 45 of 2016 Concerning the Determination and Confirmation of Village Boundaries, if it does not reach consensus, the district government can issue a final decision in the form of a Regent's regulation. However, in this case the Bengkalis Regency Government has not been firm about implementing it because until now it is still using deliberations as the stage for solving the problem of determining the boundaries between Buluh Manis Village and Pematang Pudu Village.

The Village Government and the Kelurahan Government have their own legal basis which is used as a basic reference for territorial boundaries. So that the existence of differences in legal basis creates a dispute by defending their respective arguments. Where the Buluh Manis Village Government is guided by Regional Regulation No. 15 of 2012 concerning the Expansion of Pematang Pudu Village and Kelurahan based on the Bengkalis Regent's Decree of 1998 concerning the formation of Kelurahan which in fact certainly has a different version of regional boundaries.

The absence of legal certainty will have a direct impact on the community, especially for people who live in border areas. Of course they will be faced with administrative ambiguity, be it population administration or regional administration. This is because both parties still maintain their version of the legal basis, with this the decision to issue legal certainty is difficult for the Bengkalis Regency Government to carry out. The Bengkalis Regency Government continues to use deliberations as the stage for solving the problem of setting boundaries so that when a decision has been made it is indeed the wish of both parties so as to avoid conflict after making a decision.

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CONCLUSION

Based on the results of the research that the authors conducted, it can be concluded that the village government governance in determining the boundary between Buluh Manis Village and Pematang Pudu Village in Bengkalis Regency is seen from:

- 1. First, accountability, thus it is known that there is accountability in terms of boundary setting carried out by the District Government, although it still creates double administration. Second, transparency, that as the person in charge in terms of setting these boundaries, the government is transparent in the settlement process. Third, participation that the government includes community involvement through community leaders in the process of setting boundaries. Fourth, legal certainty, that there is no legal certainty as a final rule in determining the boundaries.
- 2. As for the inhibiting factor in determining the boundary between Buluh Manis Village and Pematang Pudu Sub-District in Bengkalis Regency, it is the understanding of the people who do not understand that determining the administrative boundaries of an area will not eliminate a person's rights, including the right to land they own because of that boundary. only with regard to administrative matters whether it is population administration or territory administration. Furthermore, it is difficult to find an agreement between the two parties that actually survives on their respective legal basis, especially when setting boundaries by going to the field and there are influential parties who have personal interests in the border area that is in dispute making it difficult to set boundaries.

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