



COMMUNITY PARTICIPATION IN FORMING GAMPONG QANUN IN ACEH

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Abstract

Article 238 of the Law on Governing Aceh, paragraph (1) states that the community has the right to participate in providing input in both oral and written form in the process of preparing and discussing qanuns. On the website of the Aceh Legal Documentation and Information Network (JDIH), there is no district qanun that explains the procedure for forming a gampong qanun, but there is Qanun Aceh Barat District Number 7 of 2015 concerning the formation of a Gampong qanun; however, the qanun does not explain the form and process of implementing community participation in the discussion and preparation of village qanuns as mandated by the UUPA. The purpose of this research is to know and explain the form of community participation in the formation of qanuns in Aceh and the procedures and processes for implementing community participation in the formation of qanuns in Aceh. This research is a type of field research or empirical research that uses a statutory approach, namely an approach using legislation and regulations contained in the hierarchy of laws and regulations. Data collection was carried out by conducting interviews, questionnaires, and observations. Data analysis used in this research is qualitative analysis, which is data analysis in the form of words, pictures, or numbers. The results of the study show that the impetus for community participation in the formation of gampong qanuns in Aceh is in the form of verbal inputs and objections given in deliberation forums. While the process of implementing community participation in the formation of gampong qanuns, namely: a) At the pre-preparation stage of the draft gampong qanun; b) At the discussion stage of the draft qanun, which was held jointly by the keuchik and tuha peut gampong; and c) At the stage of dissemination of the qanun.

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I. INTRODUCTION

The implementation of regional autonomy is inseparable from the role and participation of the community, especially in the formation of laws and regulations. In order for these legal products to be accepted and implemented optimally by the community, community participation is needed in their formation so that the community can play a role in determining the priority for the formation of laws and regulations.

Article 96 of Law Number 12 of 2011 concerning the Formation of Legislations, paragraph (1), explains that in the preparation of laws and regulations, there is a right to participation for the community to play a role in conveying input both verbally and in writing. Paragraph (2) states that participation is carried out by way of public hearings, working visits, outreach, seminars, workshops,

and/or discussions. The most important thing, as in paragraph (4), is to provide input verbally or in writing, so the formulation of these laws and regulations can easily be accessed by the public, making it easier for the community to participate.

Regional regulations in Aceh were formed based on privileges based on Law Number 11 of 2006 concerning the Governance of Aceh (UUPA). Community participation in the process of forming qanuns in Aceh is based on Article 238 of the Law on Governing Aceh, paragraphs (1) and (2), which state that the community has the right to participate in providing input in both oral and written forms in the process of preparing and discussing qanuns. And in paragraph (2), it states that there must be space for public participation in every stage of forming a qanun. This article is the legal basis for the obligation to involve elements of society to provide input, both verbally and in writing, in the process of forming a draft qanun. Furthermore, at every stage of forming a qanun, there must be room for public participation so that the public can continue to oversee the process of forming a qanun so that it becomes an aspirational legal product.

Gampong qanuns are gampong rules made based on mutual agreement by the gampong community. In some areas in Aceh, the term gampong qanun is known as gampong reusam, for example, regarding guests having to report every 24 hours. Gampong is an administrative division of the same level as a sub-district or village, specifically for Aceh Province under Mukim. The formation of a gampong qanun is based on the provisions of the regency or city above regarding the procedure for forming a gampong qanun.

Based on search results on the website of the West Aceh Legal Documentation and Information Network (JDIH), there are district qanuns regarding procedures for establishing gampong qanuns. Aceh Barat District Qanun Number 7 of 2015 concerning the establishment of Gampong qanuns has explained the procedure for forming gampong qanuns. However, the qanun does not include the form and process for implementing community participation in the discussion and preparation of village qanuns as mandated by the UUPA. In addition, in JDIH Banda Aceh and Aceh Jaya, there were no district qanuns that explained the procedures for establishing gampong qanuns.

The Law on the Formation of Legislation and the UUPA have mandated that community participation be held in the making of laws and regulations, including village qanuns. Because there are no qanuns in the three districts related to community participation in establishing gampong qanuns, it is necessary to know more about the procedures, implementation processes, and effects of community participation in establishing gampong qanuns in Aceh.

Based on the description of the background above, the formulation of the problem is as follows:

1. What is the form of community participation in forming qanuns in Aceh?
2. What is the process of implementing community participation in forming qanuns in Aceh?

II. RESEARCH METHODS

This research is a type of field research or empirical research. Empirical research, often called sociological research, looks at the effectiveness of the applicable law or research that identifies the law. This research studies people's behavior that arises as a result of interacting with legal norms (Jonaedi Efendi and Johnny Ibrahim). Data collection in empirical legal research is conducted through interviews, questionnaires, and observation. This research will be conducted in West Aceh District, Aceh Jaya District, and Banda Aceh City, Aceh Province. Each district or city will be surveyed by one village. West Aceh district represents a long-established district, and Aceh Jaya district represents a newly established district. As a comparison, research was conducted in Banda Aceh City, which is a more developed city because it is the capital of the province.

III. RESEARCH RESULT AND DISCUSSION

3.1. Forms of Community Participation in Forming Gampong Qanuns in Aceh

3.1.1. West Aceh Regency

Based on the results of research conducted in Gampong Seuneubok, Johan Pahlawan District, West Aceh Regency, the local Keuchik (Nazaruddin, 2022) stated that community involvement in the formation of village qanuns in Seuneubok Gampong was carried out during discussions on the draft qanun that had been prepared by village officials. The form of participation is input or objection to the draft gampong qanun, which is carried out through a deliberative process. Meetings held with elements of the community are held to obtain input or objections from the community regarding the draft qanun to be formed. This is intended so that in the process of its implementation, the qanun is in accordance with the needs and conditions of the community as well as local wisdom. The participating communities are community elements such as tuha peut gampong, traditional leaders, religious leaders, gampong youth, hamlet heads, and Family Welfare Empowerment (PKK).

Furthermore, based on interviews with Tuha Peut Gampong Seuneubok (Jufri, 2022), it can be concluded that the formation of village qanuns in Gampong Seuneubok involves elements of society such as tuha peut, heads of halls, religious leaders, traditional leaders, and interested communities. In their engagement, the gampong apparatus held a meeting to discuss the draft qanun and solicit input and objections from elements of the community. These inputs and objections will be taken into consideration for improving the draft qanun that has been discussed.

3.1.2. Aceh Jaya Regency

Based on research conducted in Gampong Tuwi Kareung, Pasie Raya District, Aceh Jaya Regency, and the results of interviews with the Keuchik Tuwi Kareung, it is known that the village qanun was formed in Gampong Tuwi Kareung. After that, the draft qanun was submitted to the

Gampong Keuchik. Furthermore, joint discussions were carried out between Gampong officials and Tuha Peut Gampong involving elements of the Gampong community, such as traditional leaders, religious leaders, the PKK, and Gampong youth. These community elements become representatives of all levels of the Gampong community.

After discussion, the draft was then revised based on input from the community. The next stage is to make adjustments both with other laws and regulations and with local wisdom. After that, it was ratified and promulgated.

Based on the results of interviews with the Secretary of Gampong Tuwi Kareung, it was found that in forming a gampong qanun in Gampong Tuwi Kareung, the draft gampong qanun was formed first by Tuha Peut Gampong as the community representative in the gampong government. Previously, Tuha Peut Gampong had absorbed the aspirations of the people so that the formulation of the draft Gampong Qanun was in accordance with the needs of the community. Furthermore, the draft qanun was submitted to the gampong apparatus. After that, the draft gampong qanun was discussed together by elements of the gampong community and gampong apparatus. In this discussion, a question-and-answer process, suggestions, deletions, and additions related to the chapters and articles in the draft qanun were carried out.

Furthermore, during the plenary meeting held by gampong officials together with Tuha Peut Gampong to discuss the draft gampong qanun, vital community elements such as *teungku imum*, *teungku sagoe*, PAUD heads, Posyandu heads, farmer groups, and women's representatives were involved. However, the involvement of the community at the plenary session was not as great as during the meeting to discuss the draft qanun.

After the qanun was formed based on the results of deliberations with elements of the community, a plenary meeting was then held, which involved the village head of the tuha peut together with its members, totaling nine (nine) people, and the gampong government, namely the keuchik, village secretary, section head, head of affairs, and head of hamlet. Vital community elements such as *teungku imum*, *teungku sagoe*, PAUD heads, Posyandu heads, farmer groups, and women's representatives were involved in the plenary meeting. However, the involvement of the community at the plenary session was not as great as during the meeting to discuss the draft qanun. After the plenary meeting was held, the draft qanun was ratified to become a qanun. Furthermore, the Tuha Peut Gampong issued a document in the form of a Tuha Peut Gampong decision, which functions as a qanun implementing regulation. Then the qanun that has been ratified is enacted and socialized with the Gampong community.

Based on an interview with Tuha Peut Gampong Tuwi Kareung, the participation process was carried out after the draft qanun was prepared and then discussed together. During the discussion stage of the draft qanun, which was carried out in consultation, the community was involved and represented by elements of community representatives, such as religious leaders, community leaders,

gampong youth, and women's representatives. This process of community participation was carried out verbally by providing input and objections to the qanun that had been previously formed by both the gampong apparatus and the gampong tuha peut.

3.1.3. Banda Aceh City

Based on research conducted in Gampong Ateuk Munjeng, Baiturrahman District, Banda Aceh City, the results of interviews conducted with the Keuchik Ateuk Munjeng (Yusri, 2022) found that in the formation of the gampong qanun in Ateuk Munjeng Gampong, the draft gampong qanun had previously been formed by the keuchik together with the tuha peut gampong. After that, a meeting was held to discuss the draft qanun with the community. After being discussed, the draft qanun was revised and then ratified. After that, the qanun that had been ratified was promulgated and socialized among the Gampong community.

Based on the results of an interview with the Secretary of the Gampong Ateuk Munjeng (Fahmi, 2022), it was found that in the process of forming the gampong qanun in Ateuk Munjeng, the draft qanun had previously been prepared by the keuchik and would then be discussed with community elements. After further discussion, the draft qanun will be adjusted to other laws and regulations and local wisdom. After the adjustment of the qanun, it will be ratified and promulgated in the Gampong Gazette. After that, the socialization of the qanun that had been formed was carried out in the Gampong community.

Furthermore, based on the results of interviews with Tuha Peut Gampong Ateuk Munjeng, it was found that in the drafting of the gampong qanun in Ateuk Munjeng, the keuchik formulated the qanun first. After that, the formulation was brought to a small meeting, which was attended by all members of the desa peut gampong together with village officials who formed a small team. The small meeting was held to absorb the aspirations of the people who had been represented at Tuha Peut Gampong.

After absorbing input and objections from the community, the draft qanun was examined and corrected by the gampong apparatus. Then, after being corrected and formed, the draft qanun is disseminated to the public. During the socialization of the draft qanun that had been formed, input and objections were again made in order to improve the qanun. After being corrected again, the draft qanun was then ratified to become a qanun and promulgated in the village gazette.

Based on research conducted in Seuneubok Gampong, Johan Pahlawan District, West Aceh Regency, it was found that in the context of establishing village qanuns in the village, elements of the community had been involved. This is in line with the results of an interview with the Keuchik Gampong Seuneubok (Nazaruddin, 2022), who stated that the draft gampong qanun had been prepared by the gampong apparatus, after which discussions were carried out with community elements such as tuha peut gampong, religious leaders, community leaders, Lorong heads, youth, PKK, and communities directly related to the qanun to be formed. The form of participation is input

or objection to the draft that has been prepared by the previous gampong apparatus. The participation process is carried out through deliberations, so that input or objections submitted by community representatives are either oral or unwritten.

The same thing was conveyed by Tuha Peut Gampong Seuneubok (Jufri, 2022), who stated that the community was involved in the formation of the gampong qanun represented by gampong elements, such as tuha peut, Lorong heads, religious leaders, traditional leaders, and the community who have an interest in the qanun to be formed. This participation will be conveyed in a meeting to discuss the draft qanun, where the gampong apparatus will ask for input and objections from the deliberation or meeting participants. Then this input will be used as material for consideration in improving the draft qanun that will be formed.

As stated in Article 238 of Law Number 11 of 2006 concerning the Government of Aceh (hereinafter referred to as UUPA), in paragraph (1) it is stated that the right of participation owned by the community in the process of forming qanuns in Aceh can be given in the form of input, both verbally and in writing. The meeting between Gampong officials and elements of the community representatives was intended to obtain input so that the needs of the community could be collected and included in the qanun that would be formed later. Both relate to the form of violation and the sanctions that will be given. After holding meetings with elements of the community, the draft qanun will then be brought up and discussed with the district so that disharmony does not occur between the gampong qanun and the district qanun.

Thus, the form of community participation in Seuneubok gampong at this stage was input in the form of drafting gampong qanuns. The draft qanun will be discussed by the gampong apparatus, taking into account input from community elements during the discussion stage. The draft qanun that has been discussed will then become a gampong qanun. These inputs are in the form of suggestions or objections to the draft qanun that will be formed.

Furthermore, from the results of research conducted in Gampong Tuwi Kareung, Pasie Raya District, and Aceh Jaya District, it is known that community participation has been involved from the very beginning of the formulation of the village qanun draft. Tuha Peut Gampong, who is a representative of the Gampong community, absorbs the aspirations of the community, which are the needs of the community. Based on these aspirations, Tuha Peut Gampong drafted a Gampong Qanun, which was then submitted to the Keuchik. Furthermore, in the joint discussion between Tuha Peut and the Keuchik regarding the draft qanun that has been proposed, the community will be involved and will be represented by community elements such as religious leaders, community leaders, gampong youth, PKK, and community representatives who have an interest in the qanun that will be formed. The discussion process is carried out through deliberations, so community participation takes the form of inputs or rebuttals in the form of speech. During this discussion stage, questions and answers, suggestions, deletions, and additions of articles and chapters in the draft qanun were also carried out.

After the process of improving the draft qanun was carried out based on input from the community, a plenary meeting was then held by the gampong apparatus together with Tuha Peut Gampong, which was scheduled to discuss the revised draft qanun. At this stage, community participation was also involved by involving vital village elements such as teungku imum, teungku sagoe, PAUD heads, Psyandu chairs, farmer groups, and women's representatives. This involvement is still being carried out, although not as much as community involvement during the discussion of the draft qanun. The next research was conducted in Ateuk Munjeng Village, Baiturrahman District, Banda Aceh City. In the gampong, it is known that the formation of the gampong qanun in the gampong began when the tuha peut gampong was assigned as a community representative to absorb the aspirations of the gampong community. Then, based on these aspirations, Tuha Peut Gampong drafted a Gampong Qanun, which was then submitted to the Gampong apparatus. Then community participation was carried out during the discussion of the draft qanun in a discussion meeting with the keuchik and tuha peut. The form of community participation at Ateuk Munjeng was represented by community leaders and interested communities. Participation took the form of inputs and objections, whether oral or unwritten.

Furthermore, during the drafting of the gampong qanun, the community was involved at this stage, represented by representatives of the community with an interest, tuha pakat and tuha gampong, who were intellectuals. At this stage, public participation is in the form of input or objections to the draft qanun that has been formed previously. Based on these inputs and objections, the draft gampong qanun was examined and corrected. After being repaired and formed, the draft is socialized in the community. At this stage, the community is again given room for participation by providing input and objections in order to improve the qanun.

The form of community participation in the preparation or formation of laws and regulations is contained in Article 96, paragraph 1, of Law No. 12 of 2011, which states that the public has the right to provide input verbally and/or in writing in the formation of laws and regulations. Then, as continued in paragraph 2, verbal and/or written input can be carried out in meetings with public opinion, working visits, outreach, seminars, workshops, and discussions. This regulation can be used as a basis for forms of village community participation in the formation of village regulations.

Community participation in the formation of gampong qanuns in Aceh, which is based on the results of research in three (3) districts in Aceh, namely West Aceh District, Aceh Jaya Regency, and Banda Aceh City, can be concluded as carried out through deliberations or meetings to discuss the draft gampong qanuns. The form of community participation in the formation of village qanuns is in the form of input and/or objections in the form of oral or unwritten forms. When viewed from the perspective of the type of participation according to Cohen and Uphoff in the theoretical study chapter, community participation in establishing gampong qanuns in three (three)

districts or cities in Aceh is participation in decision-making. This participation is related to the determination of alternatives that are carried out with the community in order to reach a decision and agreement that will benefit all members of the Gampong community. This is because the alternative is directly conveyed in the space of public participation, so the alternative presented is a representation of the needs of the community. The space for participation is manifested in a deliberation to discuss the draft gampong qanun, which is held by village officials, and the gampong tuha peut receives inputs and objections from the community, which will become material for consideration for improving the draft gampong qanun. These inputs and objections are very important because they reflect the needs of the Gampong community and can determine the direction and orientation of Gampong development in the future.

Meanwhile, based on Konkon Subrata and Suyatna B. Atmaja, the form of community participation in Aceh is the result of thought and morals, namely in the form of approval and social support for the draft qanun to be formed. This is very important because, with social support, the qanun that will be formed later will be very easy to implement because it is the result of a mutual agreement. Meanwhile, another form of participation, according to Konkon Subrata and Suyatna B. Atmaja in Aceh, is participation in making decisions. This is because during the deliberations to discuss the draft qanun, the process of receiving input and objections will be used by the Gampong government for consideration in determining the substance of the qanun.

In the context of its relationship with good governance, participation refers to the involvement of the community in making decisions related to governance. Public participation is absolutely necessary so that government administrators can get to know their citizens better, along with their ways of thinking and life habits, the problems they face, the recommended ways or solutions, and what can be done to solve the problems they face.

In line with this, Hadjon argued that the concept of community participation is related to the concept of openness. In a sense, without government openness, it is impossible for the public to participate in government activities. Hadjon further stated that openness, both "openheid" and openbaar-heid," is very important for the implementation of good governance and democracy. The implementation of community participation in the formation of the Gampong Qanun has now begun to be developed. Participation by the community as stakeholders can be carried out by providing input orally and in writing in the framework of planning, drafting, and discussing the draft Qanun regulations in accordance with the Rules of Procedure.

In order to absorb community participation in realizing an aspirational gampong qanun, it is necessary to provide a space for participation that can be accessed by all components of society so that all complaints and aspirations of the community can be accommodated properly. The space for participation can be in the form of access to information for all components of society regarding the process of forming gampong qanuns, transparency regarding the process of forming gampong qanuns,

formulating procedures to accommodate community aspirations in forming gampong qanuns, and expanding the network of cooperation as well as the division of tasks and responsibilities for the process of forming gampong qanuns.

The existence of community participation in the process of forming village qanuns, apart from helping village officials with initial consideration in drafting regulations, also serves to disseminate the village qanun to the public before the village qanun is enacted. The village community has the right to express aspirations, suggestions, and opinions verbally or in writing in a responsible manner regarding the activities of administering gampong governance, implementing gampong development, gampong community development, and gampong community empowerment. Thus, based on the results of research conducted in three districts in Aceh, it can be concluded that community participation in establishing gampong qanuns in Aceh takes the form of inputs and objections given in deliberation forums. The meeting was held by the keuchik together with Tuha Peut Gampong to discuss the draft qanun that had been prepared previously. In other words, community participation in establishing gampong qanuns in Aceh was in the form of verbal input and objections presented in deliberation forums.

3.2. The Process of Implementing Community Participation in Forming Gampong Qanuns in Aceh

3.2.1. West Aceh Regency

Based on the results of research conducted in Seuneubok Gampong, Johan Pahlawan District, West Aceh Regency, interviews with the Keuchik Seuneubok (Nazaruddin, 2022) found that the process of implementing community participation in forming village qanuns in Seuneubok Gampong began with the preparation of draft qanuns, which were carried out first by village apparatus. The draft contains the formulation of the substance of the articles, from prohibitions to sanctions. After the draft was formed, the gampong apparatus held meetings with community elements to discuss the draft qanun to be formed. The gampong communities involved in the negotiations were represented by elements including tuha peut gampong, traditional leaders, religious leaders, gampong youth, hamlet heads, and the Family Welfare Empowerment (PKK). The meeting was held in order to get input from elements of the community involved.

After receiving input and objections from elements of the community, the draft qanun was revised again by the gampong apparatus. After the qanun has been revised, it is then submitted to the regency to be harmonized with the district qanun and other laws and regulations, both higher-level laws and regulations as well as existing laws and regulations. These adjustments are also related to the place and fund for executing sanctions. After all stages have been approved, the draft will be approved by the Gampong Keuchik and included in the Gampong Gazette. After that, it was published and promulgated to the village community to be enforced.

Based on the results of an interview with Tuha Peut Gampong Seuneubok (Jufri, 2022), it was stated that the formation of village qanuns was carried out in several stages. The formation of the gampong qanun was carried out by involving gampong elements, who were represented by tuha peut, religious leaders, traditional leaders, and gampong apparatus. The representative provided input for the formulation of a draft qanun that could represent the needs of the Gampong community. The first stage is the preparation of the draft qanun, which is carried out by the gampong and tuha peut gampong officials. The draft was then discussed by the gampong apparatus together with the gampong tuha peut, involving community elements as previously mentioned. After that, based on input and objections from the public during the discussion, the draft qanun was revised. Then, after going through all the processes of harmonization and adjustment, both with other laws and regulations and with local wisdom, the qanun is legalized and socialized.

3.2.2. Aceh Jaya Regency

Based on research conducted in Gampong Tuwi Kareung, Pasie Raya District, Aceh Jaya Regency, and the results of interviews with the Keuchik Tuwi Kareung, it is known that the village qanun was formed in Gampong Tuwi Kareung. After that, the draft qanun was submitted to the Gampong Keuchik. Furthermore, joint discussions were carried out between Gampong officials and Tuha Peut Gampong involving elements of the Gampong community, such as traditional leaders, religious leaders, the PKK, and Gampong youth. These community elements become representatives of all levels of the Gampong community.

After discussion, the draft was then revised based on input from the community. The next stage is to make adjustments both with other laws and regulations and with local wisdom. After that, it was ratified and promulgated.

Based on the results of interviews with the Secretary of Gampong Tuwi Kareung, it was found that in forming a gampong qanun in Gampong Tuwi Kareung, the draft gampong qanun was formed first by Tuha Peut Gampong as the community representative in the gampong government. Previously, Tuha Peut Gampong had absorbed the aspirations of the people so that the formulation of the draft Gampong Qanun was in accordance with the needs of the community. Furthermore, the draft qanun was submitted to the gampong apparatus. After that, the draft gampong qanun was discussed together by elements of the gampong community and gampong apparatus. In this discussion, a question-and-answer process, suggestions, deletions, and additions related to the chapters and articles in the draft qanun were carried out.

Furthermore, during the plenary meeting held by gampong officials together with Tuha Peut Gampong to discuss the draft gampong qanun, vital community elements such as teungku imum, teungku sagoe, PAUD heads, Posyandu heads, farmer groups, and women's representatives were involved. However, the involvement of the community at the plenary session was not as great as during the meeting to discuss the draft qanun.

After the qanun was formed based on the results of deliberations with elements of the community, a plenary meeting was then held, which involved the village head of the tuha peut together with its members, totaling nine (nine) people, and the gampong government, namely the keuchik, village secretary, section head, head of affairs, and head of hamlet. Vital community elements such as teungku imum, teungku sagoe, PAUD heads, Posyandu heads, farmer groups, and women's representatives were involved in the plenary meeting. However, the involvement of the community at the plenary session was not as great as during the meeting to discuss the draft qanun. After the plenary meeting was held, the draft qanun was ratified to become a qanun. Furthermore, the Tuha Peut Gampong issued a document in the form of a Tuha Peut Gampong decision, which functions as a qanun implementing regulation. Then the qanun that has been ratified is enacted and socialized with the Gampong community.

Based on an interview with Tuha Peut Gampong Tuwi Kareung, the participation process was carried out after the draft qanun was prepared and then discussed together. During the discussion stage of the draft qanun, which was carried out in consultation, the community was involved and represented by elements of community representatives, such as religious leaders, community leaders, gampong youth, and women's representatives. This process of community participation was carried out verbally by providing input and objections to the qanun that had been previously formed by both the gampong apparatus and the gampong tuha peut.

3.2.3. Banda Aceh City

Based on research conducted in Gampong Ateuk Munjeng, Baiturrahman District, Banda Aceh City, the results of interviews conducted with the Keuchik Ateuk Munjeng (Yusri, 2022) found that in the formation of the gampong qanun in Ateuk Munjeng Gampong, the draft gampong qanun had previously been formed by the keuchik together with the tuha peut gampong. After that, a meeting was held to discuss the draft qanun with the community. After being discussed, the draft qanun was revised and then ratified. After that, the qanun that had been ratified was promulgated and socialized among the Gampong community.

Based on the results of an interview with the Secretary of the Gampong Ateuk Munjeng (Fahmi, 2022), it was found that in the process of forming the gampong qanun in Ateuk Munjeng, the draft qanun had previously been prepared by the keuchik and would then be discussed with community elements. After further discussion, the draft qanun will be adjusted to other laws and regulations and local wisdom. After the adjustment of the qanun, it will be ratified and promulgated in the Gampong Gazette. After that, the socialization of the qanun that had been formed was carried out in the Gampong community.

Furthermore, based on the results of interviews with Tuha Peut Gampong Ateuk Munjeng, it was found that in the drafting of the gampong qanun in Ateuk Munjeng, the keuchik formulated the

qanun first. After that, the formulation was brought to a small meeting, which was attended by all members of the desa peut gampong together with village officials who formed a small team. The small meeting was held to absorb the aspirations of the people who had been represented at Tuha Peut Gampong.

After absorbing input and objections from the community, the draft qanun was examined and corrected by the gampong apparatus. Then, after being corrected and formed, the draft qanun is disseminated to the public. During the socialization of the draft qanun that had been formed, input and objections were again made in order to improve the qanun. After being corrected again, the draft qanun was then ratified to become a qanun and promulgated in the village gazette.

One of the principles of village administration regulated in Article 24 is the Participatory principle, namely the existence of community involvement in the administration of village governance, including community involvement in the formation of Village Regulations. The existence of space for the community to participate in the formation of village regulations is a necessity in a democratic government system that places the community as the holder of sovereignty in administering government. This is in accordance with the provisions contained in article 28 of the 1945 Constitution of the Republic of Indonesia which affirms, "The freedom to associate and assemble, express thoughts verbally and in writing and so on is stipulated by law.

Consultation and providing input from the village community in the process of forming regulations at the village level is something that absolutely must be carried out as an effort to accommodate the aspirations of the community, as stated in Article 69 paragraph (9) of Law Number 6 of 2014 concerning Villages which stipulates that, "The draft Village Regulation must be consulted with the Village community".

Based on the results of research conducted in Seuneubok Village, Johan Pahlawan District, West Aceh Regency, it is known that the process of implementing community participation in the formation of village qanuns in the village was carried out at the discussion stage of the draft qanun which was carried out by means of discussion meetings or deliberations. In the discussion process, the community was represented by elements of the community such as tuha peut gampong, traditional leaders, religious leaders, gampong youth, hamlet heads, and the PKK. During the deliberation, a discussion was held on the draft qanun that had been previously formed by the gampong apparatus. The discussion process accommodated inputs and objections to the draft gampong qanun that was formed. It is based on these inputs and objections that the draft gampong qanun will then be revised.

The process of community participation in the formation of gampong qanuns in Gampong Seuneubok was only limited to deliberation meetings discussing the draft gampong qanuns. Furthermore, the process of forming a gampong qanun was carried out by the gampong apparatus.

Meanwhile, in Aceh Jaya District, based on research conducted in Gampong Tuwi Kareung, Pasie Raya District, and Aceh Jaya District, it is known that the process of community

participation was carried out before the draft village qanun was drafted. This is done by Tuha Peut Gampong as the community representative by absorbing the aspirations of the community regarding the grievances and needs of the Gampong community. Based on these aspirations, Tuha Peut then drafted a village qanun, which was then submitted to the village apparatus for discussion. During the discussion of the draft qanun, the community was again involved in this stage. Elements of community representatives are invited to conduct questions and answers, make suggestions, and make deletions or additions to chapters and articles in the qanun.

At this time, it is possible to have input in the form of writing when correcting the articles in the draft gampong qanun. After revising the draft gampong qanun based on input from the community, the gampong apparatus, together with Tuha Peut, held a plenary meeting to discuss the draft gampong qanun that had been revised. However, not as many people were involved at this stage as during the first discussion meeting.

Banda Aceh City, as a more developed city compared to other districts or cities in Aceh, especially in the research location, namely Gampong Ateuk Munjeng, Baiturrahman District, Banda Aceh City, has involved the community in the process of forming qanuns since before the draft gampong qanuns were formed. Tuha Peut Gampong, as the community representative in the Gampong government, absorbs people's aspirations. Based on these aspirations, Tuha Peut Gampong drafted a qanun because these aspirations represent the complaints and needs of the community. So that the resulting qanun will be in accordance with the needs of the Gampong community.

Based on Aceh Qanun Number 5 of 2011 concerning Procedures for Establishing Qanuns, the procedure for establishing a gampong qanun when it is associated with the participation of the gampong community can be seen below.

1. Planning Stage

In the formation of the Aceh qanun, the planning stage was carried out in the Prolega. While in districts or cities, the planning stage is carried out by prolek. In establishing the gampong qanun, there was no known gampong legislation program, so this planning stage was carried out by Tuha Peut as the representative of the gampong community in the gampong administration. If the prolega or proleg involves the community at the planning stage, the formation of village qanuns also involves community participation by absorbing community aspirations carried out by tuha peut.

2. Qanun Preparation Stage

In forming Aceh qanuns, the authority lies with the DPRA together with the governor, while for the formation of district or city qanuns, the authority lies with the DPRK together with the regents and mayors. In the case of forming gampong qanuns, the authority to form gampong qanuns rests with the tuha peut together with the keuchik. If the draft qanun is prepared by the executive, then

the draft is then submitted to the legislature for further discussion. Likewise, if the draft gampong qanun is prepared by the gampong executive, in this case the keuchik, then the keuchik will then submit the draft gampong qanun to Tuha Peut for discussion.

The executive party that has prepared the draft Aceh/district/city qanun will then submit it to the DPRA/DPRK accompanied by a letter of introduction and an explanation or statement. Whereas in the formation of gampong qanuns in Aceh, there was no attachment letter found from the keuchik to the tuha peut when submitting the draft gampong qanun.

If the Aceh/regency/city draft qanun is a proposal from the legislature, then the draft qanun is submitted to the executive accompanied by an explanation, statement, and/or academic text. Likewise, in the formation of the gampong qanun, there was no cover letter from Tuha Peut Gampong when submitting the draft gampong qanun to the keuchik.

2. Discussion of Draft Qanun

In the formation of Aceh and district/city qanuns, the draft qanun was discussed jointly between the executive and the legislature. Meetings to discuss draft Aceh qanuns or district or city qanuns are conducted at two levels of discussion, namely as follows:

- a) The level I discussion is conducted in a meeting of the Commission, Joint Commission, Legislation Body, Special Committee, or Budget Agency;
- b) Discussion level II is conducted in plenary meetings.

In the establishment of gampong qanuns in Aceh, discussion of gampong qanuns was also carried out at two levels of discussion, namely the first level of discussion conducted by tuha peut and keuchik involving community elements and the plenary meeting level held by the keuchik together with tuha peut, also involving representatives of community elements, although not as many as during the first meeting.

3. Joint Approval of Draft Qanun

In the formulation of the Aceh qanun, the draft qanun, which had previously been discussed by the executive along with the legislature, could only be ratified after obtaining joint approval by the executive and legislature. Likewise, with the establishment of a gampong qanun, prior to being ratified, it must obtain joint approval from the keuchik and tuha peut gampong.

4. Joint Ratification of the Draft Qanun.

The draft Aceh qanun as well as the draft Regency/City qanun, which previously obtained joint approval, will then be ratified by the executive. Aceh qanuns will be ratified by the governor, and district or city qanuns will be ratified by regents or mayors. Likewise, in the formation of a

gampong qanun, after obtaining mutual approval, the draft gampong qanun will then be ratified as a gampong qanun by the keuchik.

5. Dissemination of Prolega/Proleg and Qanun

In the formation of Aceh qanuns and district/city qanuns, the dissemination of prolega/prolek was carried out by the executive together with the legislature, starting from the preparation of prolega/prolek, drafting qanuns, discussing draft qanuns, and promulgation of qanuns. This dissemination was carried out to be able to provide information and/or obtain input from the public and stakeholders.

Likewise, in the formation of gampong qanuns, even though there was no known gampong or village legislation program, the keuchik and Tuha Peut Gampong also promulgated the qanun after it was ratified. Especially as was done in the city of Banda Aceh. After the draft Gampong qanun was revised after discussion, the draft qanun was socialized to the community so that they could get input or approval from the community.

6. Enactment

Qanuns that have been ratified previously are then promulgated in the Aceh, District, or City Gazette. Likewise, at the gampong level, qanuns that have been ratified by the keuchik are then promulgated in the gampong gazette.

The mechanism for community involvement and participation in the formation of qanuns, as stated in Aceh Qanun Number 5 of 2011, concerning the Formation of Qanuns, can be seen below.

- a. At the preparatory stage of the draft qanun that has been prepared by the provincial, district/city, and gampong legislatures. So that in this case, the tuha peut, as the gampong legislature, in preparing the draft qanun must involve the community or accommodate aspirations, which are the needs and complaints of the community.
- b. Discussions by the attention team formed by the governor in forming Aceh qanuns can be held in the form of meetings, seminars, FGDs, workshops, or other forms of gathering public aspirations as stipulated in Article 96 Law Number 12 of 2011 concerning the formation of Legislation.
- c. At the implementation stage of the seminar, for the preparation of academic texts In preparing village qanuns, there was no preparation of academic texts, so no academic preparation seminars were held.
- d. At the discussion stage by the legislature according to the mechanism stipulated in the DPRA/DPRK Rules. In drafting village qanuns, discussions were carried out at two levels and involved community participation at both levels of discussion.

The inputs given by the community according to the mechanism as previously mentioned are carried out no later than 7 (seven) days after the dissemination has been carried out and must be submitted to the DPRA/DPRK or the Governor/Regent/Mayor to become material for consideration in improving the material for the Draft Qanun.

Thus, it can be concluded that the process of implementing community participation in the formation of gampong qanuns in Aceh can be explained as follows:

- a. At the preparatory stage of the draft Gampong Qanun, which was carried out by Tuha Peut Gampong as a representative of the Gampong community in the Gampong government, At this stage, the Tuha Peut Gampong filters community aspirations related to the grievances and needs of the Gampong community.
- b. At the discussion stage, the draft qanun was held jointly by the keuchik and Tuha Peut Gampong. The discussion was carried out at two levels, namely at the first level, which discussed the draft qanun that had been previously prepared by the keuchik and tuha peut. At this stage, it involves the community, represented by community leaders and interested communities. At the second level of discussion, called the plenary meeting, the draft qanun was also discussed, which had been revised based on the input and objections given by the community at the first level meeting. This second-level meeting also involved the community, although not as much as the community involvement at the first-level meeting. The discussion stage is carried out by deliberation, so the form of gampong community participation at this stage is in the form of inputs or objections to the draft qanun that has been prepared.
- c. At the stage of dissemination of the qanun. This is the stage where the qanun has been formed and ratified. This stage is also known as qanun socialization. At this stage, public participation is no longer in the form of input or objections but only in the form of attention to qanuns that have been ratified.

IV. CONCLUSION

Based on the explanation outlined in the previous chapter, the following conclusions can be drawn.

1. The form of community participation in the formation of gampong qanuns in Aceh is in the form of input and objections provided in deliberation forums. The deliberation was held by the keuchik together with the tuha peut gampong to discuss the draft qanun that had been prepared previously. In other words, community participation in the formation of gampong qanuns in Aceh takes the form of verbal input and objections submitted in deliberation forums.
2. Meanwhile, the process of implementing community participation in the formation of gampong qanuns is: a) At the pre-draft preparation stage of gampong qanuns, which is carried out by the gampong tuha peut as the representative of the gampong community in the gampong

government. At this stage, tuha peut gampong filters community aspirations related to the complaints and needs of the gampong community. b) At the discussion stage of the draft qanun which is held jointly between the keuchik and tuha peut gampong. The discussion was carried out at 2 (two) levels, namely at the first level discussion which discussed the draft qanun that had been previously prepared by the keuchik and tuha peut. At this stage it involves the community represented by community leaders and interested communities. At the second level discussion or what is called a plenary meeting, the draft qanun was also discussed which had been revised based on input and objections given by the community at the first level meeting. The second level meeting also involved the community, although not as much as the community involvement at the first level meeting. The discussion stage is carried out by deliberation, so that the form of participation of the gampong community at this stage is in the form of input and objections to the draft qanun that has been prepared. c) At the stage of disseminating qanun. This stage is the stage where the qanun has been formed and ratified. This stage is also called qanun socialization. At this stage, public participation no longer takes the form of input or objection, only in the form of paying attention to the qanun that has been ratified.

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