



Legal Position and Collaboration Pattern of Village Government and Village Community Institutions in the Management of Village-Owned Enterprises (Bumdes) (Study of Teja Perceka Bumdes, Rajagaluh District)

Muhammad Lanang Gilang Gumilang, Harmono

Swadaya Gunung Jati University, Cirebon, West Java, Indonesia. Email Gilanglg1713@gmail.com

Swadaya Gunung Jati University, Cirebon, West Java, Indonesia. Email harmono@ugj.ac.id

Corresponding Author: Email harmono@ugj.ac.id

Abstract

Background. This paper departs from a simple anxiety: why BUMDes, which are normatively designed as a shared space between the village government and the community, often fail to operate in a completely balanced way in practice. This study seeks to examine the problem through the case of BUMDes Teja Perceka in Rajagaluh District, by tracing how the legal positions of the actors are practiced, how the pattern of relationships is formed, and where the legal problems lie.

Method. The approach used is empirical law with a *socio-legal* perspective, so that what is seen is not only the rules but also how they are implemented in daily life.

Results. From the field, it can be seen that the division of authority that has been normatively formulated is not completely limited in practice. The village government is still in a decisive position in the direction of BUMDes policies, while on the other hand, the role of village community institutions has not developed as a truly influential participatory force. The relationships that are formed are closer to coordination that is not entirely equal than deliberative collaboration. In such a situation, the main problem lies not in the lack of rules, but in how they work or do not work in institutional practice.

Conclusion. This research has found that strengthening BUMDes is not enough to be pursued through a normative approach alone. What is more urgent is how authority is translated into operational terms, how supervision is carried out in practice, and how the space for participation is opened up, not merely as a formality. Without it, BUMDes will continue to be in a position between two options: recognized as an independent business entity, yet operating in a relationship that still depends on the power of the village government.

Keywords: BUMDes, authority, collaboration, village governance, governance



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INTRODUCTION

The change in the village's position within the framework of national development can no longer be read simply as an administrative shift. In recent years, villages have begun to be recognized as spaces with relative autonomy in determining the direction of resource management and economic development. The presence of Village-Owned Enterprises (BUMDes) is one of the instruments that mark this change, because through this institution, the village not only plays a role as a policy implementer but also as an actor directly involved in economic activities. Normatively, this construction acquires strong legitimacy through the state's recognition of the authority of the village in regulating its own interests, including in the development of local economic potential (Law Number 6 of 2014 concerning Villages, 2014). However, from the beginning, BUMDes was never designed as a purely business entity but as an institution with two faces at once: economic and social.

This is where problems begin to arise. When BUMDes is positioned as a space that combines economic interests and social participation, the relationships among the actors involved become much more complex than those among business entities in general. Conceptually, Aditya Dewantara and colleagues' research sees BUMDes as a form of *Collaborative Governance*, where the village government and the community are expected to meet in a relatively equal position to manage common resources (Aditya Dewantara et al., 2021). However, in practice, such equality does not always really occur. The relationships formed often follow a more hierarchical pattern, in which the village government's position remains more dominant than that of other actors. From this, it becomes clear that there is a distance between the design imagined by the norm and the reality that develops in the field.

This issue becomes even more interesting when viewed from the perspective of authority in state administrative law. Theoretically, every government action must rest on a clear limit of authority, so that there is no expansion of roles that leads to abuse of power. In the context of BUMDes management, the village government does have a coaching and supervision function, but it is not intended to directly control business operational activities. The problem is that these limits, in practice, are often not firm. As stated by Harmono and Dwijaya, when norms are not translated into operational mechanisms, what happens is not legal certainty, but a wide open space

of interpretation (Harmono & Dwijaya, 2025). This condition explains why the involvement of the village government in BUMDes often exceeds the normatively determined limits.

On the other hand, the weak position of village community institutions is also a problem that cannot be ignored. Formally, this institution is expected to serve as a channel for community participation in village development, including the management of BUMDes. In practice, however, such involvement often stops at the procedural level. They are present in forums, but they do not always have an influence in determining the direction of policy. Arindhawati and Utami's findings show that the success of BUMDes is greatly influenced by the quality of community participation that is not just present, but actually involved in the decision-making process (Arindhawati & Utami, 2020). When participation is only symbolic, it is difficult for the social function of BUMDes as a tool of empowerment to develop optimally.

This unbalanced relationship cannot ultimately be separated from the dynamics of power at the local level. In some contexts, the management of BUMDes tends to be concentrated among certain actors with greater access to resources and decision-making. This phenomenon is known as *Elite Capture*, which Firdaus describes as a shift in the function of public institutions from the common interest to the interests of a particular group (Firdaus, 2018). While it doesn't always appear explicitly, these tendencies still influence how decisions are made and who actually has room to get involved.

If viewed more broadly, this issue also shows that the concept of *Collaborative Governance* cannot necessarily work just because various actors are involved in one structure. Collaboration is not just about mutual presence, but about how the relationship is built and run. Effendi and colleagues point out that in village business management practices, the relationship between actors is often between cooperation and competition, so collaboration does not always produce the expected balance (Effendi et al., 2023). Under these conditions, collaboration can become a mere formality rather than a substantive mechanism for decision-making.

The institutional approach provides additional explanations for why these conditions continue to recur. Sofyani and colleagues show that the governance practices of BUMDes are often more influenced by pressure to meet formal requirements than by efforts to build truly effective governance (Sofyani et al., 2020). In other words, the law exists as rules, but it does not always serve as a guideline for actions that are actually carried out. This is where it can be seen that the

problem of BUMDes is not only a matter of regulation but also of how these norms are internalized in institutional practice.

In addition, the issue of capacity cannot be ignored in reading the dynamics of BUMDes management. Kurniadi and Rao show that weaknesses in the management function, especially in the aspects of supervision and organization, are quite decisive factors in the success of BUMDes (Kurniadi & Rao, 2021). This shows that legal issues and capacity are interrelated, because good norms will not work without the capacity to implement them.

In more recent developments, the management of BUMDes has begun to adopt a more adaptive approach. Mindarti and his colleagues emphasized the importance of *Adaptive Governance* in the face of uncertain dynamics at the local level (Mindarti et al., 2025). Meanwhile, Wulandari and Wardani pointed out that innovation and entrepreneurial orientation are important factors in maintaining the sustainability of BUMDes as a village economic entity (Wulandari & Wardani, 2024). These two approaches show that it is not enough to strengthen BUMDes only by improving rules, but also by improving how institutions work.

Departing from these various conditions, it can be seen that the main problem in the management of BUMDes does not lie in the lack of regulations, but in the gap between what is regulated and what is implemented. The tension between *das Sollen and das Sein* is the entry point of this study. By looking at BUMDes as a living legal practice, this study seeks to examine how authority is exercised, how collaboration is formed, and the extent to which the law really functions in directing relations between actors at the village level. From there, it is hoped that a more complete picture of the problems that occur will emerge, as well as the possibility of strengthening more substantive governance.

LITERATURE REVIEW

The discussion of Village-Owned Enterprises (BUMDes) in recent years has shown an interesting trend, especially in viewing them not only as an economic instruments but also as part of the dynamics of broader village governance. A number of studies present BUMDes as a meeting space between economic and social interests, which, in practice, does not always operate in a linear manner. Aditya Dewantara and colleagues, for example, see BUMDes as a model of *Collaborative Governance* which presupposes cross-actor cooperation in local resource management (Aditya

Dewantara et al., 2021). However, this approach is often still at a conceptual level, whereas in practice the relationship among actors exhibits more complex dynamics and is not always cooperative.

On the other hand, research on the impact of BUMDes on community welfare tends to attribute the success of these institutions to managerial factors and the economic outcomes they generate. Arindhawati and Utami pointed out that the existence of BUMDes can make a real contribution to improving the welfare of rural communities, especially through the creation of business opportunities and increasing income (Arindhawati & Utami, 2020). However, the findings also indirectly hint that the success is highly dependent on how BUMDes are managed. This means that the problem of BUMDes cannot be reduced only to the existence of its institutions, but rather to the quality of governance that supports it.

When the discussion turns to governance, it becomes clear that the relationship among actors is a decisive factor. Effendi and colleagues point out that in the practice of village business management, the relationship between actors is not always in a stable framework of cooperation, but is often in a position of attraction between partnership and competition (Effendi et al., 2023). This shows that collaboration is not an automatic but must be built through a clear mechanism. Without adequate arrangements, collaboration can become an source of conflict of interest that can undermine the sustainability of village businesses.

The problem becomes even more complex when it is associated with the existing power structure at the village level. Firdaus, in his research, revealed the phenomenon of *Elite Capture* in the management of BUMDes, where certain actors have greater influence in determining policy direction than other actors (Firdaus, 2018). This condition shows that BUMDes, as public institutions, are not completely free from the dynamics of local power. In fact, in some cases, institutional structures intended to encourage participation can be used to strengthen the dominance of certain groups.

In addition to power factors, institutional pressures also shape the management practices of BUMDes. Sofyani and colleagues show that BUMDes governance practices are often shaped by administrative demands and formal norms, which encourage actors to focus more on procedural compliance than on the substance of management (Sofyani et al., 2020). In situations like this, the

existence of rules is not always directly proportional to the effectiveness of their implementation. The law does exist, but it doesn't always work as expected.

On the other hand, the managerial approach offers a different perspective, highlighting the importance of institutional capacity in determining BUMDes' success. Kurniadi and Rao point out that weaknesses in management functions, such as planning, organizing, and supervision, are one of the main factors that affect the performance of BUMDes (Kurniadi & Rao, 2021). This shows that governance issues are not only related to inter-stakeholder relations, but also to the organization's internal ability to carry out its functions effectively.

The latest developments in the study of BUMDes have also begun to highlight the importance of adaptability in dealing with changing dynamics. Mindarti and his colleagues introduced the concept of *Adaptive Governance* as an approach that emphasizes flexibility and responsiveness in the management of public institutions at the village level (Mindarti et al., 2025). Meanwhile, Wulandari and Wardani pointed out that innovation and entrepreneurial orientation are factors that can improve the performance of BUMDes, both economically and socially (Wulandari & Wardani, 2024). Both approaches show that the sustainability of BUMDes is determined not only by formal structures but also by the ability to adapt to change.

If viewed through the lens of state administrative law, all these dynamics ultimately return to the question of authority. In this framework, authority is not only about who has the right to do something, but also about the limits and responsibilities inherent in that authority. Harmono and Dwijaya emphasized that in the context of village government, clarity in the division of authority is the key to preventing dominance and ensuring a balance in relations between actors (Harmono & Dwijaya, 2025). When authority is not formulated operationally, the potential for overlap and conflict becomes difficult to avoid.

In the regulatory context, the legal framework has provided a fairly clear basis for BUMDes' position within the village government structure. Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises emphasizes that BUMDes are legal entities with autonomy in carrying out their business activities (Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises, 2021). Meanwhile, Village Minister Regulation Number 3 of 2021 regulates administrative aspects related to data collection and management of BUMDes (Regulation of the Minister of Villages, Development of Disadvantaged Regions, and

Transmigration Number 3 of 2021 concerning the Registration, Data Collection, and Ranking of Village-Owned Enterprises and Joint Village-Owned Enterprises, 2021). However, the existence of such regulations does not necessarily guarantee effective governance practices, as their implementation depends heavily on how the rules are translated at the village level.

By looking at the various findings of the research, it can be understood that the problem of BUMDes cannot be explained from only one perspective. He is at the intersection of legal authority, power relations, institutional capacity, and ever-changing social dynamics. Therefore, this research is situated within three main frameworks: the theory of authority in state administrative law, the concept of *collaborative governance*, and the institutional approach. This integration is used to examine how legal norms operate in practice, how relationships among actors are formed, and why gaps between rules and their implementation persist in the management of BUMDes.

METHODS

This study uses an empirical legal approach with a socio-legal perspective, that is, seeing law not only as a written norm but also as a practice that lives within social relations at the village level. This approach was chosen because the problems studied are not sufficiently explained through the reading of regulations alone, but need to be understood through how the norm is implemented, interpreted, and negotiated by the actors involved in the management of BUMDes (Harmono & Dwijaya, 2025).

To obtain a complete picture, this study combines a legal and regulatory approach with a field approach. The normative approach is used to examine the legal framework governing the position of village governments, village community institutions, and the management of BUMDes, as stipulated in Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises and Village Minister Regulation Number 3 of 2021. Meanwhile, an empirical approach is undertaken to understand the practices that develop within BUMDes Teja Perceka, particularly regarding the division of authority and the pattern of collaboration among actors.

The research data consists of primary data and secondary data. Primary data were obtained through interviews with the village government, BUMDes managers, and members of village community institutions involved in BUMDes management. Meanwhile, secondary data were

obtained from laws and regulations, books, and scientific articles relevant to the themes of authority, collaborative governance, and village institutions.

All data obtained were then analyzed qualitatively with an interpretive approach. The analysis was carried out by comparing the normative framework set out in the regulations with the practices observed in the field to identify the conformity and gaps between the two. Through this process, the research not only describes the empirical conditions but also seeks to explain the factors that affect them and their legal implications on the management of BUMDes.

DISCUSSION

Legal Position and Division of Authority in the Management of BUMDes

If you refer to the legal framework, BUMDes' position is unambiguous. Regulations have designated it as a village legal entity with the capacity to carry out business activities independently, while the village government functions in the realm of coaching and supervision. Conceptually, this separation is not merely technical but is intended to prevent the mixing of public power functions with business interests. But the problem is that when these norms enter practice, the boundaries that should be the dividing line become flexible and easily negotiated territory. This is where it is seen that the law does not always work as a barrier, but is often just a reference that can be drawn in various directions.

In the management of BUMDes Teja Perceka, the involvement of the village government remains prominent, especially in determining strategic policy directions. This involvement is not always expressed as formal instructions, but more often arises from unwritten influences in the decision-making process. Situations like this show that the power relationship does not function as designed but instead follows the logic of power relations that develop at the local level. When the village government remains the reference point for every important decision, the separation between supervisory and control functions becomes difficult to maintain. At this point, BUMDes no longer fully stands as an independent business entity, but moves in the orbit of village government power.

This condition cannot be separated from how authority is understood and carried out at the village level. Theoretically, authority should provide clear boundaries on who does what. However, as Harmono and Dwijaya warn, when authority is not translated into concrete operational rules,

what emerges is not certainty, but a gray space that opens up opportunities for the expansion of roles (Harmono & Dwijaya, 2025). In this context, the involvement of the village government that goes beyond its formal functions is not a sudden deviation, but a consequence of a legal design that stops at the normative level. In other words, the problem is not in the violation, but in the blurring of boundaries that were not explicitly affirmed from the beginning.

On the other hand, the BUMDes manager's position itself shows a fairly strong dependence on the village government. This dependence is not only related to capital but also to legitimacy and courage in decision-making. In many situations, BUMDes administrators still treat the village government as an authority to be followed, rather than as an equal partner. This kind of relationship pattern indirectly forms an unbalanced structure, in which the autonomy space of BUMDes becomes limited from the beginning. Under these conditions, the independence often claimed in regulations is ultimately more formal than real.

Meanwhile, village community institutions have not yet emerged as actors capable of balancing these relationships. Their involvement is there, but it more often stops at being present in the forum than at participating in the decision-making process. They are in a structure, but do not always have a bargaining position. These findings show that the participation built is still procedural rather than substantive. Arindhawati and Utami emphasized that the success of BUMDes is largely determined by the quality of real community participation, not just the formality of attendance (Arindhawati & Utami, 2020). When participation has no influence, then it is nothing more than a symbolic legitimacy of a predetermined decision.

If we dig deeper, this inequality is not just about who is involved, but who really has the power to determine the direction of policy. In some aspects, the pattern that forms indicates symptoms that are approaching *Elite Capture*, where access to decision-making is not evenly distributed (Firdaus, 2018). The dominance of the village government in determining policy direction, although not always exploitative, still indicates that institutional relations are not yet balanced. In the long term, this condition has the potential to shift BUMDes from a collective space to a space controlled by a handful of actors.

From all these findings, it can be seen that the main problem does not lie in the absence of rules, but in the way they work, or rather, do not work effectively. Authority that has been normatively divided has actually been reunited in practice, while participation that is expected to

be a counterweight has not been able to play its role. In such a situation, the law loses its function as a guide to relationships and plays more of a role in legitimizing the practices that have been formed. If this condition is left unchecked, BUMDes will remain in an ambiguous position: recognized as an independent business entity, yet operating within a structure that remains dependent on the power of the village government.

Collaboration Patterns, Legal Constraints, and Directions for Strengthening Them in the Management of BUMDes

If the previous section showed that the division of authority has not been carried out proportionally, the next problem lies in how the collaboration itself is conducted. Conceptually, BUMDes is built on the assumption of cooperation between the village government and the community through village community institutions. However, in practice, the collaboration that is formed does not always reflect an equal relationship, but rather resembles a coordination pattern controlled by one main actor. In many situations, the involvement of the other party does exist, but it is more complementary than decisive. This shows that the collaboration that takes place has not yet become a shared mechanism in decision-making, but remains at a formal level.

One of the most fundamental problems is the lack of clarity in the operational rules governing how the collaboration should be carried out. The regulations provide a general framework for the roles of each actor, but they are not detailed enough to explain how those interactions occur in practice. As a result, relationships between actors are more determined by habits, personal proximity, or social position, rather than by structured legal mechanisms. Under these conditions, collaboration lacks clear standards, making it easy to shift depending on who has more influence within the village structure.

The absence of this operational arrangement also contributes to the emergence of overlapping areas of authority. In some situations, the village government still enters areas that should be the BUMDes manager's domain, while the manager does not have a strong enough position to exercise his authority independently. This kind of relationship creates a recurring dependency, while closing the possibility of a more professional working mechanism. In this context, collaboration does not produce synergies, but instead reinforces the ambiguity of roles.

Another no less important problem is the weak supervisory function in the management of BUMDes. Formally, a monitoring mechanism does exist, but in practice it is more administrative than substantive. Reports are compiled, but they are not always an effective control tool for the course of the business. This condition indicates that supervision has not functioned as a corrective mechanism but rather as a procedural obligation to be fulfilled. Sofyani and colleagues have shown that administrative pressures often drive governance practices that emphasize formal compliance more than the quality of management itself (Sofyani et al., 2020). In situations like this, transparency and accountability become difficult to achieve in practice.

On the other hand, the dynamics of relationships among actors also show that collaboration is not always within a stable cooperative space. Effendi and colleagues show that in village business management, relationships between actors often move between cooperation and competition (Effendi et al., 2023). This can be seen in the practice of BUMDes, where different interests cannot always be harmonized in a common decision-making framework. When there is no clear mechanism to manage these differences, collaboration becomes fragile and easily shifts to one-party domination.

If you look further, this problem is also related to the institutional capacity that has not been fully developed. BUMDes managers, village governments, and village community institutions do not always have an adequate understanding of the limits of authority and ideal work mechanisms. Kurniadi and Rao emphasized that weaknesses in the management function are one of the main factors that affect the performance of BUMDes (Kurniadi & Rao, 2021). In this context, collaboration that does not run optimally is caused not only by a weak structure but also by an inadequate capacity to run it.

By looking at these various obstacles, it becomes clear that the problem of collaboration in the management of BUMDes cannot be solved simply by adding or improving regulations. The main problem lies precisely in how collaboration is understood and run. As long as collaboration is still positioned as an administrative obligation, the involvement of various actors will not result in meaningful change. In such conditions, the law loses its transformative power because it exists only as a formal framework, unable to give rise to substantive practice.

Therefore, strengthening the management of BUMDes needs to focus on more fundamental changes. First, it is necessary to have clarity on the division of authority that is not only normative,

but also operational, so that each actor has concrete role limits. Second, the supervision mechanism needs to be encouraged to be more open and participatory, so as not to stop at administrative reporting alone. Third, the participation of village community institutions needs to be pushed out of the formal space towards involvement that is really influential in decision-making. Without changes to these aspects, collaboration will remain at a symbolic level.

Thus, the problem faced by BUMDes is not just a technical management problem but a question of how the law works in practice. When the law is unable to regulate relations between actors effectively, what emerges is not collaboration but compromises that do not always reflect common interests. In a situation like this, efforts to strengthen BUMDes must be directed not only at improving the rules, but also at improving the way the institution works as a whole.

Departing from the existing findings, the pattern of collaboration in the management of BUMDes can be understood to be in at least three different layers. In the first layer, collaboration remains formalistic, with actors involved only to meet procedural demands, without a real role in decision-making. At this stage, the law functions more as a matter of administrative legitimacy than as a guideline for action. In the second layer, collaboration begins to move in a coordinated direction, with interaction among actors already occurring, but the relationships are not yet fully balanced because certain actors' influence remains dominant. Meanwhile, in the third layer, collaboration can be considered substantive when each actor has a proportionate role in determining policy direction, and the law functions as a framework that regulates and limits the relationship of authority.

In the context of Teja Perceka's BUMDes, the pattern that has been formed is still between the formalistic and coordinating layers, so that it has not fully achieved a substantive form of collaboration. This can be seen in the still-strong influence of the village government on decision-making and the non-optimal role of village community institutions as participatory actors. Thus, the direction of strengthening needed is not only to increase the intensity of involvement, but to shift the quality of relations from those originally based on formalities to relationships that are truly deliberative and balanced. This shift is important because without changes in the quality of these relationships, collaboration will remain a normative term that does not have a real impact on the management practices of BUMDes.

CONCLUSIONS

Conclusion

This research shows that, normatively, the legal positions of village governments, BUMDes managers, and village community institutions are relatively clearly divided, but this clarity is not fully realized in practice. The village government, which is supposed to function as a coach and supervisor in many respects, remains in a position to determine the direction of BUMDes policies, blurring the boundary between public authority and business operations. In this situation, the independence of BUMDes is not clearly established as an institutional principle, but rather as a normative construct that has not been fully implemented.

On the other hand, the expected pattern of collaboration for the management of BUMDes has also not developed substantively. The involvement of village community institutions still tends to be at the procedural level, without being followed by a real influence in the decision-making process. The relationships between actors that are formed reflect an unbalanced pattern of coordination rather than deliberative collaboration. This condition shows that the concept of collaboration in the management of BUMDes has not yet functioned as a proportional role-sharing mechanism, but remains within a formal framework that has not yet been applied in practice in depth.

Furthermore, the legal obstacles that arise in the management of BUMDes are not mainly caused by a lack of regulation, but by the weak operationalization of norms in practice. Unclear boundaries of authority, weak supervisory functions, and underdeveloped participation are interrelated factors in the formation of governance that is not yet optimal. Under such conditions, the law does not yet function as an instrument capable of effectively directing relations between actors, but it remains declarative and has not yet fully become a guideline for institutional actions.

Thus, it can be affirmed that the main problem in the management of BUMDes lies in the gap between normative design and empirical practice. As long as authority is not operationalized and collaboration is not built on an equal relationship, BUMDes will continue to be in an ambiguous position: recognized as an independent business entity, but run within a structure that remains influenced by the dominance of certain actors.

Recommendations

Based on these findings, strengthening the management of BUMDes is not enough to achieve through the addition of new regulations; it must be directed toward improving institutional practices in a concrete way. First, the village government needs to formulate village-level regulations that are more operational and applicable, especially regarding the division of authority, so they no longer rely on flexible interpretations in practice. This clarity is important to ensure that the coaching and supervision functions do not shift into excessive control.

Second, the supervisory mechanism needs to be shifted from mere administrative obligations towards a more substantive and open control system. Supervision is carried out not only through formal reports but also through community involvement as part of social control, ensuring accountability does not stop at the procedural level.

Third, the role of village community institutions needs to be strengthened not only in terms of attendance but also in their capacity to influence the decision-making process. This requires efforts to increase institutional capacity and to open a more inclusive deliberative space, so that participation is no longer merely symbolic.

Fourth, the management of BUMDes needs to be directed towards the formation of a more substantive pattern of collaboration, namely, collaboration based on a clear division of roles, balanced relationships, and transparent decision-making mechanisms. Without changes in the quality of these relationships, collaboration will remain a normative concept with little impact in practice.

In the end, the strengthening of BUMDes depends not only on how complete the rules are, but also on the extent to which the law can work in practice as an instrument that regulates, limits, and at the same time balances power relations at the village level. Without it, it will be difficult for BUMDes to develop into economic institutions truly based on the collective interests of the village community.

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