

MAX WEBER'S IDEAL BUREAUCRACY AND THE REALITY OF LAW ENFORCEMENT IN INDONESIAN VILLAGES

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Abstract:

This article examines the gap between Max Weber's ideal bureaucratic model and the reality of village-level law enforcement in Indonesia. Weber posited that a rational-legal bureaucratic system, characterized by clear rules, specialized competence, and impartial administration, would serve as the foundation of modern governance. However, the village governance structure in Indonesia, particularly following the enactment of Law Number 6 of 2014 concerning Villages, reveals significant deviations from this ideal. This study employs a normative legal research method with a comparative and analytical approach, analyzing the legal framework governing village law enforcement and situating it within Weber's theoretical lens. The findings indicate that the village legal apparatus suffers from structural weaknesses including overlapping authority, limited human resources, and the persistence of traditional and charismatic authority structures that compete with rational-legal norms. Furthermore, weak institutional capacity at the village level leads to inconsistent and often ineffective law enforcement outcomes. This article concludes that strengthening village-level law enforcement requires not only legislative reform but also a sustained effort to build rational-legal institutional capacity in accordance with Weberian principles of bureaucratic efficiency and impartiality.

Key words: Max Weber, Bureaucracy, Village Law Enforcement, Rural Governance, Indonesia

Abstrak:

Artikel ini mengkaji kesenjangan antara model birokrasi ideal Max Weber dan realitas penegakan hukum di tingkat desa di Indonesia. Weber menyatakan bahwa sistem birokrasi berbasis hukum rasional, yang dicirikan oleh aturan yang jelas, kompetensi khusus, dan administrasi yang imparial, akan menjadi fondasi pemerintahan modern. Namun, struktur pemerintahan desa di Indonesia, khususnya setelah pemberlakuan Undang-Undang Nomor 6 Tahun 2014 tentang Desa, menunjukkan penyimpangan signifikan dari model ideal tersebut. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perbandingan dan analitis, menganalisis kerangka hukum yang mengatur penegakan hukum desa dan memposisikannya dalam kerangka teori Weber. Hasil penelitian menunjukkan bahwa perangkat hukum desa mengalami kelemahan struktural berupa tumpang tindih kewenangan, terbatasnya sumber daya manusia, serta persistensi struktur otoritas tradisional dan karismatik yang bersaing dengan norma hukum rasional. Lebih lanjut, kapasitas institusional yang lemah di

tingkat desa mengakibatkan hasil penegakan hukum yang tidak konsisten dan sering kurang efektif. Artikel ini menyimpulkan bahwa penguatan penegakan hukum desa memerlukan tidak hanya reformasi legislatif tetapi juga upaya berkelanjutan untuk membangun kapasitas institusional hukum rasional sesuai prinsip efisiensi dan imparialitas birokrasi versi Weber.

Kata kunci: Max Weber, Birokrasi, Penegakan Hukum Desa, Pemerintahan Pedesaan, Indonesia

A. Pendahuluan

Village government is the frontline unit of government that is in direct contact with the lives of the community at the local level. In Indonesia, the village government system has undergone significant transformation, particularly since the enactment of Law No. 6 of 2014 on Villages, which mandates the comprehensive empowerment of villages. This law recognises the village as a legal community unit possessing the rights and authority to regulate and manage local community affairs based on established customs and traditions. However, this normative recognition does not automatically result in an effective and efficient law enforcement system at the village level.

Within the framework of sociological and legal theory, Max Weber (1864–1920) laid the foundations for thinking about the relationship between bureaucracy, authority and legitimacy in modern systems of government. Weber proposed the concept of an ideal bureaucracy built on the basis of legal-rational authority, in which every public official acts in accordance with written regulations, measurable competence, and transparent and impartial procedures. This concept views bureaucracy as the most efficient instrument for achieving the goals of organisations and the state.

The reality of law enforcement at the village level in Indonesia presents a picture that is far removed from Weber's ideal model. Various studies indicate that the village governance system still faces challenges in terms of human resources, the competence of officials, and institutional structures that are not yet fully oriented towards the principle of rational law. On the other hand, the influence of traditional and charismatic authority the other two typologies of authority proposed by Weber persists and even dominates the dynamics of village governance in many regions. This situation creates a significant normative gap between the legal ideals enshrined in legislation and the reality of law enforcement on the ground.

This study aims to fill an existing academic gap by employing an in-depth application of Weber's theory to analyse the structure and function of village law enforcement. Previous research has largely focused on general aspects of village empowerment or the effectiveness of village funds, without specifically using Weber's bureaucratic theory as an analytical framework. Consequently, this study is expected to make a new contribution to the fields of law and local government in Indonesia

B. Research Methods

This study employs a normative legal research method, as the focus of the study stems from the gap between the norms set out in legislation and their implementation at the

village government level.¹ The approaches employed include a comparative approach and an analytical approach. The comparative approach is used to compare Weber's model of the ideal bureaucracy with the structure of village law enforcement as set out in Indonesian positive law. The analytical approach is used to break down the elements of Weber's ideal bureaucracy and assess the extent to which these elements are reflected in the village law enforcement system.

The legal materials used include primary legal sources, namely the 1945 Constitution of the Republic of Indonesia, Law No. 6 of 2014 on Villages, Law No. 23 of 2014 on Regional Government, and their implementing regulations. Secondary legal materials include legal books, academic journals, and relevant previous research findings. The collection of legal materials was carried out through a literature review, and the analysis was conducted qualitatively using a hermeneutic approach to understand the meaning and purpose of each legal norm examined.

C. Results and Discussion

1. Weber's Theory of the Ideal Bureaucracy and the Legal Framework for Village Law Enforcement

In his seminal work **Economy and Society**, Max Weber outlines three types of authority: traditional authority, charismatic authority, and legal-rational authority. Legal-rational authority forms the basis of the ideal bureaucracy, in which power derives from established rules rather than from individual personalities or traditions. In this model of the ideal bureaucracy, Weber identifies several key characteristics, namely: (1) a clear hierarchical structure; (2) the division of tasks based on specialisation; (3) written and consistent rules and procedures; (4) the selection of officials based on competence, not connections; and (5) leadership that is impartial and oriented towards the organisation's objectives

From a legal perspective, Law No. 6 of 2014 on Villages comprehensively regulates the administration of village government, including the law enforcement powers held by village officials. Article 25 of the law stipulates that the village head acts as both the administrator of the village government and the enforcer of village regulations.² Furthermore, Law No. 23 of 2014 on Regional Government regulates the relationship between the central government, regencies/cities and villages within a single, tiered system of government. This legal framework implicitly incorporates the principles of modern bureaucracy; however, its implementation on the ground frequently encounters various obstacles, which will be discussed in further detail.

¹ I Made Pasek Diantha dan MS Sh, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum* (Prenada Media, 2016), 47.

² Undang-Undang Nomor 6 Tahun 2014 tentang Desa, Pasal 25.

Table 1. A Comparison of Weber’s Ideal Bureaucracy and the Structure of Village Law Enforcement

Weber’s Elements of Bureaucracy	Village Regulatory Framework	The Reality of Law Enforcement
A Clear Hierarchy	As provided for in Articles 25–28 of Law No. 6 of 2014	The hierarchy is blurred due to the overlapping roles of the village head and the Village Council
Area of Specialisation	The division of duties among village officials is governed by Article 26	A single device handles a variety of functions due to staff shortages
Competency-based selection	Direct election of village heads by the people (Article 31)	The legal competence of village officials remains low; personal charisma plays a dominant role

Source: The author’s analysis, 2024

2. Kesenjangan antara Model Ideal dan Realitas Penegakan Hukum Desa

The findings reveal several significant discrepancies between Weber’s ideal bureaucratic model and the reality of law enforcement in villages. Firstly, the overlapping of powers between the village head, the village secretary and the Village Consultative Body (BPD) creates ambiguity in the chain of command for law enforcement.³ In Weber’s conception, the bureaucratic hierarchy must be clear and unambiguous. However, at the village level, the legislative role of the Village Consultative Council (BPD) and the executive role of the village head often clash, particularly when it comes to enforcing controversial village regulations.

Secondly, the limited human resources at village level result in the bureaucracy’s inability to perform specialised functions as envisaged by Weber’s theory. Most village officials lack a legal education and have a limited understanding of the applicable law enforcement procedures and mechanisms.⁴ This situation is a far cry from the concept of a bureaucracy built on professionalism and competence.

Thirdly, and perhaps most significantly, is the persistence of traditional and charismatic authority at the village level. Weber argued that the modernisation of government should replace traditional and charismatic authority with legal-rational authority. However, in many villages in Indonesia, elected village heads still rely on social capital and family

³ Bambang Sugiyanto Handoyo, *Penegakan Hukum di Desa: Tantangan dan Solusi* (Yogyakarta: Pustaka Ilmu, 2018), 63.

⁴ Agus Mulyanto, “Kapasitas Instiusional Pemerintah Desa dalam Implementasi Undang-Undang Desa,” *Jurnal Administrasi Pemerintahan* 15, no. 3 (2019): 120.

networks to run the administration, rather than on legal expertise and transparent procedures.⁵ This suggests that the ‘routinisation of charisma’ conceptualised by Weber has not yet fully taken place at the village level in Indonesia.

Fourthly, weak oversight and accountability mechanisms at village level result in inconsistent and selective law enforcement. Within Weber’s framework, an ideal bureaucracy must be impartial and non-discriminatory. However, the facts show that the enforcement of village regulations is often selective and influenced by social relationships between village officials and the community.⁶

D. Conclusion

Based on the findings and discussion, the following conclusions can be drawn. Firstly, the legal framework governing village administration in Indonesia normatively incorporates the principles of modern bureaucracy in line with Weber’s theory. This is evident in the provisions regarding the structure of village government, the division of powers, and accountability mechanisms in Law No. 6 of 2014 on Villages.

Secondly, there is a significant gap between Weber’s ideal model of bureaucracy and the reality of law enforcement in villages. This gap is evident in the overlapping of powers, the limited competence of village officials, the persistence of traditional and charismatic authority, and the weakness of oversight and accountability mechanisms. These conditions indicate that the transition towards a bureaucracy based on legal-rational authority, as envisaged by Weber, is still far from complete at the village level.

Based on these conclusions, the author makes several recommendations. Firstly, institutional capacity at the village level needs to be strengthened through ongoing training programmes for village officials in the fields of law and public administration. Secondly, mechanisms for overseeing the enforcement of village laws need to be strengthened, both through the role of district/municipal governments and through more active community participation. Thirdly, legislative reform is required to clarify the division of powers between the village head and the Village Consultative Council (BPD) in order to reduce overlapping functions and improve the effectiveness of law enforcement at the village level.

⁵ Dian Kartika, “Otoritas Tradisional dan Karismatik dalam Pemerintahan Desa: Studi Komparatif,” *Jurnal Ilmu Pemerintahan* 22, no. 1 (2020): 55.

⁶ Hariyanto Nugroho, “Akuntabilitas dan Transparansi Pemerintah Desa Pasca Undang-Undang Desa,” *Jurnal Kebijakan Publik* 11, no. 4 (2021): 315.

References

- Weber, Max. *Economy and Society: An Outline of an Interpretive Sociology*. Translated by Gunnar C. Roth and Claus Wittich. Berkeley: University of California Press, 1978.
- Diantha, I Made Pasek, dan MS Sh. *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum*. Prenada Media, 2016.
- Soepono, Imam. “Pemerintahan Desa dan Pemberdayaan Masyarakat: Kajian Hukum dan Kebijakan.” *Jurnal Hukum dan Pembangunan* 48, no. 2 (2018): 210–235.
- Mulyanto, Agus. “Kapasitas Institusional Pemerintah Desa dalam Implementasi Undang-Undang Desa.” *Jurnal Administrasi Pemerintahan* 15, no. 3 (2019): 112–140.
- Suhadi, Basuki. *Hukum Pemerintahan Daerah di Indonesia: Sejarah dan Perkembangannya*. Jakarta: Sinar Grafika, 2017.
- Kartika, Dian. “Otoritas Tradisional dan Karismatik dalam Pemerintahan Desa: Studi Komparatif.” *Jurnal Ilmu Pemerintahan* 22, no. 1 (2020): 45–78.
- Handoyo, Bambang Sugiyanto. *Penegakan Hukum di Desa: Tantangan dan Solusi*. Yogyakarta: Pustaka Ilmu, 2018.
- Nugroho, Hariyanto. “Akuntabilitas dan Transparansi Pemerintah Desa Pasca Undang-Undang Desa.” *Jurnal Kebijakan Publik* 11, no. 4 (2021): 300–330.
- Rahayu, Sri. “Peran BPD dalam Pengawasan Penegakan Peraturan Desa di Jawa Tengah.” *Jurnal Hukum Pemerintahan Daerah* 9, no. 2 (2022): 88–115.
- Susilo, Eko Priyono. *Birokrasi dan Hukum di Indonesia: Perspektif Sosiologi Hukum*. Jakarta: Kompas Media Nusantara, 2020.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 6 Tahun 2014 tentang Desa, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 8, Tambahan Lembaran Negara Republik Indonesia Nomor 5297.
- Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 244, Tambahan Lembaran Negara Republik Indonesia Nomor 5587.