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# ISLAM, POLITICAL LEGITIMACY, AND DEMOCRACY IN THE MODERN STATE

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PEMIKIRAN POLITIK ISLAM  
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**ISLAM, POLITICAL LEGITIMACY, AND  
DEMOCRACY IN THE MODERN STATE**

**Vol. 8 No. 1 (2025)**

Artikel pertama karya Lalu Moh. Nazar Fajri dan Lale Yaqutunnafis mengangkat peran pengembangan pariwisata dalam meningkatkan kesejahteraan ekonomi masyarakat lokal, khususnya di Desa Sembalun. Penelitian ini menjadi refleksi penting tentang bagaimana tata kelola berbasis komunitas dapat menciptakan legitimasi sosial dan memperkuat kapasitas ekonomi politik masyarakat. Artikel kedua oleh Abdul Mukmin Rifai Yasin dan Bambang Triaji membedah dilema tembakau dan rokok ilegal di Lombok Timur. Kajian ini mengupas aspek pengawasan dan strategi pembinaan, serta menunjukkan pentingnya regulasi yang adil dalam menjaga keseimbangan antara kepentingan ekonomi, sosial, dan kesehatan masyarakat.

Selanjutnya, artikel dari Hapipi Jayadi dan Agus Safari mengkaji integrasi antara kepemimpinan transaksional dan kerja tim di BAZNAS Lombok Timur. Studi ini mengungkap dimensi manajerial dan spiritual dalam membangun kinerja kelembagaan yang berorientasi pada pelayanan umat. Artikel keempat oleh Muh. Sahli dan Rohani Inta Dewi menyoroti praktik dispensasi pernikahan anak pasca disahkannya UU No. 16 Tahun 2019. Dengan pendekatan sosio-yuridis, artikel ini menempatkan ketegangan antara perlindungan anak dan realitas sosial sebagai diskursus yang layak mendapat perhatian kritis.

Natila Rizka Safitri dan M. Adib Zata Ilmam dalam artikel kelima menyajikan studi kualitatif terkait tantangan kinerja aparat desa dalam pelayanan publik di Desa Salut. Artikel ini menggarisbawahi pentingnya tata kelola yang profesional dan partisipatif di level akar rumput sebagai fondasi demokrasi lokal. Artikel keenam karya Ulul Azmi menyuguhkan XCELLENT SERVICE FRONT LINER OFFICER AT THE HOSPITAL, yang berkaitan langsung dengan praktik politik dan kebijakan publik di Rumahsakit. Pemikiran ini menantang pembaca untuk melihat hukum tidak sekadar sebagai instrumen normatif, tetapi juga sebagai arena pertarungan nilai dan subjek politik. Terakhir, artikel kolaboratif saya sendiri bersama Muhamad Andrean, Ahmad Saleh Tabibuddin, dan Fauzi membahas isu hak memilih bagi individu yang menikah di bawah umur. Dengan pendekatan *lex principle*, *derogation theory*, dan *homo sacer* dari Giorgio Agamben, artikel ini memperluas diskusi konstitusionalitas dan eksklusi dalam kerangka negara hukum modern.



# PENGANTAR REDAKSI

*VOLUME. 8 NO. 1 (2025)*

*ISLAM, POLITICAL LEGITIMACY, AND DEMOCRACY IN THE MODERN STATE*

Assalamu'alaikum warahmatullahi wabarakatuh,

Puji syukur kami panjatkan ke hadirat Allah SWT karena atas limpahan rahmat dan karunia-Nya, *Politea* Volume 8 Nomor 1 Tahun 2025 dapat kembali hadir ke hadapan para pembaca, akademisi, dan peneliti politik Islam di seluruh penjuru negeri. Edisi kali ini mengangkat tema besar *Islam, Political Legitimacy, and Democracy in the Modern State* yang merefleksikan tantangan dan dinamika kontemporer dalam membangun legitimasi politik dan demokrasi yang kontekstual di era pasca pandemi.

Dalam dua dekade terakhir, wacana politik Islam telah mengalami transformasi penting, khususnya dalam merespons perubahan sosial, tuntutan keadilan, dan penataan ulang hubungan antara negara, masyarakat, dan agama. Di tengah derasnya arus demokratisasi dan globalisasi, pemikiran politik Islam dituntut tidak hanya hadir sebagai wacana normatif, tetapi juga sebagai fondasi etis dan praksis dalam menjawab problematika kehidupan berbangsa dan bernegara. Edisi ini menyuguhkan tujuh artikel pilihan yang mengelaborasi beragam tema, mulai dari pembangunan ekonomi lokal, tantangan sosial-politik di level desa, reformasi kelembagaan, hingga rekonstruksi teoritik dalam hukum dan filsafat politik.

Artikel pertama karya **Lalu Moh. Nazar Fajri** dan **Lale Yaqutunnafis** mengangkat peran pengembangan pariwisata dalam meningkatkan kesejahteraan ekonomi masyarakat lokal, khususnya di Desa Sembalun. Penelitian ini menjadi refleksi penting tentang bagaimana tata kelola berbasis komunitas dapat menciptakan legitimasi sosial dan memperkuat kapasitas ekonomi politik masyarakat. Artikel kedua oleh **Abdul Mukmin Rifai Yasin** dan **Bambang Triaji** membedah dilema tembakau dan rokok ilegal di Lombok Timur. Kajian ini mengupas aspek pengawasan dan strategi pembinaan, serta menunjukkan pentingnya regulasi yang adil dalam menjaga keseimbangan antara kepentingan ekonomi, sosial, dan kesehatan masyarakat.

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Kami berharap edisi ini menjadi ruang refleksi dan inspirasi untuk memperkaya khazanah pemikiran politik Islam yang dinamis, terbuka terhadap kritik, dan tetap berpijak pada nilai-nilai kemanusiaan universal.

Akhir kata, kami mengucapkan terima kasih kepada para penulis, mitra bestari, dan seluruh tim editorial yang telah bekerja keras untuk memastikan kualitas dan keberlanjutan jurnal ini. Semoga *Politea* senantiasa menjadi wadah intelektual yang membangun peradaban berpikir dan demokrasi yang berkeadaban.

Wassalamu'alaikum warahmatullahi wabarakatuh.

Agus Dedi Putrawan  
Editor in Chief, *Politea: Jurnal Pemikiran Politik Islam*

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# THE ROLE OF TOURISM DEVELOPMENT IN IMPROVING THE ECONOMIC WELFARE OF LOCAL COMMUNITIES (CASE STUDY OF SEMBALUN VILLAGE, SEMBALUN DISTRICT, EAST LOMBOK REGENCY)

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## Abstract

*This study examines the development of community-based tourism in Sembalun Village, East Lombok Regency, as a strategic effort to improve the economic welfare of the community through participatory governance. Using a qualitative approach, data was collected through in-depth interviews, direct observations, and documentation of residents, tourism managers, and village officials. The results of the study show that tourism development in Sembalun contributes significantly to job creation, income diversification, and strengthening local cultural identity. However, there are still various challenges, such as limited infrastructure, low human resource capacity, and inequality in access to tourism benefits. This study also found that there are local initiatives that support inclusive participation, including through the role of youth groups, Pokdarwis, and BUMDes. These findings underscore the importance of local institutional empowerment, multi-stakeholder collaboration, and adaptive capacity building in the face of social and environmental risks. The study concludes that community-based tourism in Sembalun is a promising model for sustainable and inclusive rural development, if supported by consistent policies and fair governance.*

**Keywords:** *Tourism, Communities, Governance, Risk management, inclusive policies.*



## A. Introduction

Tourism has developed into one of the strategic sectors in economic, social, and cultural development in various parts of the world. As an instrument of development, tourism not only serves as a source of economic growth, but also as a means to create jobs, reduce poverty, and improve people's welfare, especially in rural and remote areas.<sup>1</sup> In the global context, the World Tourism Organization (UNWTO) noted that tourism contributes significantly to the GDP of developing countries and continues to show positive growth trends.<sup>2</sup>

Indonesia, as an archipelagic country with abundant natural and cultural wealth, has made tourism one of the leading sectors in the national development plan. This is reflected in the National Tourism Development Master Plan (RIPPNAS) 2010–2025, which places tourism as the driving force for economic growth, cultural preservation, and equitable distribution of regional development.<sup>3</sup> At the regional level, these commitments are translated into various development policies, such as those contained in the Regional Medium–Term Development Plan (RPJMD) of East Lombok Regency 2018–2023, which emphasizes the development of the tourism

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<sup>1</sup> United Nations World Tourism Organization (UNWTO), *International Tourism Highlights: 2019 Edition* (Madrid: UNWTO, 2019).

<sup>2</sup> World Bank, *Tourism and the Sharing Economy: Policy & Potential of Sustainable Tourism* (Washington, DC: World Bank, 2018), 3.

<sup>3</sup> Ministry of Tourism of the Republic of Indonesia, *National Tourism Development Master Plan 2010–2025* (Jakarta: Ministry of Tourism, 2011).





sector as one of the strategic priorities to encourage local economic growth.<sup>4</sup>

One of the areas that is the focus of tourism development in East Lombok is Sembalun District. Located at the foot of Mount Rinjani, this area is known for its stunning natural panorama and the rich local culture that is still sustainable. Sembalun also has strong community-based tourism potential, which if developed in a participatory and sustainable manner, can become a driving force for the welfare of the local community.<sup>5</sup> The World Bank even emphasizes the importance of a participatory approach in tourism development in rural areas as a strategy to reduce poverty and strengthen regional competitiveness.<sup>6</sup>

However, this great potential has not been fully followed by adequate institutional, governance, and planning capacity. Several studies show that tourism development in Sembalun still faces challenges, such as limited supporting infrastructure, low capacity of local human resources, and weak coordination between stakeholders.<sup>7</sup> In addition, external influences such as investments that are not on the side of the local community also have the

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<sup>4</sup> Pemerintah Kabupaten Lombok Timur, Rencana Pembangunan Jangka Menengah Daerah (RPJMD) Kabupaten Lombok Timur Tahun 2018–2023 (Selong: Bappeda Lombok Timur, 2018).

<sup>5</sup> Rapli, Wahyudi, and Alfian, "The Role of Tourism in Improving Community Welfare in Sembalun, East Lombok," *Journal of Regional Development* 10, no. 2 (2022): 143–157.

<sup>6</sup> World Bank, *Tourism and the Sharing Economy*, 5.

<sup>7</sup> Balantika, A. and Hanafi, L., "The Challenges of Community-Based Tourism Development in Disadvantaged Areas," *Journal of Social and Political Sciences* 7, no. 1 (2020): 89–103.





potential to erode cultural values and reduce the economic benefits received by the community.<sup>8</sup>

In this context, strengthening the role of communities and local governments in the process of planning and implementing tourism policies is very important. An empowerment-based approach and active community participation need to be integrated into tourism development strategies to create social justice and environmental sustainability.<sup>9</sup> Therefore, this research is important to analyze the dynamics of tourism development in Sembalun District with a participatory and equitable approach, as well as to explore strategies that can optimize the role of local communities in realizing common welfare.

Based on this description, the problem that wants to be answered in this study is how the practice of tourism development in Sembalun District takes place in a participatory and equitable perspective, as well as what factors affect the involvement of local communities in the process. This research aims to analyze tourism development strategies in Sembalun through a participatory approach, identify challenges faced by the community in taking roles, and formulate policy recommendations that can increase the empowerment of local communities. The expected benefits of this research are to make a theoretical contribution to the development

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<sup>8</sup> Wahyuni, D. dan Budiman, R., "Dampak Sosial Ekonomi Pariwisata terhadap Masyarakat Lokal di Sembalun," *Jurnal Kajian Pembangunan* 5, no. 1 (2020): 55–67.

<sup>9</sup> Hidayah, Nur, "Community Empowerment through Participatory Tourism," *Journal of Administration and Public Policy* 15, no. 1 (2020): 22–34.



of public administration literature related to participatory development, as well as a practical contribution to local governments and stakeholders in designing tourism policies that are more equitable, inclusive, and sustainable.

## **B. Method**

This research was carried out in Sembalun Village, Sembalun District, East Lombok Regency, West Nusa Tenggara, which was chosen because of its natural tourism potential which is jointly managed by the local community. The research uses a qualitative approach to understand in depth the phenomenon of community-based tourism development in the location. The qualitative approach was chosen because it facilitates studies in natural conditions in the field, with researchers as key instruments and a focus on meaning and social processes holistically<sup>10</sup>.

The data sources in this study include primary and secondary data. Primary data was obtained directly from the field through relevant key resource persons, including community leaders, local tourism business actors, and village officials involved in tourism development in Sembalun. Secondary data was collected from various documentation and literature, such as village tourism planning documents, official reports, results of previous studies, as well as academic publications and mass media related to community tourism. This dual data approach (primary and secondary) is

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<sup>10</sup> Sugiyono, *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif, dan R&D* (Bandung: Alfabeta, 2017), p. 9.



intended to enrich understanding and verify information obtained in the field.

Data collection is carried out through several main qualitative techniques:

1. In-depth interviews: Conducted with selected speakers (purposely selected) such as traditional leaders, BUMDes administrators, tour guides, and local communities to explore their views on the development of community tourism in Sembalun. Semi-structured interviews allow for the flexibility of questions so that the data obtained is contextual and detailed<sup>11</sup>.
2. Participatory observation: The researcher directly observed the daily activities of the community and the interaction between residents and tourists in Sembalun Village. These observations are made while engaging in community activities (e.g. mentoring in village tours) to understand behavioural, cultural, and social dynamics patterns that affect community tourism.
3. Documentation: Secondary data collection in the form of field documentation includes photographs of tourism activities, field records, as well as planning documents and official records (e.g. village meeting minutes or local tourism activity

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<sup>11</sup> Moleong, Lexy J., *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2007), p. 95.



reports). This documentation helps to complete and verify the data of the results of interviews and observations.

The collected data was then analyzed qualitatively using the Miles and Huberman interactive model<sup>12</sup>. The analysis process is cyclical and inductive, that is, the researcher conducts reduction, presentation, and draw conclusions repeatedly until the research pattern appears. The stages of data analysis applied are as follows:

1. Data Reduction: Raw data is selected, compacted, and organized to make important information stand out. The researcher focused the data on themes and categories relevant to community-based tourism development.
2. Data Presentation: Data that has been reduced is presented in the form of descriptive narratives, tables, charts, or concept diagrams for ease of understanding. This presentation helps to see patterns and relationships between themes in the context of the research.
3. Conclusion Draw and Verification: Based on the observed pattern, the researcher deduced the initial findings. The conclusion is then verified through triangulation of data sources, discussions with informants, and critical reflection to ensure the validity of the findings before being used as the final conclusion of the research.

## C. Results and Discussion

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<sup>12</sup> Miles, Matthew B., and A. Michael Huberman, *Qualitative Data Analysis: A Source Book on New Methods* (Jakarta: UI Press, 1992), p. 17.



Sembalun Village is one of the villages located in Sembalun District, East Lombok Regency, West Nusa Tenggara. This area is located on a plateau with an altitude of up to 1,200 meters above sea level (masl), making it one of the regions that has distinctive geographical and climatic characteristics. The air temperature in Sembalun Village can reach 4°C in the dry season and a maximum of 27°C in the rainy season, with an average rainfall of 120 mm per year<sup>13</sup>.

Historically, the people of Sembalun have strong cultural roots. The name "Sembalun" itself comes from two words in the Old Javanese language, namely "sembah" which means to worship or submit, and "ulun" which means leader or elder. This combination of words reflects the social values of the community that uphold obedience to God, leaders, and ancestral customs<sup>14</sup>. Animist beliefs were once embraced by the early generations of the Sembalun people before shifting to a more organized society after the eruption of Mount Rinjani in the 14th century. Only seven family couples returned and formed the initial settlement in the area now known as Beleq Village. This cultural uniqueness makes Sembalun an area that is not only naturally attractive, but also full of historical and cultural values.

The geographical conditions surrounded by mountains and cool air make Sembalun a nature-based tourism and agro-tourism area. This village has its own attraction because of the existence of Mount Rinjani and exotic hills such as Pergasingan Hill. In addition,

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<sup>13</sup> Profile of Sembalun Village, Sembalun District, East Lombok Regency.

<sup>14</sup> Ibid



the social structure of the community still maintains local wisdom with a village government system that reflects adaptive and participatory governance.

#### 1. Village Governance and Governance Structure

The Sembalun Village Government is led by a village head and supported by village officials, including the village secretary, the head of affairs (kaur), and the head of the section (kasi). This government structure is also strengthened by the Village Consultative Body (BPD), the Village Community Resilience Institute (LKMD), and the Village Security Agency (BKD), each of which has an important role in the implementation of government and public services at the village level<sup>15</sup>.

The decentralized organizational structure into several regional heads (hamlets) such as Mentiga Hamlet, Dasan Tengah Baret Hamlet, and Lendang Luar Hamlet shows the existence of a distribution of authority that supports the effectiveness of local governance. This practice reflects the spirit of good governance, where community involvement in decision-making is an integral part of the village administration system.

Meanwhile, based on village profile data, the area of Sembalun Village reached 23,317.6 hectares with land use dominated by rice fields (334.199 ha), gardens (132.16 ha), and settlements (82.45 ha). This composition reflects the dominance of the agricultural sector as

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<sup>15</sup> Ibid



the main livelihood of the rural community<sup>16</sup>. This combination of an organized bureaucratic structure and the characteristics of natural resources provides a solid basis for the implementation of risk and crisis governance, especially in the context of climate change and nature-based tourism.

## 2. Tourism Potential and Destination Attractions

Sembalun Village is widely known for its natural beauty and agro-tourism wealth. One of the most prominent tourist attractions is Mount Rinjani, the second highest volcano in Indonesia that has become a climbing icon for domestic and foreign tourists. In addition, Pergasingan Hill offers no less breathtaking panorama with rugged hill contours, colorful vegetable fields, and challenging yet safe trekking trails<sup>17</sup>.

In addition to natural tourism, Sembalun Village also develops various agro-tourism activities, such as strawberry, coffee, and organic vegetable picking tours that attract tourists to interact directly with nature and community activities. This activity not only enriches the tourist experience, but also becomes a form of community-based tourism that encourages community participation in designing and managing their tourism products<sup>18</sup>.

The existence of the Arum Rinjani Rest Area and various selfie spots managed by village youth are concrete examples of local creativity in managing the potential of creative economy-based

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<sup>16</sup> Ibid

<sup>17</sup> Profil Desa Sembalun, Kecamatan Sembalun, Kabupaten Lombok Timur.

<sup>18</sup> Ibid





tourism. The availability of local accommodation (homestays), places to eat, worship facilities, and electric scooter rentals shows that the people of Sembalun are not only the object of tourism development, but have transformed into active subjects and actors of the tourism economy itself.

### 3. The Impact of Tourism Development on the Community Economy

Based on the results of interviews and observations, tourism development in Sembalun Village has had a significant economic impact on the local community. The emergence of various jobs in the informal sector, such as tour guides, homestay managers, souvenir sellers, and local transportation services is proof that people are beginning to feel the direct benefits of tourism activities.

The increase in the income of people participating in this sector also strengthens the function of tourism as a driver of village economic growth. As Erika stated, tourism not only encourages an increase in income, but also contributes to improving the quality of life, preserving culture, and creating social harmony<sup>19</sup>.

However, these benefits have not been felt equally by all levels of society. There are still groups that have not been able to access the economic benefits of the tourism sector, such as traditional farmers who are not involved in tourism activities or vulnerable groups such as the elderly and women who lack digital and communication skills.

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<sup>19</sup> Erika, "Pariwisata dan Peranannya dalam Meningkatkan Kesejahteraan Sosial dan Budaya Masyarakat," *Jurnal Kepariwisata* 3, no. 2 (2020): 101.



This shows the need for inclusive policy interventions and targeted training programs so that empowerment truly reaches all elements of society.

#### 4. Challenges in Tourism Development and Risk Management

Although tourism in Sembalun Village shows positive growth, its management is inseparable from various structural and non-structural challenges. Findings on the ground show that there are still a number of key issues, including:

- a. The limitations of public infrastructure, such as village roads, stable electricity grids, and public sanitation, which have not fully supported the comfort of tourists.
- b. Waste and environmental governance problems in tourist areas that are crowded with visitors, such as at the Mount Rinjani climbing post and around the Arum Rinjani Rest Area.
- c. Lack of training of local human resources (HR) in tourism management, tourist services, digital marketing, and foreign languages.

This condition is in line with the findings of Wahyuni and Budiman who show that the success of community based tourism is greatly influenced by local institutional capacity and support from stakeholders.<sup>20</sup> In addition, the lack of coordination between parties both between village organizations, tourism managers, and district

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<sup>20</sup> Wahyuni, D. and Budiman, R., "The Socio-Economic Impact of Tourism on Local Communities in Semalun," *Journal of Development Studies* 5, no. 1 (2020): 55–67.

governments makes it difficult to develop an integrated development strategy.

From a risk and crisis management perspective, this issue needs to be addressed immediately with a comprehensive approach. As expressed by Damantik and Weber, the development of tourist destinations must include mitigation efforts, adaptation, and participation of all actors in facing environmental, social, and economic pressures.<sup>21</sup> This is increasingly relevant amid the increasing threat of environmental degradation and population pressure on the carrying capacity of tourist areas.

#### 1. Community-Based Tourism Strengthening Strategy

In response to the above challenges, the people of Sembalun Village, together with the village government and tourism awareness groups (Pokdarwis), have begun to pioneer various empowerment strategies. Some of these include:

- a. Capacity building of tourism actors through small business management training, digital marketing training, and certification of local tour guides.
- b. The use of social media as a means of self-promotion by the young generation of Sembalun, who are members of creative communities such as Karang Taruna.

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<sup>21</sup> Damantik, Evi and Weber, Henry, *Sustainable Tourism Destination Development* (Jakarta: Pustaka Pariwisata, 2006), 11.



- c. Collaboration between BUMDes, Pokdarwis, and MSME actors, in order to expand market access and synergize the promotion of local-based tourism products.

In addition, the village government also initiated the preparation of internal regulations based on village deliberation, to regulate tourism zoning, contribution to business profits, and environmental responsibility from every tourism activity that takes place.

These efforts show that Sembalun Village has gradually built a community-based tourism governance model that emphasizes citizen participation, cross-actor collaboration, and alignment with socio-cultural preservation. This strategy is in line with the principles of sustainable development and the principle of social justice in public administration, as emphasized by Hidayah, that active community involvement will strengthen the legitimacy and effectiveness of village development.<sup>22</sup>

#### **D. Conclusion**

The results of this study show that tourism development in Sembalun Village has a very important role in encouraging local economic growth, strengthening the socio-cultural identity of the community, and improving the quality of life of local residents. As a village located at the foot of Mount Rinjani with extraordinary natural potential, Sembalun not only presents the beauty of the landscape and cool air, but also offers a rich culture and social system

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<sup>22</sup> Hidayah, Nur, "Pemberdayaan Masyarakat melalui Pariwisata Partisipatif," *Jurnal Administrasi dan Kebijakan Publik* 15, no. 1 (2020): 22–34.



that is still strongly rooted in traditional values. This advantage is a great capital in building sustainable community-based tourism.

The management of the tourism sector in Sembalun has shown various significant achievements, including in terms of the involvement of local communities as the main actors in tourism, the growth of tourism-based micro businesses and MSMEs, increased income from tourism activities, and the increase in the number of tourism support facilities such as homestays, selfie spots, and agro-tourism areas. An organized form of community participation through tourism awareness groups (Pokdarwis), BUMDes, and creative youth communities is a key element in encouraging the transformation from an agrarian village to a dynamic and inclusive tourism village.

However, the results of the study also reveal a number of challenges that need to be addressed immediately. Fundamental problems such as limited infrastructure, suboptimal waste and environmental management, and disparities in the distribution of economic benefits are still the main obstacles in strengthening the tourism ecosystem. In addition, the limited capacity of human resources in terms of knowledge, tourism service skills, and access to digital technology also hinders the expansion of tourism benefits for certain community groups, especially women, the elderly, and traditional farmers.

In the context of public administration and local development governance, this study emphasizes the importance of a participatory



and collaborative approach in designing tourism development policies and strategies. The success of the tourism development model in Sembalun is not only determined by the magnitude of its natural and cultural potential, but also by the ability of local institutions to build governance that is accountable, responsive, and in favor of the interests of the community. In this regard, the principles of social justice, citizen empowerment, and environmental preservation must be the main pillars in the process of planning and implementing tourism village policies.

Furthermore, strengthening risk and crisis management strategies in the context of tourism is also important. Tourist villages such as Sembalun that rely on natural ecosystems and direct community involvement, are very vulnerable to disturbances both from the ecological side (natural disasters, extreme weather) and social (conflicts of interest, pressure from outside investors). Therefore, a development approach that is sensitive to sustainability and resilient to crises is urgently needed.

Thus, it can be concluded that community-based tourism development in Sembalun Village is a concrete example of the application of equitable and participatory development governance principles. This model has the potential to be replicated in other areas with similar characteristics, of course with adjustments to the local social and cultural context. To ensure the sustainability of this program in the future, synergy is needed between the community, village governments, district governments, and the private sector, in order to build a collective vision of tourism that is not only



economically beneficial, but also preserves cultural and environmental heritage for future generations.

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# THE DILEMMA OF TOBACCO AND ILLEGAL CIGARETTES: AN ANALYSIS OF SUPERVISION, OBSTACLES, AND COACHING STRATEGIES IN EAST LOMBOK REGENCY

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## Abstract

*This study aims to examine the pattern of supervision and obstacles to the circulation of illegal cigarettes in East Lombok Regency. Using a descriptive qualitative method, data was collected through interviews, observations, and documentation studies of Customs officials, local governments, and law enforcement. The results of the study show that the circulation of illegal cigarettes is driven by the surplus of local tobacco production, the high consumption of young smokers, and weak supervision in the distribution channel. The supervisory system implemented both internally and externally still faces structural constraints such as bureaucratic complexity, personnel shortages, and limited operational costs. The Tobacco Products Industrial Estate (KIHT) program is proposed as a coaching approach that can reduce the incentives for business actors to be involved in illegal cigarette production. This study recommends reform of excise supervision policies based on community participation and local economic empowerment as a long-term solution.*

**Keywords:** *Illegal, Supervision, Customs, Tobacco, KIHT*



## A. Introduction

The global phenomenon shows that the number of smokers in the world has reached around 1.3 billion people, consisting of 942 million men and 175 million women over the age of 15.<sup>1</sup> In the ASEAN region, Indonesia occupies the top position in the number of smokers, especially in the age group of 25–64 years with a percentage of 36.3%; of which 66% are men and 6.7% are women.<sup>2</sup>

Data from the 2021 Global Adult Tobacco Survey (GATS) shows an increasing trend in the number of adult smokers in Indonesia from 60.3 million people in 2011 to 69.1 million people in 2021, or an increase of around 8.8 million people in the last ten years.<sup>3</sup> One of the factors causing this is the increase in the circulation of illegal cigarettes, which in 2020 was recorded at 4.9% and rose to 5.5% the following year. State losses due to this practice are estimated to exceed half a trillion rupiah.<sup>4</sup>

Illegal cigarettes are commodities that do not meet the fiscal provisions and health regulations set by the government. These products often do not include pictorial health warnings and are not

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<sup>1</sup> Jeffrey Drope et al., *The Tobacco Atlas* (Atlanta: American Cancer Society, 2018).

<sup>2</sup> T. Y. Lian, *The Tobacco Control Atlas: ASEAN Region*, 4th ed. (Southeast Asia Tobacco Control Alliance, 2018).

<sup>3</sup> Health Development Policy Agency (BKPK), *Global Adult Tobacco Survey Indonesia 2021* (Jakarta: Ministry of Health, 2022).

<sup>4</sup> CNN Indonesia, "Rokok Ilegal Rugikan Negara Lebih dari Setengah Triliun," 2022.



subject to excise as they should.<sup>5</sup> Illegal cigarettes can be recognized through several indicators such as the absence of excise tapes, the use of fake or used excise tapes, as well as the incompatibility of the type of excise tape used.<sup>6</sup>

Supervision of the circulation of illegal cigarettes is regulated in the Regulation of the Director General of Customs and Excise Number P-53/BC/2010 and Government Regulation Number 49 of 2009 which are the basis for enforcement of violations in the excise sector. Law Number 39 of 2007 concerning Excise also emphasizes the importance of consumption control and distribution supervision for the benefit of the community and fiscal justice.<sup>7</sup>

The increase in excise duty on tobacco products is considered one of the triggers for the rampant circulation of illegal cigarettes, because it creates a price disparity that encourages consumers to switch to cheaper illegal products.<sup>8</sup> This phenomenon also occurs in West Nusa Tenggara Province, including East Lombok Regency, which is the focus area of this research. The NTB Provincial Pamong Praja Police Unit (Satpol PP) together with Customs and Excise

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<sup>5</sup> Fitri Ihsania and Kumala Dewi, "A Study on Illegal Cigarette Regulation in Indonesia," *Journal of Public Administration* 8, no. 2 (2021): 133–145.

<sup>6</sup> Andreas, "Tipologi Rokok Ilegal di Indonesia," *Media Bea dan Cukai*, 2021.

<sup>7</sup> Republik Indonesia, *Undang-Undang Nomor 39 Tahun 2007 tentang Cukai*; Direktorat Jenderal Bea dan Cukai, *Peraturan Dirjen P-53/BC/2010*.

<sup>8</sup> Trisna, "The Impact of Excise Increases on the Circulation of Illegal Cigarettes," *Journal of Public Economics*, 2021.



continue to intensify socialization and enforcement in the context of the "Illegal Cigarette Strike" campaign.<sup>9</sup>

In West Lombok Regency, various brands of illegal cigarettes such as Mocacino, HD, Smith, Conex, and others were found which indicates the high circulation of illegal products in the region.<sup>10</sup> The NTB Provincial Government through Governor Regulation Number 4 of 2010 has regulated the use of the Tobacco Product Excise Revenue Sharing Fund (DBHCHT) to finance industrial development activities and the eradication of illegal excisable goods.<sup>11</sup>

However, various obstacles are still faced by the apparatus in carrying out supervision, including bureaucratic complexity, limited number of personnel to cover a large area, and lack of operational budget. Therefore, this research is important to examine the pattern of supervision and inhibiting factors in an effort to eradicate the circulation of illegal cigarettes, especially in East Lombok Regency.

## B. Method

This research was carried out in East Lombok Regency, West Nusa Tenggara Province. This location was chosen because it is relatively easy to reach, and shows the phenomenon of illegal cigarette circulation that is interesting to study further. The data

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<sup>9</sup> Diskominfo Lombok Timur, "Sosialisasi Perdagangan Cukai Rokok Ilegal di Selong," 2022.

<sup>10</sup> *Lombok Post*, "Satpol PP Finds Illegal Cigarettes of Various Brands in West Lombok," 2023.

<sup>11</sup> Pemerintah Provinsi NTB, *Peraturan Gubernur NTB Nomor 4 Tahun 2010*.



collection process was carried out in stages from July 8 to September 30, 2023.

### **1. Research Type and Design**

The type of research used is qualitative with a descriptive approach. This approach is used to understand social phenomena in their entirety in a natural context, as well as to explore the meanings behind social phenomena that are not always apparent through the direct behavior or statements of the research subject.<sup>12</sup> This descriptive approach aims to provide an empirical picture of the patterns and constraints of supervision of the circulation of illegal cigarettes in East Lombok Regency.

### **2. Research Subject**

The subjects of the study are individuals or entities relevant to illegal cigarette control activities at the local level, such as officials from the Directorate General of Customs and Excise, the Resort Police (Polres), and the East Lombok Regency Pamong Praja Police Unit (Satpol PP). They were chosen as the main informants to provide substantive information related to supervisory practices and constraints.

### **3. Data Types and Sources**

Penelitian ini menggunakan dua jenis data:

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<sup>12</sup> Adet Tamula Anugrah, *Qualitative Research Methodology* (Jakarta: Pustaka Ilmu, 2022).

1. **Primary data** was obtained directly from interviews with supervisory apparatus such as Customs, Police, and Satpol PP.
2. **Secondary data** were obtained from official documents, literature, and regulations related to excise policies and illegal cigarette circulation.<sup>13</sup>

#### 4. Data Collection Techniques

Three main techniques are used to collect data:

Conduct in-depth interviews independently guided to gain an understanding of the informant's experiences, perceptions, and views on illegal cigarette surveillance. Conducting direct observations to observe the real situation in the field regarding the practice of supervision and circulation of illegal cigarettes. Documentation studies, used to supplement the data by examining official documents and records related to surveillance activities.

#### 5. Data Analysis Techniques

Data analysis was carried out using an interactive qualitative method that included three stages:

1. **Data reduction**, namely filtering and sorting important information from interviews and observations, as well as grouping data according to the research theme.

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<sup>13</sup> Hardani et al., *Metode Penelitian Kualitatif dan Kuantitatif* (Yogyakarta: Pustaka Ilmu Group, 2020).



2. **Data presentation**, in the form of a thematic narrative that compiles the results of observations and interviews into a systematic descriptive format.
3. **Verification and drawing of conclusions**, are carried out to formulate final findings that are relevant to the formulation of the problem and the objectives of the research.

### C. Results and Discussion

#### 1. Socio-Economic Dynamics of Tobacco in East Lombok Regency

East Lombok Regency is one of the largest tobacco farming centers in West Nusa Tenggara Province. Based on a report by the East Lombok Regency Agriculture Office, the area of tobacco land in the 2023 planting season reached 18,760 hectares, spread across a number of strategic sub-districts that are centers for people's tobacco agricultural production.<sup>14</sup> This figure reflects the large dependence of the local economy on the tobacco sector, both in terms of cultivation, crop distribution, and partnerships with processing companies.

Tobacco commodities are not only the main source of livelihood for most farmers, but also contribute to regional income through the Tobacco Product Excise Revenue Sharing Fund (DBHCHT). However, the existence of tobacco as a leading commodity also has multidimensional implications. On the one hand,

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<sup>14</sup> Antaranews.com, "Tobacco Land Area in East Lombok Reaches 18,760 Hectares," 2023.



tobacco absorbs large amounts of labor, but on the other hand, dependence on this plant presents new problems such as environmental damage, soil degradation, and potential public exposure to long-term health risks.

The Agriculture Office is not only responsible for the production aspect, but also has a normative mandate in ensuring that tobacco farming practices remain sustainable. This includes the provision of superior seeds, training in environmentally friendly cultivation, monitoring the use of pesticides, and efforts to diversify crops to prevent overdependence on one commodity.<sup>15</sup>

The reduction in the projected harvest in 2023 from 30,000 tonnes to 20,000 tonnes for oven tobacco also reflects climate fluctuations as well as market uncertainty. This change has a direct impact on the welfare of farmers, especially those who are not members of corporate partnerships. Instability of crop yields, coupled with price volatility and reliance on the licensing system, are the driving factors that drive some perpetrators to turn to illegal distribution channels, including producing or distributing cigarettes without excise duty as a strategy for domestic economic survival.

## 2. Local Tobacco Industry Ecosystem and Holding Companies

Structurally, the tobacco industry in East Lombok is supported by partnerships between farmers and 23 tobacco companies. However, only 18 companies have submitted their purchase targets

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<sup>15</sup> Ibid.

for the 2023 planting season, with CV Aliansi One Indonesia (AOI) being the largest buyer (7,500 tons), followed by PT Djarum (4,000 tons) and PT Sadhana Arif Nusa (2,116 tons).<sup>16</sup> The gap between production estimates and purchase realization from the company opens up opportunities for sales outside the official channels, including to the black market.

This is even more complex when looking at the imbalance between the quantity of harvest and the absorption capacity of the legal industry. Unabsorbed tobacco products have the potential to be diverted to informal distribution channels that do not comply with excise regulatory standards. In many cases, unabsorbed tobacco products are used by home industries that produce illegal cigarettes without excise tapes, or use fake and used excise tapes.<sup>17</sup> This home industry is often difficult to detect because it is closed and spread in rural areas with a low level of surveillance.

It should be emphasized that the disparity in the absorption capacity of companies is not only a technical problem, but reflects the unequal structure of the relationship between farmers and companies, where the bargaining position of farmers is very weak. In this context, efforts to strengthen farmer cooperatives or the establishment of village-owned enterprises (BUMDes) in legal tobacco processing are a long-term solution to minimize

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<sup>16</sup> Hawari, "NTB's Tobacco Industry and Corporate Purchasing Strategy," 2022.

<sup>17</sup> Julia, *Supervision and Economic Resilience of Tobacco Farmers*, 2019.



dependence on large companies that have been monopolizing the tobacco trading system.

### 3. Consumer Segmentation and Vulnerability to Illegal Cigarettes

Data Badan Pusat Statistik (BPS) Provinsi NTB menunjukkan bahwa Kabupaten Lombok Timur memiliki persentase perokok usia 15–24 tahun tertinggi di provinsi ini, yakni sebesar 26,14% pada tahun 2022.<sup>18</sup> Angka ini berada di atas rata-rata provinsi yang mencapai 23,10%. Fenomena ini bukan hanya soal prevalensi konsumsi tembakau, tetapi juga menggambarkan kerentanan struktural kelompok usia muda terhadap akses produk rokok murah, termasuk rokok ilegal.

The tendency of cigarette consumption among adolescents has a strong correlation with retail selling prices. Given the limited purchasing power of the young age group, excise-free cigarette products that are cheaper are the main alternative. Illegal cigarettes are not only more economically accessible, but they also have distribution channels targeting small stalls, retail stores, and online platforms with low surveillance.<sup>19</sup>

This condition is exacerbated by the lack of systematic and effective health education programs at the school and youth community levels. In many cases, socialization of the dangers of smoking is not delivered with language and approaches that are

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<sup>18</sup> NTBSatu.com, “Jumlah Perokok Remaja di NTB Tahun 2022,” 2022.

<sup>19</sup> Fikry Abdullatif, “Penegakan Hukum Peredaran Rokok Ilegal di Kota Tegal,” *Jurnal Hukum dan Kepabeanan*, 2020.



appropriate to the cultural and psychosocial context of local adolescents. Therefore, the increase in illegal cigarette consumption among young people is not only due to weak supervision, but also to the failure of public health policies in preventive interventions.

#### 4. Typology of Illegal Cigarettes Circulating in East Lombok

The results of interviews with Mataram Customs Intelligence officers show that the types of illegal cigarettes that are widely found in East Lombok include: SKM: CONNECT, H&D, JAGUAR, SPM: MS, TIS: LINTING<sup>20</sup>

The characteristics of these products are the non-attachment of excise tapes, the use of fake tapes, or used tapes, which clearly violate the provisions of the Regulation of the Minister of Finance of the Republic of Indonesia Number 237/PMK.04/2022 concerning Research on Alleged Violations in the Excise Sector.<sup>21</sup>

Based on the classification from the Ministry of Finance, illegal cigarettes are identified in seven general categories, including cigarettes without excise tapes, with fake tapes, used tapes, or tapes not in accordance with their designation. In the context of East Lombok, the rampant production and circulation of illegal SKM and SPM cigarettes is suspected to occur due to the availability of local raw materials and the lack of distribution barriers in the field.

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<sup>20</sup> Wawancara bersama Intelijen Bea Cukai Mataram, 28 Agustus 2023.

<sup>21</sup> Peraturan Menteri Keuangan RI No. 237/PMK.04/2022.



It is interesting to note that most of the illegal cigarette brands in circulation are not produced by large companies, but by small, household-scale producers who often take advantage of regulatory loopholes and weak oversight. In many cases, production is carried out in the homes of villagers who have a long tradition of traditional tobacco processing. This phenomenon shows that illegal cigarette production is not always based on criminal intentions, but is also driven by economic limitations and adaptive choices from farmers and micro-entrepreneurs.

#### 5. Illegal Cigarette Distribution Patterns: Pathways, Modes, and Challenges of Surveillance

The distribution of illegal cigarettes in East Lombok utilizes various logistics lines that are difficult to monitor thoroughly. Based on information from Mataram Customs intelligence officers, one of the main modes is through delivery services and online marketplaces. This mode is referred to as the custody mode, where goods are sent through expedition with an unclear sender's identity or using a fictitious name.<sup>22</sup> Customs has tried to cut off this distribution channel by directly cracking down on the supply chain at the neck, but limited authority over digital activities such as closing marketplace accounts is an obstacle in itself.

This pattern shows that actors who commit illegal cigarettes in the region have been able to utilize digital infrastructure to expand distribution networks. Trading through social media and e-

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<sup>22</sup> Ibid.

commerce apps allows sellers and buyers to transact without having to be face-to-face and reduces the risk of direct arrest. Supervision of the digital marketplace requires cross-ministerial cooperation, especially between Customs, Communication and Informatics, and private digital platforms.

Meanwhile, the physical distribution route also involves small ports and alternative roads in the border areas of villages and sub-districts. Illegal goods enter through ports such as Kayangan and Tanjung Luar as well as through land routes from Sumbawa Island and crossing ports from Java. The large number of entry points makes surveillance a big challenge, especially with the limited number of personnel and detection tools in the field.

## 6. Struktur Pengawasan: Internal dan Eksternal

Supervision of the circulation of illegal cigarettes is carried out through two main structures: internal supervision and external supervision. This explanation was delivered by L.T., Public Relations of Mataram Customs, who described the functions and scope of each.<sup>23</sup>

### a. Internal Oversight

Internal supervision refers to the supervision system carried out by the Customs institution itself to ensure the performance and integrity of the apparatus in accordance with standard operating procedures. Elements of internal oversight include:

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<sup>23</sup> Wawancara bersama Humas Bea Cukai Mataram, 28 Agustus 2023.





- 1) Internal policies and code of ethics: Become the basis for controlling officer behavior.
- 2) Segregation of duties: Minimize conflicts of interest by limiting task forces to specific roles.
- 3) Internal audits and transaction monitoring: Conducted periodically to detect operational irregularities.
- 4) Training and capacity building of employees: For officers to understand new dynamics in supervision, including aspects of digital technology.
- 5) Reporting mechanism and disciplinary action: Provide channels for complaints of violations and procedural follow-up.

Effective internal oversight not only maintains the institution's reputation, but also serves as an early warning against fiscal malpractice and leakage practices.

#### b. External Oversight

External oversight is carried out by independent agencies outside of Customs, with the aim of creating accountability and transparency. Some of the external oversight actors include:

- 1) House of Representatives (DPR): Through the right of interpellation, investigation, and the formation of a working committee (panja) in suspicious cases.
- BPK and independent auditors: Conduct periodic operational and financial audits.



- 2) Ombudsman of the Republic of Indonesia: Handling reports of administrative violations and public service injustices.
- 3) Mass media and NGOs: Become important actors in building public pressure on unaccountable institutions.
- 4) Law enforcement (prosecutor's office and police): Taking action against criminal violations in the field of excise.

Putri (2023) emphasizes that strong external oversight is a prerequisite for organizational success, especially in the context of fiscal integrity and law enforcement.<sup>24</sup> The presence of external supervision creates a system of checks and balances that prevents institutions from coercive practices and internal authoritarianism.

## 7. Enforcement Mechanism and Legal Channels Against Illegal Cigarettes

The crackdown on illegal cigarettes in East Lombok Regency follows the formal procedures that have been set by the Directorate General of Customs and Excise in accordance with the Regulation of the Minister of Finance of the Republic of Indonesia (PMK) No. 215. Based on information from the Mataram Customs Intelligence officer, the first step in the enforcement began with socialization and coaching activities to the community and business actors who were suspected of producing or distributing illegal cigarettes.<sup>25</sup> This is intended so that law enforcement does not take place in a repressive

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<sup>24</sup> Putri, "The Effectiveness of External Supervision on Customs," *Journal of Public Administration*, 2023.

<sup>25</sup> Interview with Mataram Customs Intelligence, August 28, 2023.



manner from the beginning, but provides a space for education and correction for micro and informal business actors.

After the socialization stage, if strong indications of violations are still found, a joint market operation is carried out between Customs, the Regional Government, the Pamong Praja Police Unit, and intelligence elements. In the operation, a task force (satgas) was formed that has the authority to:

- 1) Identify production and distribution sites
- 2) Setting field operations and technical targets
- 3) Collecting evidence and conducting seizures
- 4) Prepare legal evidence documents in the form of evidence letters of enforcement

Goods resulting from the enforcement, such as illegal cigarettes without an excise tape, will be categorized as non-controlled goods and subsequently designated as State Property (BMN) through an administrative process at the Customs and Excise Court (PKML). These items can then be destroyed if they fall into the category of prohibited goods. The extermination was carried out in an official event involving relevant parties such as representatives of local governments, the police, and the media to ensure transparency and public accountability.<sup>26</sup>

This approach shows the continuity between coaching, law enforcement, and formal legal processes as a series in excise

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<sup>26</sup> PKML, "Prosedur Pemusnahan Barang Milik Negara," 2022.

supervision policies. This is important to prevent the notion that the authorities are only implementing a punitive approach, without providing systemic solutions for small business actors who do not understand the regulations.

## 8. Evaluation of the Effectiveness of Socialization

In an effort to prevent this, socialization activities are considered the main strategy to increase public legal awareness. However, the effectiveness of this strategy is still questionable. The Head of Industry of East Lombok Regency revealed that the more often socialization is carried out, the circulation of illegal cigarettes is increasing.<sup>27</sup> This statement reflects that the public communication approach used so far has not been successful enough in changing people's behavior.

This can be caused by several factors:

- 1) The language of socialization is too formal and uncontextual with the local cultural conditions.
- 2) Keterlibatan masyarakat rendah, karena sosialisasi bersifat satu arah dan tidak partisipatif.
- 3) Community involvement is low, because socialization is one-way and non-participatory. The lack of strengthening of alternative economies, which causes people to remain dependent on the production or consumption of illegal cigarettes.

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<sup>27</sup> Interview with the Head of Industry of East Lombok, August 8, 2023.

Therefore, there is a need to reorient public policy communication strategies, including prioritizing a dialogical approach, community leader involvement, a community-based approach, and the integration of social messages through local media such as village radio and citizen forums. Socialization that is only a top-down information delivery will not be effective in forming legal awareness at the grassroots level.

#### 9. Factors Inhibiting the Supervision of Illegal Cigarette Circulation

The Head of the East Lombok Police Office stated that in the implementation of supervisory duties, there are a number of significant obstacles that officers often face in the field.<sup>28</sup> These obstacles are structural and technical and can be classified as follows:

##### a. Bureaucratic Complexity

Lengthy surveillance and enforcement procedures often hamper the effectiveness of responses to the circulation of illegal cigarettes. Customs officers and related agencies must go through a number of layers of licensing and interagency coordination before they can take direct action. This overly complex bureaucracy also opens up loopholes for corrupt and collusion practices, such as the granting of false permits or legal compromises by officials.

##### b. The Number of Entry Routes in the NTB Region

The geography of NTB, which consists of islands and has many small ports and unofficial routes, increases the chances of illegal

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<sup>28</sup> Interview with the East Lombok Police Office, August 16, 2023.



goods entering undetected. The limitations of surveillance devices such as CCTV, scanners, and operational vehicles add to the difficulty of officers in monitoring all vulnerable points.

#### c. Shortage of Personnel

The wide coverage of East Lombok Regency is not balanced by an adequate number of personnel. This deficiency has a direct impact on the ability to conduct daily surveillance, routine patrols, and rapid response to community reports.

#### d. Limited Operational Costs

Field supervision requires a lot of logistical resources, including for transportation, lodging, consumption, and technical support. The lack of operational budget often makes some supervision activities have to be postponed or reduced in intensity.

#### e. High Demand for Cheap Cigarettes

The high demand for affordable cigarettes, especially from low-income groups, creates a fertile market for illegal cigarettes. Madani (2022) stated that public demand for cheap cigarettes is one of the main drivers of the flourishing of the illegal cigarette market in the region.<sup>29</sup>

From all these obstacles, it can be concluded that the supervision of illegal cigarettes cannot be based only on the technical aspects of the field, but requires policy reforms that include

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<sup>29</sup> Madani, "Faktor Penghambat Penindakan Rokok Ilegal di Indonesia," *Jurnal Hukum dan Regulasi*, 2022.

bureaucratic reform, strengthening personnel capacity, and a comprehensive socio-economic approach.

#### 10. Construction Through Tobacco Products Industrial Estate (KIHT)

The approach of coaching illegal cigarette perpetrators is an alternative strategy implemented through the Tobacco Products Industrial Estate (KIHT) program. This program is designed to accommodate micro and home-based business actors in the legal cigarette production system that is registered and supervised by the state. In this model, the perpetrator is given training, licensing, and production and distribution facilities in accordance with excise regulations.<sup>30</sup>

After the process of cracking down and confiscating illegal goods, business actors who are considered worthy of fostering can be transferred to KIHT as a form of reintegration into the formal system. Their products can then contribute to state revenue through the Tobacco Product Excise Revenue Sharing Fund (DBHCHT). This strategy is in line with the restorative enforcement approach, which provides an opportunity for economic law offenders to correct mistakes and become part of the legal system.

The KIHT program also serves as a micro-policy laboratory, where governments can test economic empowerment models based on fiscal and regulatory compliance. If successful, this approach could be replicated in other regions facing similar problems, thus

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<sup>30</sup> Ihsania dan Kumala, "Program KIHT sebagai Solusi Alternatif," *Jurnal Kebijakan Industri*, 2021.



creating a law enforcement system that not only suppresses but also strengthens the competitiveness of the local economy.

#### **D. Conclusion**

This study provides a comprehensive overview of the dynamics of the circulation of illegal cigarettes in East Lombok Regency, an area with socio-economic characteristics that are closely tied to tobacco commodities. The circulation of illegal cigarettes in this area cannot be separated from complex structural realities, including the high local tobacco production, the weak absorption of the legal industry, and the lack of economic diversification of tobacco farmers.

The findings of the study show that the circulation of illegal cigarettes is not solely a form of lawlessness or economic crime, but is also a symptom of inequality in distribution governance and inefficiency of the supervisory system. Illegal cigarettes are widely circulated among the lower middle class, especially the younger generation, because they offer much cheaper prices than legal products. With the highest percentage of smokers aged 15-24 years in NTB, East Lombok is a potential market and at the same time vulnerable to the penetration of illegal cigarette products.

In terms of supervision, an internal supervision system has been implemented by Customs which includes audits, transaction monitoring, and enforcement of organizational discipline. On the other hand, external supervision is carried out by legislative institutions, independent supervisory agencies, and law





enforcement officials. Although this oversight structure is in place, its implementation still faces a number of serious obstacles. Among them are the complexity of cross-sectoral bureaucracy, the lack of supervisory personnel, limited operational funds, and the number of entry routes for goods in the NTB region that are not optimally supervised.

The mode of distribution of illegal cigarettes has evolved following technological advancements. Online marketplaces, expedition services, and digital channels are the main mediums in the marketing and delivery of illegal products. This condition shows that the conventional physical surveillance system is no longer adequate and requires information technology innovation and more adaptive digital regulations.

On the other hand, repressive efforts such as raids and confiscations only have short-term effects and do not touch the root of the problem. The effectiveness of socialization as a preventive measure also needs to be re-evaluated because data shows that although the intensity of socialization increases, the circulation of illegal cigarettes does not decrease significantly. This shows the need for a more participatory, contextual, and empowering approach to the community, rather than just delivering legal information.

One of the alternative strategies that has great potential is the development of illegal cigarette business actors through the Tobacco Products Industrial Estate (KIHT). This approach not only moves the perpetrator to a formal path, but also gives them a legal opportunity



to thrive economically. The KIHT creates a balance between law enforcement and economic empowerment, thereby strengthening state revenue from the excise sector, while reducing systemic illegal practices.

Thus, it is not enough to counter illegal cigarettes in East Lombok just by tightening supervision and increasing raids. What is needed is a comprehensive and sustainable policy design, involving collaboration between sectors central government, local governments, law enforcement officials, educational institutions, and local communities. Excise supervision policies must be formulated as an integral part of economic development strategies based on fiscal justice and community empowerment. In this context, East Lombok can become a model for locality-based, technology, and social welfare tax reform reform.

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# INTEGRATION OF TRANSACTIONAL LEADERSHIP AND TEAMWORK IN IMPROVING EMPLOYEE PERFORMANCE: A STUDY AT BAZNAS EAST LOMBOK REGENCY

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## Abstract

*This study aims to analyze the influence of transactional leadership and teamwork on employee performance at the National Amil Zakat Agency (BAZNAS) of East Lombok Regency. Using a descriptive qualitative approach, data was obtained through in-depth interviews, observations, and documentation of internal BAZNAS parties related to human resource management and institutional performance. The results show that the transactional leadership style applied through the reward system and discipline has contributed to the formation of a directed and productive work culture. On the other hand, structured and communicative teamwork also creates synergy between employees and strengthens the effectiveness of the institution's program implementation. These two variables, both partially and simultaneously, have been proven to have a positive impact on employee performance in terms of discipline, speed of service, and work responsibility. These findings confirm that the combination of assertive and managerial leadership with solid teamwork is an important prerequisite for building an effective and accountable social service organization. This research is expected to be a reference in the development of human resource management strategies in the zakat sector and other social institutions.*

**Keywords:** *Leadership, Baznas, Management Human Resources.*



## A. Introduction

In the modern world of organizations, leadership quality is a strategic element in encouraging work effectiveness, achievement of goals, and institutional operational stability. One of the leadership approaches that is widely adopted in the public and private sectors is transactional leadership, which is a leadership style that emphasizes the reciprocal relationship between leaders and subordinates based on a reward and punishment system. Bernard Bass states that transactional leaders tend to direct and motivate followers based on adherence to established commands and agreements, and offer rewards if work is completed on target.<sup>1</sup>

This leadership style does not rely on changing values or moral transformation, but rather focusing on control, supervision, and achieving tasks efficiently. Transactional leaders play the role of performance regulators and decision-makers in both procedural and technical situations.<sup>2</sup> This makes it relevant in the context of formal institutions such as the National Amil Zakat Agency (Baznas), which demands firmness in the management of public programs and services.

On the other hand, the quality of teamwork is also the main determinant of the success of an organization. In an increasingly complex and interdependent work environment, the ability to work

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<sup>1</sup> Bernard M. Bass, *Leadership and Performance Beyond Expectations* (New York: Free Press, 1985), 120.

<sup>2</sup> Bass, *Leadership and Performance*, 121.



in teams, share responsibilities, and achieve synergies through cross-functional collaboration is an absolute prerequisite for the creation of superior organizational performance. Stephen Robbins and Timothy Judge say that effective teamwork can produce positive synergy, which is a situation in which the results of team performance exceed the accumulation of individual contributions.<sup>3</sup>

In the context of social service institutions such as Baznas East Lombok Regency, a combination of a firm leadership style and solid team collaboration is very important. As a non-structural organization authorized by law to collect and distribute zakat, infaq, and alms, Baznas is faced with high demands for public accountability. Therefore, each individual in the institution must work within a systematic, measurable, and aligned framework with the goals of the institution.

The importance of leadership in this context is also affirmed by Rauch and Behling, who state that leadership is the process of influencing organized group activities to achieve a common goal.<sup>4</sup> Furthermore, Hemphill and Coons say that leadership is an individual behavior directed at moving the group to achieve its goals.<sup>5</sup> This means that leaders are not only directors, but also catalysts for the effectiveness of employees' work.

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<sup>3</sup> Stephen P. Robbins and Timothy A. Judge, *Organizational Behavior*, 13th ed. (New Jersey: Pearson, 2009), 51.

<sup>4</sup> Rauch and Behling, as quoted in Saefuddin Mubarak, *Leadership in Organizations* (Jakarta: Prenada Media, 2014), 33.

<sup>5</sup> Hemphill and Coons, in Mubarak, *Leadership in Organization*, 31.





Meanwhile, according to Hughes, teamwork is an equal individual connection in an organizational structure, where each member understands the task, plays an active role, and contributes to the collective success.<sup>6</sup> In institutions like Baznas, solidity of teamwork is needed considering that the social service tasks they carry out are complex and demand speed and precision in program distribution.

Previous studies have shown that there is a positive correlation between leadership and teamwork and employee performance. Research by Imam Fauzi (2021), for example, shows that leadership style and work motivation have a significant influence on improving employee performance both partially and simultaneously.<sup>7</sup> Another study conducted at Baznas Palembang City also proves that transactional leadership and teamwork together have a positive impact on organizational performance.<sup>8</sup>

The increasing social complexity and dynamics of the needs of the community served by Baznas require an adaptive and professional managerial approach. Technological developments, demands for public accountability, and expectations for the effectiveness of zakat distribution make leadership and teamwork two elements that cannot be ignored. Leaders in this era are not only

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<sup>6</sup> Richard Hughes et al., *Leadership: Enhancing the Lessons of Experience*, 6th ed. (New York: McGraw-Hill, 2012), 78.

<sup>7</sup> Imam Fauzi, "The Influence of Leadership and Motivation on Employee Performance," *Journal of Administrative Sciences*, vol. 9, no. 1 (2021): 44–55.

<sup>8</sup> R. Yuliana, "The Influence of Transactional Leadership and Team Work on Employee Performance at Baznas Palembang," *Thesis*, University of Muhammadiyah Palembang, 2020.

required to have technical competence, but also interpersonal skills in managing the potential and diversity of the team they lead.<sup>9</sup>

In public sector organizations, the quality of leadership and teamwork will be directly reflected in employee performance. Employee performance, according to Mangkunegara, is the result of quality and quantity of work achieved by a person in carrying out his duties in accordance with the responsibilities given by the organization.<sup>10</sup> Therefore, variables such as leadership and teamwork need to be further analyzed in relation to productivity, loyalty, and efficiency in the implementation of Baznas employees' duties.

With this background, this research was conducted to answer several basic questions whether transactional leadership has a significant effect on employee performance in Baznas East Lombok. This research is expected to make a theoretical contribution to enrich the study of public management, especially in the field of leadership and organizational behavior, as well as a practical contribution in the development of HR management strategies that are relevant to Baznas and similar social institutions.

## B. Method

This research was carried out at the National Amil Zakat Agency (Baznas) of East Lombok Regency, West Nusa Tenggara

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<sup>9</sup> Sobry Sutikno, *Leadership Ethics in Modern Organizations* (Yogyakarta: Pustaka Siswa, 2018), 10.

<sup>10</sup> Anwar Prabu Mangkunegara, *Corporate Human Resource Management* (Bandung: Remaja Rosdakarya, 2005), 67.



Province. This location was chosen purposively because it is relevant to the focus of research that examines the relationship between leadership, teamwork, and employee performance in zakat management institutions. The data collection process was carried out for two months, starting from July 2 to August 30, 2023, which allowed researchers to make in-depth observations of organizational work dynamics and interactions between employees in a fairly representative time.

## 1. Types and Approaches to Research

This study uses a descriptive qualitative approach. The aim of this approach is to understand social phenomena contextually through the direct interaction between the researcher and the object being studied in their natural environment. This method is used so that researchers can capture the subjective meaning inherent in the actions, policies, and organizational culture of Baznas East Lombok. As stated by Sugiyono, qualitative research is inductive and emphasizes meaning rather than statistical generalization.<sup>11</sup>

## 2. Data Sources and Research Informants

The data sources in this study consist of:

- a. Primary data, which is data obtained directly from in-depth interviews and participatory observations of key informants. Informants were selected based on the relevance of their role in the organizational structure of Baznas.

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<sup>11</sup> Sugiyono, *Metode Penelitian Kualitatif, Kuantitatif dan R&D* (Bandung: Alfabeta, 2015), 9.

- b. Secondary data, namely data obtained through official documents, books, annual reports, results of previous research, and information from electronic and print media. According to Moleong, documents are complementary sources that function to strengthen the validity of field findings.<sup>12</sup>

### 3. Data Collection Techniques

This study uses three main techniques in data collection, namely:

#### a. Observation

Observations were carried out to directly observe the work situation, interaction between employees, and leadership style applied by Baznas management. The observation technique used is structured, focusing on aspects that have been formulated beforehand. Observation helps researchers get visual and behavioral data that don't always show up in interviews.<sup>13</sup>

#### b. Interview

Interviews are conducted in depth and semi-structured to informants who have direct authority or experience related to leadership, teamwork, and performance dynamics. This technique allows researchers to explore background information, personal perceptions, and clarification of data that emerges during observation.<sup>14</sup>

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<sup>12</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, ed. revisi (Bandung: Remaja Rosdakarya, 2005), 157.

<sup>13</sup> Sutrisno Hadi, *Metodologi Research* (Yogyakarta: Andi Offset, 1986), 42.

<sup>14</sup> Ibid



### c. Documentation

Documentation is used as a complementary technique to obtain relevant written data, such as program reports, organizational structures, activity archives, and internal policies of Baznas East Lombok related to human resource management and teamwork systems.<sup>15</sup>

## 4. Data Analysis Techniques

Data analysis in qualitative research is an important process for organizing, understanding, and drawing conclusions from data obtained in the field. In this study, data analysis was carried out with reference to the interactive model of Miles and Huberman and the systematic approach described by Sugiyono. The stages of analysis used include:

### a. Data Collection

Data was collected from interviews, observations, and documentation. This process generates two types of records:

- 1) Descriptive records, which are natural data collected without the interpretation of the researcher, include what is seen, heard, and experienced directly.
- 2) Reflective notes, which are the researcher's subjective interpretation of the observed event or phenomenon,

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<sup>15</sup> Burhan Bungin, *Metodologi Penelitian Kualitatif* (Jakarta: RajaGrafindo Persada, 2021), 70.

including personal impressions and interpretations of the data that emerges.<sup>16</sup>

#### b. Data Reduction

Data reduction is the process of sorting and simplifying information from the results of field data collection. Reduction is done by summarizing, selecting data that is relevant to the focus of the research, and grouping it into conceptual themes. According to Sugiyono, reduction aims to provide structure to raw data, as well as make it easier to draw patterns and meanings hidden in the collection of information.<sup>17</sup> This process is commensurate with coding techniques in qualitative data analysis.

#### c. Data Display

The reduced data is then presented in the form of a thematic narrative, tables, or visual models if needed. In this study, the presentation of data is focused on the relationship between transactional leadership style, the quality of teamwork, and the performance level of employees of Baznas East Lombok. Systematic presentation of data makes it easier to identify trends and relationships between observed variables.<sup>18</sup>

#### d. Verification and Conclusion

The final step in data analysis is the drawing of conclusions based on logical interpretations and empirical findings. Conclusions not only answer the initial problem formulation, but can also lead to

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<sup>16</sup> Sugiyono, *Metode Penelitian Kualitatif*, 482.

<sup>17</sup> Ibid., 247–249.

<sup>18</sup> Ibid., 249.

new findings that were previously unknown. In a qualitative approach, conclusions are flexible and can develop during the research process in the field.<sup>19</sup>

### C. Results and Discussion

The management of zakat in East Lombok Regency has long and dynamic historical roots, since before the existence of official institutions such as Baznas. Starting from the initial forms such as BAZIS (Amil Zakat, Infaq, and Sadaqah Agency) and BAZDA (Regional Amil Zakat Agency), now the management of zakat has undergone a structural transformation through the establishment of the National Amil Zakat Agency (BAZNAS). This transformation is in line with the implementation of the national zakat policy, as stipulated in Law No. 38 of 1999 and strengthened by Law No. 23 of 2011 concerning Zakat Management, as well as Government Regulation No. 14 of 2014.<sup>20</sup>

With the ratification of BAZNAS as a non-structural government institution, the role and responsibility of zakat management is no longer only religious, but also administrative and professional. In East Lombok Regency, BAZNAS carries out its strategic function as a manager of the people's funds through a systematic scheme of collecting and distributing zakat, infaq, and alms (ZIS). Over time, the institution experienced significant growth

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<sup>19</sup> Ibid., 252–253.

<sup>20</sup> Republik Indonesia, *Undang-Undang Nomor 38 Tahun 1999 tentang Pengelolaan Zakat* (Jakarta: Sekretariat Negara, 1999).



in terms of fundraising, utilization, and expansion of services to mustahik.

This context makes BAZNAS an important space to apply effective leadership principles, as well as encourage strong teamwork to support sharia based public services.

### 1. Transactional Leadership at BAZNAS East Lombok

Transactional leadership in Baznas East Lombok shows the application of managerial principles based on an exchange system where leaders set tasks and targets, reward employees who perform well, and sanction violations or failures to carry out duties. An interview with the Deputy Chairman IV for Human Resources, Muhammad Nazri, indicated that the system of attendance allowances, overtime bonuses, and administrative reprimands has been implemented as a form of reward and punishment in the work environment.<sup>21</sup>

This concept of leadership is in line with Bass's theory which states that transactional leaders set clear work standards and maintain order through strict supervision and direct consequences for the performance of subordinates.<sup>22</sup> In practice, this implementation helps to create certainty and regularity of work that has a positive impact on the achievement of organizational targets.

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<sup>21</sup> Republik Indonesia, *Undang-Undang Nomor 23 Tahun 2011 tentang Pengelolaan Zakat* (Jakarta: Sekretariat Negara, 2011).

<sup>22</sup> Bernard M. Bass, *Leadership and Performance Beyond Expectations* (New York: Free Press, 1985), 120.





However, Muhammad Nazri also emphasized that the transactional leadership system has not been implemented 100% in its entirety, because there is still room for flexibility and a collective-collegial approach in decision-making at Baznas. This is in line with the character of non-profit organizations that not only rely on output, but also on the social values and mission of the institution.

## 2. Teamwork at BAZNAS East Lombok

Teamwork in the East Lombok Baznas environment shows a significant role in supporting smooth operations and achieving zakat distribution targets. Based on the results of an interview with Syamsul Hadi, Head of the Human Resources and General Administration Section, the work system is regulated in a clearly organized structure, with a proportional division of tasks based on their respective fields and divisions.<sup>23</sup> Each team member has a functional role and is responsible for the goals that have been mutually agreed upon in regular internal meetings.

Hughes et al. state that effective teams have shared goals, defined roles, open communication, and a collective commitment to results.<sup>24</sup> In this case, Baznas East Lombok has shown positive progress, especially in creating a conducive and mutually supportive work climate between employees. Coordination is carried out periodically, both through direct meetings and through digital

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<sup>23</sup> Interview with Syamsul Hadi, Head of HR and General Administration of East Lombok Baznas, August 3, 2023.

<sup>24</sup> Richard Hughes, Robert Ginnett, dan Gordon Curphy, *Leadership: Enhancing the Lessons of Experience*, 6th ed. (New York: McGraw-Hill, 2012), 78.



communication media such as WhatsApp and Google Meet groups, considering the need for a quick response to the zakat program.

However, the interviews also showed that there are challenges in maintaining the stability of teamwork, especially related to fluctuations in work morale among members, as well as limited capacity in absorbing the volume of new programs. This shows that effective teamwork requires leadership that not only provides direction, but also fosters team cohesion and builds a supportive organizational culture.<sup>25</sup>

### 3. Incentive System and Its Impact on Performance

The implementation of incentives at Baznas East Lombok is one of the important instruments in motivating employees. According to Syamsul Hadi's explanation, the institution implements an incentive system in the form of additional income based on the discipline of attendance, volume of work, and activeness in the institution's activities outside office hours. This system is in line with the basic principles of reinforcement theory, which emphasizes that rewarded behaviors are likely to be repeated.<sup>26</sup>

On the one hand, incentives provide direct encouragement to employees to increase productivity, improve service quality, and maintain discipline. On the other hand, unevenness in perceptions of

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<sup>25</sup> Sobry Sutikno, *Etika Kepemimpinan dalam Organisasi Modern* (Yogyakarta: Pustaka Pelajar, 2018), 10.

<sup>26</sup> Stephen P. Robbins dan Timothy A. Judge, *Organizational Behavior*, 13th ed. (New Jersey: Pearson, 2009), 212.



the transparency of incentive systems also emerges as a potential challenge, especially if assessment standards are not well communicated.

Previous research by Tika (2020) showed that a clear and statistically fair reward system is significantly correlated with improved employee performance in the social sector.<sup>27</sup> In the context of Baznas, it is important to ensure that the incentive system is not only financial, but also involves non-material forms such as recognition, training opportunities, and involvement in strategic decision making.

#### 4. Employee Performance Evaluation at BAZNAS East Lombok

Evaluasi kinerja pegawai di Baznas Lombok Timur dilakukan berdasarkan indikator-indikator administratif dan operasional yang telah ditetapkan oleh lembaga. Menurut wawancara dengan pihak manajemen, indikator tersebut meliputi: (1) ketepatan waktu pelaksanaan tugas, (2) kedisiplinan kehadiran, (3) kualitas layanan kepada mustahik, serta (4) partisipasi dalam program kelembagaan.<sup>28</sup>

This evaluation is generally conducted periodically through monthly coordination meetings and individual reporting. In some cases, informal evaluations are also carried out through direct observation by field leaders. This evaluation model shows that East

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<sup>27</sup> Tika Rachmatika, "The Relationship between the Reward System and Job Satisfaction with Employee Performance in Social Institutions," *Journal of Management and Public Performance* 4, no. 2 (2020): 145–157.

<sup>28</sup> Hasil wawancara dengan Syamsul Hadi, Kepala Bagian SDM dan Umum

Lombok Baznas has not fully implemented a structured Key Performance Indicators (KPI)-based performance management system, but has practiced evaluative principles consistently in accordance with the capacity of the institution.

According to Mangkunegara, performance is the result of work achieved by a person in carrying out tasks that are charged based on certain work standards, time, and resources.<sup>29</sup> In the context of socio-religious institutions such as Baznas, performance evaluation not only measures administrative effectiveness, but also pays attention to service values, sincerity, and moral exemplary in carrying out duties.

#### 5. Integration of the Influence of Transactional Leadership and Teamwork on Performance

Based on field findings, it appears that the combination of transactional leadership and teamwork has a positive influence on employee performance. Transactional leadership serves as a driver of discipline and results-orientedness, while teamwork creates synergy and cohesion between employees. The integration of the two forms a productive and goal-oriented work ecosystem of the institution.

The implementation of reward and punishment creates clarity of expectations, while team coordination creates a sense of belonging to the work. Research by Yuliana (2020) conducted at

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<sup>29</sup> Anwar Prabu Mangkunegara, *Corporate Human Resource Management* (Bandung: Remaja Rosdakarya, 2005), 67.



Baznas Palembang City also showed that transactional leadership and teamwork simultaneously affect employee performance with a significant contribution.<sup>30</sup> From the perspective of public organizations, the synergy between authority structures and horizontal solidarity is the key to the success of the service.

## 6. Discussion with Previous Studies

The results of this study are in line with the findings of Fauzi (2021) who revealed that leadership style and work motivation influence each other in boosting the productivity of public sector employees.<sup>31</sup> In addition, Robbins and Judge also emphasized that effective teams improve performance because members complement each other in competence and experience, and work in an atmosphere of mutual trust and responsibility.<sup>32</sup>

The findings at Baznas East Lombok also emphasized the need to apply a value-based leadership approach as a complement to transactional leadership. This is in line with Bass and Avolio's view that leadership cannot rely entirely on transactional systems, but needs to be balanced with a transformation of shared values and visions.<sup>33</sup>

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<sup>30</sup> R. Yuliana, "The Influence of Transactional Leadership and Team Work on Employee Performance at Baznas Palembang," *Thesis*, University of Muhammadiyah Palembang, 2020.

<sup>31</sup> Imam Fauzi, "The Influence of Leadership and Motivation on Employee Performance," *Journal of Administrative Sciences*, vol. 9, no. 1 (2021): 44–55.

<sup>32</sup> Stephen P. Robbins dan Timothy A. Judge, *Organizational Behavior*, 13th ed. (New Jersey: Pearson, 2009), 212.

<sup>33</sup> Bernard M. Bass dan Bruce J. Avolio, *Improving Organizational Effectiveness through Transformational Leadership* (Thousand Oaks, CA: Sage, 1994), 25.



## D. Conclusion

This study aims to explore and analyze the influence of transactional leadership and teamwork on employee performance at the National Amil Zakat Agency (Baznas) of East Lombok Regency. With a descriptive qualitative approach, the findings provided an in-depth understanding that the success of social service organizations such as Baznas relies heavily on an effective combination of the right leadership style and coordinated teamwork.

In terms of leadership, this study shows that the transactional leadership style has been implemented in the form of rewarding good performance and enforcing discipline against violations (punishment). This system has been proven to provide clarity of work direction and build organizational discipline. Although not applied absolutely, the transactional leadership style at Baznas East Lombok in general succeeds in creating operational stability and encouraging the achievement of service targets. This proves the relevance of Bernard Bass's approach which emphasizes the contractual reciprocal relationship between leaders and subordinates as the basis of organizational driving.

In terms of teamwork, this study found that the organizational structure of Baznas has allowed the creation of a clear division of roles, good coordination between fields, and quite open communication. Strong teamwork not only contributes to operational efficiency, but also creates a supportive and inclusive work atmosphere. Although there are still challenges in maintaining the stability of work morale and workload distribution, the values of



togetherness and collaboration have become part of the work culture at Baznas East Lombok.

Employee performance evaluated through indicators of discipline, productivity, and quality of public services shows that the combination of transactional leadership and teamwork has a direct impact on the effectiveness of the institution's work. The incentive system implemented also strengthens motivation and result orientation among employees. These findings support previous research findings that confirm that leadership and teamwork have a significant influence on employee performance in the public and social sectors.

However, the study also identified several aspects that need improvement. The performance evaluation system at Baznas is still semi-formal and is not fully based on a structured Key Performance Indicators (KPI) framework. In addition, the challenges of maintaining collective spirit, limited human resources, and fluctuating workloads still require more adaptive and innovative managerial attention.

The results of this study underscore the importance of integration between assertive and managerial leadership with adaptive and communicative teamwork. In the future, Baznas and similar social institutions in other regions can adopt this model as part of a strategy to increase institutional capacity and the quality of public services based on the values of professionalism and humanity.



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# MARRIAGE DISPENSATION AFTER LAW NO. 16 OF 2019: BETWEEN CHILD PROTECTION AND SOCIAL REALITY IN MONTONG GADING DISTRICT

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## Abstract

*This study aims to analyze the implementation of Law Number 16 of 2019 related to the marriage age limit, with a focus on the practice of marriage dispensation in Montong Gading District, East Lombok. Using a descriptive qualitative approach, data was obtained through interviews, observations, and documentation studies of KUA employees, parents, adolescents, and religious court judges. The results show that the practice of marriage dispensation is still widely used as a legal loophole to legalize child marriage, even though regulations have been tightened. The main factors driving the application for dispensation are social pressure, out-of-wedlock pregnancies, poverty, and low legal understanding. Meanwhile, the role of KUA as an administrative implementer is considered not optimal in prevention efforts, due to limited human resources and lack of collaboration with child protection institutions. The conclusion of the study emphasizes the importance of comprehensive reform, both in regulatory and implementive aspects, as well as the need for multidisciplinary involvement in every marriage dispensation process for the protection of children's rights. This research is expected to be a conceptual contribution to strengthening the role of local institutions in preventing early marriage.*

**Keywords:** Dispensation, Marriage, Child Protection, Family Law



## A. Introduction

Marriage is a very important social institution in human life, not only as a form of legality of the relationship between two people, but also as a manifestation of religious, social, and legal norms. In almost all social systems, both religiously and customarily, marriage is considered a crucial phase that marks the transition of the individual's status from personal life to social responsibility within the family. From a sociological perspective, marriage is not just a private affair, but also has an impact on the social, economic, and even demographic structure of a nation.<sup>1</sup>

In the context of Indonesian law, attention to the issue of marriage, especially child marriage, has become part of the state's important agenda in protecting children's rights and creating quality future generations. The phenomenon of child marriage is not only a national problem, but also a global one. UNICEF notes that each year about 12 million girls in the world are married before the age of 18, which means that 1 in 5 girls globally experience early marriage.<sup>2</sup> This figure certainly has serious implications for education, reproductive health, and children's rights.

Indonesia as a country of law regulated in Article 1 paragraph (3) of the 1945 Constitution has an obligation to ensure that social practices in society are in accordance with the principles of justice,

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<sup>1</sup> Koentjaraningrat, *Introduction to Anthropology* (Jakarta: Rineka Cipta, 2009), 103.

<sup>2</sup> UNICEF, "Child Marriage: Latest Trends and Future Prospects," 2021, <https://www.unicef.org/media/116661/file/Child-marriage-2021.pdf>.



humanity, and protection of vulnerable groups, including children. As a concrete step, the Indonesian government has passed Law Number 16 of 2019 as an amendment to Law Number 1 of 1974 concerning Marriage. One of the fundamental changes is the setting of the minimum age of marriage for both men and women to 19 years old, which previously differed between the two.<sup>3</sup>

This effort is driven by increasing awareness of the negative impact of child marriage, both in the physical, psychological, social, and economic dimensions. Studies have shown that girls who marry at an early age are more at risk of pregnancy complications, school dropouts, domestic violence, and limited access to decent work.<sup>4</sup> Psychologically, emotionally immature children tend to have difficulty carrying out their roles as wives and mothers, because the development of their personality and social capacity is still in the search for identity.

In addition, the practice of child marriage is also closely related to the pattern of structural poverty and low legal literacy in the community. In many rural areas, child marriage is often seen as a pragmatic solution to reduce the economic burden on families or protect children from social risks such as promiscuity. In fact, the reality shows that child marriage actually increases the risk of economic marginalization and structural dependence in the long

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<sup>3</sup> Republic of Indonesia, *Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage* (Jakarta: State Secretariat, 2019).

<sup>4</sup> Putri D. Astuti, "The Psychosocial Impact of Child Marriage," *Journal of Psychology and Social*, vol. 10, no. 2 (2020): 112–121.



term.<sup>5</sup> This is where the importance of legal education and social advocacy lies in fostering collective awareness of the dangers of this practice.

In practice, although the age limit for marriage has been raised to 19 years, there is still a legal loophole in the form of a marriage dispensation permit mechanism that allows religious courts to grant marriage licenses to couples under that age, for certain reasons. This supposed exception marriage dispensation, in many cases, has become a path to legalize the practice of child marriage which is still firmly rooted culturally and socially. Therefore, the effectiveness of regulations is not enough only at the normative level, but must also be studied from its judicial implementation.

In the juridical context, the Religious Court has a central role in enforcing the marriage age regulation through the granting or refusal of marriage dispensation. Law Number 16 of 2019 does set an age limit of 19 years, but Article 7 paragraph (2) still provides space for parents or guardians to apply for marriage dispensation to the court if there is an "urgent reason" accompanied by convincing evidence. This provides a wide scope of interpretation for judges, while also opening up potential inconsistencies in the implementation of the law.<sup>6</sup>

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<sup>5</sup> Ahmad Mudzakkir, "Child Marriage in a Political Economy Perspective," *Journal of Socio-Religious Studies*, vol. 14, no. 1 (2022): 45–58.

<sup>6</sup> Supreme Court of the Republic of Indonesia, *Guidelines for Adjudicating Marriage Dispensation Cases* (Jakarta: MA RI, 2020), 8–12.



Data shows that since the enactment of this new rule, applications for marriage dispensation have actually increased significantly in various regions. In East Lombok Regency, the Religious Court noted that in 2022 there were a number of marriage dispensation applications granted, although in principle it was contrary to the spirit of child protection. One of the fundamental problems is that the reasons given by the applicant are often not supported by sound sociological and psychological considerations for example, because of fear of family disgrace, long-term dating, or because of the family's economic pressure.

In the perspective of progressive law, as argued by Satjipto Rahardjo, the law should not be rigid on the text, but directed at the mission of substantive justice and the protection of vulnerable groups.<sup>7</sup> Therefore, the decision on marriage dispensation should not only consider the formal aspect, but also consider the long-term impact on the child's life. This research is important to examine how judges at the East Lombok Religious Court interpret and consider applications for marriage dispensation in judicial practice, and the extent to which the decision represents the spirit of protection of children's rights.

This study aims to analyze the legal basis, judges' considerations, as well as the social and legal implications of the marriage dispensation decision issued by the East Lombok Religious Court. It is hoped that this research can make a conceptual

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<sup>7</sup> Satjipto Rahardjo, *Progressive Law* (Yogyakarta: Genta Publishing, 2009), 93.



contribution to the development of family law in Indonesia as well as normative input for improving child protection mechanisms in the religious justice system.

## **B. Method**

This research uses a descriptive qualitative approach, with the aim of exploring and understanding in depth the meaning and reasons underlying legal and social practices related to marriage dispensation. As explained by Sugiyono, the qualitative approach is suitable for researching natural conditions, where researchers are the main instruments and data is collected through interviews, observations, and documentation.<sup>8</sup>

This type of research is descriptive and exploratory, because it not only reveals legal facts, but also examines social dynamics, individual interpretations, and sociocultural reasons behind the application for a marriage dispensation. Thus, the results of this study are expected to present a richer understanding, not limited to the normative aspects of the law, but also to the accompanying social and institutional implementation.

In addition, this approach also allows the use of the grounded theory method, which is an inductive process in building an understanding of social phenomena from below, as suggested by Gunawan.<sup>9</sup> This approach is used to develop theoretical concepts

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<sup>8</sup> Sugiyono, *Qualitative, Quantitative, and R&D Research Methods* (Bandung: Alfabeta, 2015), 15.

<sup>9</sup> Imam Gunawan, *Qualitative Research Methods: Theory and Practice* (Jakarta: Bumi Aksara, 2013), 64.

based on field findings, especially in looking at how the KUA, the community, and local authorities interpret the practice of marriage dispensation after the amendment of Law No. 16 of 2019.

## 1. Data Sources and Research Informants

In qualitative research, data sources are divided into two: primary data and secondary data.

- a. Primary data was obtained directly from informants through in-depth interview techniques. The main informants in this study are:
  1. Montong Gading District KUA Officer, who understands the procedure for applying for marriage dispensation.
  2. Religious and community leaders, who are moral references in child marriage cases.
  3. The parents of the marriage dispensation applicant, to explore sociocultural reasons and considerations.
  4. Adolescents who are subject to marriage dispensation, as subjects who are directly affected by the policy.
  5. Judge of the East Lombok Religious Court, as the decision-maker on the application for marriage dispensation.
- b. Secondary data in the form of legal documents, archives of dispensation applications, court decisions, marriage records from the KUA, as well as relevant legal books, journal articles, and media.

According to Lexy J. Moleong, the source of data in qualitative research is not limited by the quantity, but by the depth of





information obtained.<sup>10</sup> Therefore, the selection of informants is carried out by the purposive sampling method, which is the deliberate selection of subjects based on considerations of relevance, experience, and direct involvement in the event or issue being researched.<sup>11</sup>

## 2. Data Collection Techniques

Three main methods are used in data collection:

### a. In-Depth Interviews

Interviews are conducted in a semi-structured manner so that researchers can dig into broader information, but remain within the corridor of the research focus. These interviews not only collect formal legal data, but also the perceptions, emotional reasons, and social constructs underlying the marriage dispensation application. This interview model follows the principle of triangulation of sources so that the information obtained can be compared and verified between informants.<sup>12</sup>

### b. Observation

Observations were made on the administrative service process at KUA and the behavior of the parties involved in the application for marriage dispensation. This observation technique is passive participatory, where the researcher is present and records the

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<sup>10</sup> Lexy J. Moleong, *Qualitative Research Methodology*, Revised Edition (Bandung: Remaja Rosdakarya, 2007), 112.

<sup>11</sup> Sugiyono, *Qualitative Research Methods*, 61.

<sup>12</sup> Moleong, *Metodologi Penelitian Kualitatif*, 186.



dynamics that occur without being directly involved in administrative activities.<sup>13</sup> The aim is to understand the social and cultural context that influences the practice of law.

### c. Documentation Studies

Documentation includes the collection of legal documents such as copies of marriage dispensation decisions, application minutes, and KUA internal archives containing statistics on dispensation applications. Also includes literature references such as laws, legal journals, and textbooks.

### 3. Data Analysis Techniques

The collected data was analyzed using an interactive analysis model from Miles and Huberman, which includes three main components: data reduction, data presentation, and conclusion/verification.<sup>14</sup> This technique was chosen because it provides flexibility in processing qualitative data that are narrative and thematic.

## C. Results and Discussion

Montong Gading District is one of the administrative areas in East Lombok Regency consisting of eight villages and has a total population of nearly 48,000 people. This area has geographical characteristics in the form of dominant agricultural land and a social

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<sup>13</sup> Nana Syaodih Sukmadinata, *Educational Research Methods* (Bandung: Remaja Rosdakarya, 2008), 221.

<sup>14</sup> Miles, Matthew B., dan A. Michael Huberman, *Qualitative Data Analysis* (London: Sage Publications, 1994), 10.



structure that is still strongly influenced by traditions and religious values. The Religious Affairs Office (KUA) of Montong Gading District, as the technical implementation unit of the Ministry of Religion, plays an important role in the management of religious affairs at the sub-district level, especially in terms of marriage registration, family development, zakat, waqf, and supervision of child marriage.

KUA Montong Gading has developed a fairly complete service system, including the implementation of digital applications such as SIMKAH (Marriage Management Information System), as well as implementing a participatory approach in community development through lectures, training, and religious forums. KUA's vision is to create a society of faith and noble character, and this is reflected in their efforts to overcome challenges such as child marriage, which is a central issue in this study.

#### 1. Implementation of the Marriage Age Limit After Law No. 16 of 2019

Based on data from KUA Montong Gading, during 2023 there were only five cases of marriage that did not meet the age limit of 19 years. This shows that there are real efforts from institutions to reduce the rate of child marriage. However, challenges remain, especially from social factors such as poverty, low education, and the influence of technology.<sup>15</sup>

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<sup>15</sup> Data KUA Montong Gading, Laporan Statistik Perkawinan Tahun 2023.



The results of an interview with the Head of KUA, Suparlan, S.Hi., revealed that the fundamental reason behind child marriage in this region is economic pressure and out-of-wedlock pregnancies. In many cases, families choose to marry children as a strategy to avoid social disgrace, or as a way out of the domestic economic limitations. Suparlan also emphasized that the KUA has carried out an educational role through the socialization of the marriage age limit, as well as refusing marriage registration if the prospective bride and groom have not met the specified age limit, except with a dispensation permit from the Religious Court.<sup>16</sup>

Support for Law Number 16 of 2019 is also reflected in the implementation of the SIMKAH information system, which automatically rejects marriage registration if one of the prospective brides is not yet 19 years old. This mechanism not only improves administrative order, but also prevents manipulation of age data.<sup>17</sup>

## 2. Factors Inhibiting the Implementation of the Marriage Age Limit

Although the regulations have been updated, social realities show that the implementation of the marriage age limit in Montong Gading District still faces a number of structural and cultural obstacles. These inhibiting factors need to be examined so that intervention strategies can be designed in a more contextual way.

### a. Low Legal Awareness of the Community

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<sup>16</sup> Interview with Suparlan, S.Hi., Kepala KUA Montong Gading, 20 Agustus 2024.

<sup>17</sup> Kementerian Agama RI, *Petunjuk Teknis SIMKAH*, 2022.



Most people do not understand adequately that Law Number 16 of 2019 changes the minimum age limit for marriage. In fact, in some cases, people still refer to the old age limit (16 years for women). This low understanding is exacerbated by low levels of legal literacy and limited access to adequate information, especially in rural areas with limited communication infrastructure.<sup>18</sup>

#### b. Social and Cultural Reasons

One of the informants, the parents of the child who applied for the marriage dispensation, stated that "it is better for the child to be married than to be humiliated for having been dating for too long." This shows that the social norms in the region are still very conservative and view sexuality as a disgrace that must be covered by marriage, even though it is not yet at a legally or psychologically viable age. This mindset also encourages people to take advantage of legal loopholes in the form of marriage dispensations.<sup>19</sup>

#### c. Economic and Education Inequality

Poverty is also the dominant cause of child marriage. Families with economic limitations tend to see marriage as a way out to ease the financial burden on the household. Girls are positioned as "passable" subjects to reduce family dependents. In this context, an

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<sup>18</sup> Yuliana, "People's Legal Perception of the Age of Marriage," *Jurnal Hukum dan Sosial*, vol. 8, no. 1 (2021): 34–45.

<sup>19</sup> Interview with the Parents of the Marriage Dispensation Applicant, 10 Agustus 2024.



educational approach alone is not enough; A comprehensive economic and social empowerment strategy is needed.<sup>20</sup>

### 3. The Role of the Marriage Dispensation: A Gap or a Solution?

Since the enactment of Law Number 16 of 2019, the marriage dispensation mechanism has become the only legal route to marry children under the age of 19. However, in practice, marriage dispensation is often abused as a "shortcut" to legalize child marriage without considering the principle of child protection.

In interviews with the KUA and the Religious Court, it was found that most of the dispensation requests were granted without deep consideration of the psychological condition of the prospective bride. The reasons are often normative "have been in a relationship for a long time," "already pregnant," or "parental wishes" without involving a counselor, child psychologist, or assessment based on the best interest of the child.<sup>21</sup> In fact, the Supreme Court through Perma No. 5 of 2019 has required judges to prioritize the principle of child protection and include psychological evidence in marriage dispensation decisions.<sup>22</sup>

### 4. Evaluation of KUA's Role as a Strategic Partner in Child Protection

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<sup>20</sup> Anwar M. Saleh, "Kemiskinan dan Pernikahan Dini," *Jurnal Ekonomi Sosial*, vol. 5, no. 2 (2020): 122–129.

<sup>21</sup> Interview with the Judge of the East Lombok Religious Court, August 15, 2024.

<sup>22</sup> Supreme Court of the Republic of Indonesia, *Supreme Court Regulation No. 5 of 2019 concerning Guidelines for Adjudicating Marriage Dispensation Applications* (Jakarta: MA RI, 2019), Articles 5–8.



The Office of Religious Affairs (KUA) has a unique position as a government institution that is in direct contact with the community in marriage matters. In the context of preventing child marriage, the role of KUA is not only administrative, but also educational and mediative. Based on observations and interviews in Montong Gading District, KUA has made a number of innovations, such as:

1. Socialization of marriage law through religious activities (lectures, sermons, RT/RW forums);
2. The application of SIMKAH to automatically screen the age of the bride-to-be;
3. Refusal of marriage registration without valid marriage dispensation documents from the court.

However, even though the KUA has carried out its formal functions, the preventive role of the KUA in preventing the application of dispensation is still limited. This is due to limited human resources, lack of special training on child protection, and the lack of systematic collaboration with psychologists, social workers, or Regional Child Protection Institutions (LPAD). In many cases, the KUA only acts as the executor of the procedure, not an active partner in the psychological and social evaluation process of the prospective minor bride.<sup>23</sup>

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<sup>23</sup> Results of Researchers' Observations in KUA Montong Gading, Juli–Agustus 2024.



In fact, according to the progressive legal approach, state actors at the grassroots level must play the role of "saviors" of society from morally deviant or socially adverse legal practices.<sup>24</sup>

## 5. Social and Legal Implications of the Marriage Dispensation Decision

The marriage dispensation decision issued by the religious court has long-term effects both socially and legally. Legally, the marriage dispensation legalizes child marriage that previously contradicts the age provisions in the Marriage Law. However, socially, the ruling is often interpreted as legitimacy for the practice of early marriage, thus strengthening the public perception that marrying children before the age is negotiable through legal mechanisms.

Another legal implication is related to the status of child protection. With marriage, the child's legal status as a subject of protection changes: he is no longer considered as a child under the protection of the state, but as a wife or husband who has new legal responsibilities. This weakens the legal position of the child in the event of divorce, domestic violence, or neglect of other basic rights.<sup>25</sup>

From a social perspective, many child marriages lead to early divorce, household economic instability, and psychological developmental disorders, especially for women. Therefore, a

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<sup>24</sup> Satjipto Rahardjo, *Ilmu Hukum Progresif* (Yogyakarta: Genta Publishing, 2009), 88–90.

<sup>25</sup> Indonesian Child Protection Commission, *The Impact of Early Marriage on Children's Rights*, 2021.





systemic revision is needed in dispensation decision-making to truly consider multi-disciplinary aspects, not just administrative.

## 6. Discussion of Findings with Prior Literature

The findings of this study corroborate various previous studies on child marriage in Indonesia. Research conducted by Komnas Perempuan noted that the high rate of marriage dispensation cannot be separated from a strong patriarchal culture, as well as weak implementation of regulations at the local level.<sup>26</sup> This is in accordance with the findings in Montong Gading District, where the obstacle lies not in the absence of the law, but in the weak internalization of legal values among the community and implementing institutions.

Furthermore, UNICEF states that marriage dispensation should only be granted in exceptional circumstances supported by multidisciplinary assessments involving psychologists, medical personnel, and child protection experts.<sup>27</sup> However, the reality on the ground shows that court decisions are often based only on parental requests and do not touch on the overall dimension of child protection.

Moreover, from the perspective of progressive Islamic law, as explained by Jasser Auda, the protection of the *maqashid shari'ah* (the purpose of Islamic law) such as *hifz al-nafs* (safeguarding the soul), *hifz al-'aql* (safeguarding the intellect), and *hifz al-nasl*

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<sup>26</sup> Komnas Perempuan, *Annual Record of Violence against Women*, 2022.

<sup>27</sup> UNICEF Indonesia, *Policy Brief: Reforming the Legal Age of Marriage*, 2020.



(safeguarding offspring) is a priority. In this context, marrying an underage child is a violation of the principles of protection of soul and reason.<sup>28</sup>

## 7. Analysis

From all field data and interview results, it can be concluded that:

- a. KUA of Montong Gading District has tried to implement regulations on the age limit for marriage by implementing a digital system and legal socialization.
- b. Marriage dispensation remains a legal loophole that is often used by the community to circumvent the age limit rule.
- c. The marriage dispensation decision has not fully paid attention to the principle of child protection, both psychologically, socially, and juridically.
- d. Cultural, economic, and low education factors are the main drivers of child marriage practices in the region.
- e. The role of KUA is still more dominant as an administrative implementer than as an agent of social and legal transformation.

Therefore, policy interventions need to be directed not only at the regulatory level, but also at the implementation aspects, public education, and inter-agency synergy including the active

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<sup>28</sup> Jasser Auda, *Maqashid Syariah as a Philosophy of Islamic Law* (Jakarta: Kencana, 2015), 74.

involvement of child psychologists, social services, and religious leaders in every dispensation request.

#### **D. Conclusion**

This study reveals the dynamics of the implementation of Law Number 16 of 2019 concerning the age limit for marriage in Montong Gading District, with a focus on the practice of marriage dispensation and the strategic role of the Office of Religious Affairs (KUA). The results show that although the age limit for marriage has been raised to 19 years for both men and women, the practice of child marriage still continues through the mechanism of marriage dispensation legalized by religious courts.

It was found that social factors such as low education, economic pressure, premarital pregnancy, and strong conservative cultural norms were the main drivers of marriage dispensation applications. In many cases, the reasons used to apply for dispensation are more normative and social than based on the best interest of the child. This shows that there is a gap between normative regulation and implementation in the field.

The Montong Gading Religious Affairs Office has tried to carry out its role by adopting the SIMKAH system which automatically rejects marriage if the age is not in accordance with regulations, as well as conducting legal education to the public. However, the preventive role of KUA is still limited due to the lack of involvement in the decision-making process for marriage dispensation. KUA



tends to be administrative implementers, not agents who are active in child protection advocacy.

Court issued marriage dispensation rulings, while legally valid, have an impact on weakening child protection status and often ignore the long-term risks that children must bear in social, psychological, and legal aspects. Thus, an ideal marriage dispensation system should involve multidisciplinary considerations, including the opinions of child psychologists, social workers, and community leaders.

This study concludes that regulatory revision is not enough if it is not accompanied by institutional practice reform and an in-depth sociocultural approach. The prevention of child marriage must be the shared responsibility of all stakeholders the courts, the KUA, families, and the wider community by making child protection a key principle in all legal and social processes.

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# CHALLENGES AND EFFORTS TO IMPROVE THE PERFORMANCE OF VILLAGE APPARATUS IN PUBLIC SERVICES: A QUALITATIVE STUDY IN SALUT VILLAGE

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## Abstract

*This study aims to evaluate the performance of village apparatus in the implementation of public services in Salut Village, Kayangan District, North Lombok Regency. The approach used is qualitative descriptive with data collection through interviews, observations, and documentation. The results of the study show that the performance of village apparatus in general has gone well, especially in terms of discipline, work spirit, and the ability to complete administrative service tasks. The use of Village Information System (SID) technology makes a significant contribution to service efficiency, although there are still technical obstacles such as power outages and limited infrastructure. Efforts to improve performance are carried out through regular coordination meetings, technical guidance training (BIMTEK), and periodic evaluations. The obstacles faced include limited human resources, double workload, and disagreement with community expectations. This study concludes the need to increase the capacity of apparatus and improve technological infrastructure to support optimal public services at the village level.*

**Keywords:** Village Apparatus, Public Services, Administrative Services



## A. Introduction

Public services are the main pillar in the implementation of modern and democratic government. It represents the state's obligation to meet the basic needs of the community, as well as a reflection of the quality of governance. In the Indonesian context, public services are constitutionally guaranteed and are part of the inherent civil rights of every citizen as stated in the 1945 Constitution of the Republic of Indonesia. The concept of public service is not only limited to the provision of administrative services, but also includes the distribution of public goods and social services that directly touch people's lives.

As public awareness of their rights as citizens increases, the demand for quality public services is increasingly emerging. Poor public services such as complicated bureaucratic procedures, lack of transparency, and the lack of adequate facilities and infrastructure lead to a decline in public trust in government institutions. This is especially felt at the front government level, namely the village government, which is the spearhead in the implementation of public services in rural areas.

In its implementation, public services at the village level are greatly influenced by the performance of village apparatus as policy and service implementers. This performance is one of the important variables in determining the success of village development and community satisfaction with the government. As stated by Wibowo, performance is the result of work that can be measured in terms of quantity and quality achieved by individuals and groups in a certain



organization.<sup>1</sup> Therefore, optimal public services require the performance of apparatus that is not only professional, but also oriented towards the public interest, transparency, and accountability.

However, in practice, the quality of public services in various villages in Indonesia still shows inequality. Many villages face obstacles such as low human resource capacity, lack of apparatus training, weak supervision, and limitations in planning and budgeting service programs.<sup>2</sup> The government itself has issued various regulations to strengthen the capacity of village government, including through the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 83 of 2015 which requires village officials to participate in training to improve work professionalism.<sup>3</sup>

This condition makes the evaluation of the performance of the village apparatus even more relevant. Evaluation not only serves as a control tool, but also as an instrument to identify problems, formulate solutions, and set the direction of public service policy development at the local level. With a systematic evaluative approach, the village government can find out the extent to which the services provided have met quality standards, as well as how to improve them sustainably.

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<sup>1</sup> Wibowo, *Performance Management* (Jakarta: Rajawali Pers, 2011), 7.

<sup>2</sup> Diah Kusuma Putri, "Performance of Village Government Apparatus in Public Services," *Journal of Public Administration* 4, no. 2 (2018): 102–110.

<sup>3</sup> Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 83 of 2015 concerning the Appointment and Dismissal of Village Apparatus.



Village officials are the main actors in the implementation of government and public services at the local level. Within the framework of Law Number 6 of 2014 concerning Villages, village officials have the responsibility to carry out accountable, participatory, and professional village government.<sup>4</sup> In the implementation of administrative tasks, development, community empowerment, and public services, the performance of village apparatus is the main benchmark for the success of the implementation of village government.

Performance, in the context of public organizations, can be understood as the achievement of work results in accordance with the goals and objectives that have been set, taking into account the aspects of quantity, quality, efficiency, and effectiveness.<sup>5</sup> Assessment of the performance of village apparatus must be carried out systematically and planned, through measurable indicators and based on community needs. This assessment is known as performance evaluation, which according to Dunn includes the assessment of the processes and results of a policy or program based on certain indicators such as effectiveness, efficiency, responsiveness, equity, and accuracy.<sup>6</sup>

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<sup>4</sup> Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, Articles 26 and 27.

<sup>5</sup> Veithzal Rivai, *Human Resource Management for Companies: From Theory to Practice* (Jakarta: Rajawali Pers, 2014), 549.

<sup>6</sup> William N. Dunn, *Introduction to Public Policy Analysis* (Yogyakarta: Gadjah Mada University Press, 2003), 145–147.



Evaluation of the performance of the apparatus becomes increasingly important in the era of decentralization, when villages are given greater autonomy in managing government and development affairs. Evaluation not only serves as a supervisory tool, but also as a managerial instrument to increase organizational capacity, strengthen public accountability, and improve service processes.<sup>7</sup> Evaluation of the performance of village apparatus also has a strategic dimension, because the results of the evaluation can be used for decision-making related to training, promotion, empowerment, and improvement of a more inclusive and efficient service system.

In this context, Salut Village, Kayangan District, North Lombok Regency is a relevant study object to examine how the evaluation of the performance of village apparatus has an impact on the quality of public services. Salut Village has organized various forms of administrative public services such as the management of domicile certificates, introductions to the making of ID cards, and other citizen need documents. The service facilities in this village are quite adequate, and the service procedures are relatively simple. However, there is no performance evaluation mechanism that is carried out systematically and continuously.

The absence of this performance evaluation can have an impact on the non-optimal quality of public services. In fact, in accordance with the principles of good governance, public services in

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<sup>7</sup> Wirawan, *Evaluation: Theory, Model, Standards, Application and Profession* (Jakarta: Rajawali Pers, 2012), 23.

villages should be carried out with the principles of effectiveness, efficiency, accountability, and oriented towards citizen satisfaction.<sup>8</sup> Without evaluation, it will be difficult for the village government to identify the obstacles that occur in the service process and to know the achievements that have been achieved.

Based on this urgency, this study aims to assess the performance of village apparatus in public services in Salut Village, and identify inhibiting factors that affect the performance of village apparatus in providing public services.

With this approach, it is hoped that evidence-based recommendations will emerge that can be used to improve the public service system in Salut Village and contribute to strengthening village governance in general.

## **B. Method**

This research uses a descriptive qualitative approach, which aims to gain a deep understanding of social phenomena that occur in the village government environment, especially in the context of evaluating the performance of village officials in providing public services. The qualitative approach provides space for researchers to capture social realities holistically and contextually, as well as allow for the exploration of perceptions, experiences, and practices carried out by actors in public service.<sup>9</sup>

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<sup>8</sup> Mardiasmo, *Public Sector Accountability* (Yogyakarta: Andi, 2009), 3–4.

<sup>9</sup> Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), 6–10.

This research was carried out at the Salut Village Office, Kayangan District, North Lombok Regency, for a period of two months. This location was chosen purposively based on several considerations. First, geographically these locations are easily accessible to researchers, which allows for optimal observation intensity. Second, Salut Village has a fairly high complexity of administrative services, but there is no system of evaluation of the performance of village apparatus that is carried out formally and in a structured manner. This makes the village a relevant and strategic locus to be used as an object of study.

In addition, the selection of Salut Village is also based on pragmatic and substantive considerations. Pragmatically, the proximity of the location supports logistics efficiency and data collection time. Substantively, public services that are not optimal and the absence of an internal evaluation system make this village have a high urgency for study.

### **1. Data Source**

This study uses two main types of data sources, namely primary data and secondary data.

Primary data was obtained directly from informants who were actively involved in the public service process in Salut Village, namely the Village Head, village government staff, and the community as service recipients. The selection of informants is carried out purposively with the consideration that they understand the problem directly and have experience in the implementation of public services. This purposive sampling



strategy is intended to ensure that the information obtained is relevant and in-depth in answering the formulation of the research problem.

Secondary data is used as a complement and reinforcement to primary data. This data is obtained through official documents, village internal reports, policy archives, and other literature related to performance evaluation and public services. As explained by Sugiyono, secondary data is a source of data that is not obtained directly from the research subject, but through other media such as documents or written records.<sup>10</sup>

## **2. Data Collection Techniques**

To obtain valid and context-rich data, this study uses three main techniques, namely observation, in-depth interviews, and documentation.

### **a. Observation**

Observations were made directly on public service activities at the Salut Village Office. The goal is to find out how the village apparatus performs in providing services, including aspects of communication, discipline, service procedures, and interaction between village officials and the community. Observations were carried out in a participatory and non-participatory manner to minimize bias. As stated by Sutrisno Hadi, observation is a complex process because it involves

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<sup>10</sup> Sugiyono, *Educational Research Methods* (Bandung: Alfabeta, 2010), 225.



biological and psychological activities, including the process of observation and recording information.<sup>11</sup>

b. In-Depth Interviews

Interviews were conducted in a semi-structured manner with the Village Head, village officials (especially the service section), and community members who used the service. The purpose of the interview was to explore the informants' understanding of service procedures, obstacles in the implementation of services, and their perception of the quality of village apparatus performance. This method allows flexibility in data mining, as well as providing space for informants to express opinions openly. Esterberg explained that an interview is a meeting between two parties to exchange information directly in order to build an understanding of a certain issue.<sup>12</sup>

c. Documentation

Documentation is used as a triangulation technique to strengthen observation and interview data. The documents studied include archives of public service activities, village meeting minutes, photos of service activities, and village regulations related to the implementation of services. Documentation is also useful in compiling empirical

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<sup>11</sup> Sutrisno Hadi, *Research Methodology Volume II* (Yogyakarta: Andi Offset, 1986), 136.

<sup>12</sup> Karin Esterberg, *Qualitative Methods in Social Research* (Boston: McGraw-Hill, 2002), 90.

descriptions and ensuring the traceability of the research process in a transparent manner.

### 3. Data Analysis Techniques

The data analysis technique in this study refers to the Miles and Huberman model, which includes three main components: data reduction, data presentation, and conclusion/verification.<sup>13</sup>

- a. Data reduction is carried out by selecting, simplifying, and organizing field data into meaningful and relevant information to the research focus. The researcher grouped the data based on the themes and indicators that had been determined, then formulated provisional findings from the results of interviews and observations.
- b. Data presentation was carried out in the form of descriptive narratives and thematic matrices that described patterns found in the field. The data is logically structured to support the systematic drawing of conclusions.
- c. Conclusions and verification are carried out continuously throughout the research process. The conclusions produced are interpretations of the data patterns found, as well as answering the formulation of the research problem. Conclusions are open and can be revised according to the dynamics of findings in the field.

### C. Results and Discussion

#### 1. Evaluation of the Performance of Village Apparatus in Public Services in Salut Village

Effective and responsive public services are highly dependent on the quality of performance of the organizing apparatus, including at the village level. In the context of Salut Village, the results of the

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<sup>13</sup> Karin Esterberg, *Qualitative Methods in Social Research* (Boston: McGraw-Hill, 2002), 90.



study show that the performance of village officials in general is considered quite good to very good by various groups of informants ranging from the Village Head, Village Secretary, to the community as service recipients. This assessment was obtained through observation methods, in-depth interviews, and the study of village service documents.

Performance evaluation in this study uses indicators developed from Linda Muchacha's concept, namely discipline, work spirit, and ability to complete tasks as the main benchmarks.<sup>14</sup>

## 2. Discipline and Attendance

Based on the results of interviews with the Head of Salut Village, Mr. Bahrudin, and the Village Secretary, Mr. Umar Asuhandi, it was stated that the village apparatus was present on time, carried out their duties according to working hours, and had a commitment to serve the community without discrimination. This is reinforced by the statement of residents who stated that village officials are always ready, even outside working hours, to handle urgent administrative needs. This level of discipline is an important foundation for the creation of sustainable services.

It is important to note that disciplinary behavior concerns not only physical presence, but also compliance with work procedures, including the use of the Village Information System (SID) for the management of correspondence and population data. With the use of this technology, services become more systematic and documented, in accordance with the principle of public service accountability.<sup>15</sup>

## 3. Work Spirit and Service Orientation

The work spirit of the village apparatus is reflected in their readiness to handle various forms of administrative services such as

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<sup>14</sup> Linda Muchacha, *Performance Evaluation of Village Government Apparatus* (Surabaya: Sinar Ilmu, 2019).

<sup>15</sup> Mardiasmo, *Public Sector Accountability* (Yogyakarta: Andi, 2009), 45–46.





the management of ID cards, family cards, birth certificates, business certificates, and the distribution of social assistance. One of the residents, Mrs. Murniatun, appreciated the readiness of the village officials who were proactive in providing information and simplifying the administrative process by informing residents in advance about the documents that must be prepared before taking assistance.

The readiness of village officials is also shown through their involvement in non-formal activities such as hamlet coordination, assistance socialization, and direct services outside working hours. This reflects the spirit of service based on empathy and social responsibility.

#### 4. Ability to Complete Tasks

In the task completion indicator, the Salut village apparatus showed high effectiveness. The process of serving correspondence, archiving, and following up on public complaints is carried out in a short time. No significant complaints were found regarding delays or administrative obstacles, except in technical cases such as power outages or application system disruptions.<sup>16</sup> However, village officials still show flexibility by carrying out services manually if the situation is urgent.

The successful completion of this task is also supported by structured internal coordination, such as weekly meetings and joint meetings every Monday morning, which are used for evaluation and planning of ministry activities. This reflects the application of the principle of results-based performance management, as stated by Mangkunegara, that good performance requires strengthening internal management consistently.<sup>17</sup>

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<sup>16</sup> Interview with Umar Asuhandi, Secretary of Salut Village, June 3, 2024.

<sup>17</sup> Anwar Prabu Mangkunegara, *Human Resource Management* (Bandung: Remaja Rosdakarya, 2017), 69.



## Administrative Services and Effectiveness of the Use of Village Information Systems (SID)

Administrative services are the most basic part of public service activities in the village, as they include the management of legal documents needed by residents in various social, economic, and population affairs. In Salut Village, administrative services include the issuance of Business Certificates (SKUs), cover letters for Family Cards (KK), ID cards, birth certificates, and other documents.

The results of the study showed that administrative services in Salut Village ran well and efficiently, and received positive responses from the community. This is inseparable from the commitment of the village apparatus to provide services quickly, precisely, and politely. As conveyed by Mr. Asbianto's residents, mail services were carried out "directly and quickly without waiting for a long time", showing the speed in the work process and responsiveness to the needs of the community.

Village officials, especially the Head of the Service Section and the Village Secretary, revealed that administrative services in this village have been supported by the use of technology through the Village Information System (SID). SID is a digital application that is used to manage population data and make it easier to create various types of mail. According to Isnawati, Head of Service of Salut Village, SID has helped simplify the service process because all community data has been digitized and stored systematically.

The utilization of SID applications has several key advantages:

1. Time and effort efficiency: Stored data allows letters to be created in minutes.
2. Reduction of administrative errors: SID minimizes input errors and document loss.
3. Increased transparency and accountability: Because each document is recorded and stored with a unique code.



The SID survey shows that Salut Village has adopted the principles of digital governance on a micro scale, as recommended in the modernization of public administration which emphasizes the integration of information technology to strengthen services and decision-making.<sup>18</sup>

However, there are several technical obstacles faced, including power outages and internet network disruptions, which cause SID-based services to be temporarily inaccessible. In such conditions, village officials continue to carry out services manually if it is urgent, even though there are limitations in data recording. In addition, the limited number of hardware (computers and printers) and the condition of the equipment that sometimes breaks down are also challenges, especially when the service volume is high.

Despite these obstacles, village officials still show flexibility and dedication in providing services. This shows that the success of the service is not solely determined by the technological infrastructure, but also by the commitment and work ethic of the apparatus. This finding is in line with the findings of Diah Kusuma Putri (2018), who emphasized that good public service is more determined by service behavior than just systems and procedures.<sup>19</sup>

Thus, it can be concluded that administrative services in Salut Village have made significant progress with the use of technology, but still require the support of facilities and training so that the implementation of SID can run optimally and sustainably.

Efforts to Improve and Hinder the Performance of Village Apparatus (With Literature Enrichment). In order to improve the quality of public services, village officials and village heads in Salut Village have implemented a number of strategies in accordance with

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<sup>18</sup> Wahyudi Kumorotomo, *State Administration Ethics* (Yogyakarta: Gadjah Mada University Press, 2008), 178–181.

<sup>19</sup> Diah Kusuma Putri, "Performance of Village Government Apparatus in Public Services," *Journal of Public Administration* 4, no. 2 (2018): 108.



best practices in human resource management and public administration. Regular coordination meetings held every week are a tangible manifestation of the application of organizational communication principles and team collaboration to ensure alignment of goals and continuous performance improvement. As Robbins and Judge point out, effective communication within an organization is the main foundation for building coordination and increasing work productivity.<sup>20</sup>

Technical guidance (BIMTEK) as a form of training and capacity building of village apparatus also reflects an understanding of the importance of sustainable human resource (HR) development. According to Noe et al., quality training can improve the technical skills and work behavior of employees so that they can increase organizational effectiveness.<sup>21</sup> The implementation of BIMTEK supported by the district and village governments is in line with the concept of capacity building which is the key to bureaucratic reform and improvement of public services at the local level.<sup>22</sup>

Performance evaluations conducted consistently by village heads are also an important performance management practice. According to Armstrong and Taylor, systematic performance evaluations provide constructive feedback, clarify expectations, and encourage employee performance improvement.<sup>23</sup> Thus, evaluation is not only a control instrument, but also a means of developing the professionalism of village officials.

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<sup>20</sup> Stephen P. Robbins dan Timothy A. Judge, *Organizational Behavior*, 17th ed. (Boston: Pearson, 2017), 330–335.

<sup>21</sup> Raymond A. Noe, *Employee Training and Development*, 7th ed. (New York: McGraw-Hill, 2017), 45–50.

<sup>22</sup> Purwana, B. H., & Sinurat, H. P. – "Building Institutions and Developing Competencies of Village Apparatus to Improve Public Services in Villages" (National Conference on Administrative Sciences, 2020)

<sup>23</sup> Michael Armstrong and Angela Taylor, *Armstrong's Handbook of Human Resource Management Practice*, 14th ed. (London: Kogan Page, 2020), 415–420.



However, a number of obstacles found in this study are in line with the literature that shows the complexity of public service problems in villages. Technical obstacles such as limited facilities and infrastructure, power outages, and information systems that are not fully stable are external factors that often affect the effectiveness of services. As stated by Heeks in his study on e-governance, the infrastructure factor is one of the main obstacles in the implementation of information technology in village government.<sup>24</sup>

In terms of human resources, challenges such as lack of staff experience and the need for continuous training are also in the spotlight. This is in accordance with the findings related to the competency gap of village apparatus which is still a problem in various regions, as explained by Putra and Irawan (2019), that increasing the capacity of human resources of apparatus is the main prerequisite in realizing quality public services.<sup>25</sup>

In addition, social and organizational aspects also play a significant role in performance inhibitions, such as double workload and mismatch of societal expectations. According to Denhardt and Denhardt, effective public service requires good relationship management between service providers and the community, including realistic expectations management and effective two-way communication.<sup>26</sup>

Therefore, a holistic approach that integrates infrastructure improvement, human resource training, and social communication management needs to be prioritized in the strategy to improve the performance of village apparatus. This approach not only improves

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<sup>24</sup> Richard Heeks, *Implementing and Managing eGovernment: An International Text* (London: SAGE, 2006), 105–110.

<sup>25</sup> Akmal, F. N., Dwiputrianti, S., Jubaedah, E., Listiani, T., & Afandi, M. N. – "Competency Development of Village Apparatus through Analysis of Educational and Training Needs of Village Government" (National Conference on Administrative Sciences, 2020)

<sup>26</sup> Robert B. Denhardt and Janet V. Denhardt, *Public Administration: An Action Orientation*, 7th ed. (Boston: Cengage Learning, 2015), 280–285.



the quality of service, but also strengthens the community's trust in village government as a responsive and accountable institution.

#### **D. Conclusion**

This research reveals that the performance of village officials in Salut Village in the implementation of public services has gone well in general. Village officials show high discipline, strong work spirit, and ability to complete administrative tasks effectively and efficiently. The use of Village Information System (SID) technology has become an important innovation that helps speed up the service process and improve the accuracy of administrative data. This shows that the digitization of services at the village level can have a significant positive impact on the management of public administration.

However, the research also highlights the existence of various obstacles that still hinder service optimization, such as limited technological infrastructure, power outages, and lack of adequate hardware. In addition, the varying capacity of human resources, especially in terms of mastery of technology and administrative procedures, still requires improvement through continuous training. The double workload and high demand for services, even outside official working hours, also pose challenges for village officials.

Organizationally, efforts to improve performance through regular coordination meetings, technical guidance, and periodic performance evaluations show the commitment of village heads and apparatus in improving the quality of services. This reflects the application of modern management principles that focus on internal



communication, training, and performance monitoring as the foundation for improving organizational quality.

The findings of the study also underlined the importance of managing the relationship between village officials and the community, especially in managing service expectations and managing workloads so as not to cause fatigue and stress to the apparatus. A holistic approach that integrates improving technological infrastructure, developing human resource capacity, and strengthening social communication is the key to success in realizing responsive, efficient, and community-satisfied public services.

As a final conclusion, to realize optimal public services at the village level, local and village governments need to pay special attention to the development of digital infrastructure and improving the competence of village apparatus. Synergy between the government, village officials, and the community is very important as social capital to build an accountable and professional village government.



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# **GUARANTEEING THE RIGHT TO VOTE FOR INDIVIDUALS WHO MARRY UNDERAGE IN THE PERSPECTIVE OF THE CONSTITUTION**

***(Lex Principle Approach Specialist Derogat Legi Genrali and Homo Sacer Theory Giorgio Agamben)***

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## **Abstract**

*This study aims to analyze the guarantee of the right to vote for individuals who marry underage from a constitutional perspective with the principle of *lex specialis derogat legi generali* approach. Normative conflicts occur between the Election Law, the Child Protection Law, the Marriage Law, and the Civil Registration Law. Based on this principle, special laws (*lex specialis*) can override general laws (*lex generalis*). Thus, married minors should be able to exercise their right to vote because the Election Law is special in the implementation of elections. This study uses the *homo sacer* theory of Giorgio Agamben. In this theory, individuals under the age of 17 who marry are considered "human beings without protection" because they do not acquire constitutional rights. They are abandoned by the state even though they are still recognized as part of*



*the state. Agamben called Homo Sacer a group that lost its political rights but remained an object of power without legal protection. This study uses a qualitative method, collecting primary data through interviews and secondary data from documentation. Data analysis was carried out with an interactive model: collection, reduction, presentation of data, and drawing conclusions. The results of the study show that individuals who marry underage do not get the right to vote because the state fails to resolve the conflict of norms. This condition causes them to slip into the "identity vacuum" as homo sacer, abandoned due to the state's inability to maintain sovereignty and protect the constitutional rights of its citizens.*

**Keywords:** *Voting Rights, Underage Marriage, Homo Sacer, Legal Principles, Election Law*

## **A. Introduction**

Indonesia is a country that adheres to the state of law system. Guaranteeing every citizen's political or voting rights or the sovereignty of citizens as enshrined in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia: sovereignty is in the hands of the people. It is exercised in accordance with the applicable Constitution. Etymologically, the term democracy comes from the Greek demos, which means people, and Kratos means power. Therefore, democracy can be interpreted as the power that the people have. (Rosana, n.d. 2016) People's sovereignty is the basis of democracy, which means that people can participate in decision-making related to the common good either directly or through democratically elected representatives. (Kodiyat, 2019) In Indonesia,



this is not only a political process; democracy is also related to implementing civil rights and individual freedoms, such as freedom of speech, assembly, and religion. (Adiwilaga R, 2018) (Adiwilaga R, 2018)(Radis Bastian, 2015)

Rights are the most important part of a democratic system that guarantees that everyone has the opportunity to participate fairly and actively in government.( Jayadi,et al., n.d.2023) Human rights instruments such as the Universal Declaration of Human Rights include civil, political, economic, social, and cultural rights recognized nationally and internationally. The Universal Declaration of Human Rights also states that everyone has the right to participate in the state's government, either directly or through elected representatives. In the Indonesian context, political rights are part of the human rights recognized and guaranteed by the constitution and Law No. 7 of 2017 concerning general elections.(Miriam Budiardjo, 2003) As stated in Article 43 of the International Covenant on Civil and Political Rights, ratified by Law No. 12 of 2005, the right to vote, or the right to vote, is the most important political right in democracy because it provides an opportunity for every eligible citizen to elect representatives and leaders of the country. Voting rights allow citizens to participate in determining government policies, which directly impact their lives.

In the Indonesian legal system, various laws regulate voting rights to increase public participation in the general election process in Indonesia. According to article 198, paragraph (1), it is stated that "Indonesian citizens who are 17 (seventeen) years old or older on the



day of the ballot collection, are married, or have been married have the right to vote" Law No. 7 of 2017.

The right to vote is considered a political right; most citizens should not sacrifice their rights. This is what happens in cases of underage marriages where the individual is an approved citizen. Still, because the age is under 17, the human rights of toddlers allow for actions prohibited by the Child Protection Act. People who marry underage are often considered mentally unprepared to engage in important political decisions. However, studies show that many early marriages in Indonesia lead to divorce. This is due to the lack of readiness of young couples to overcome domestic problems. It also indicates that they may not be ready to exercise their right to vote properly. (Suhartati Dan Nursanti, n.d.2020) Although Indonesia is very committed to protecting children's rights, there are still many legal issues, especially regarding the voting rights of married children. Although Law No. 35 of 2014 on Child Protection emphasizes that children must be protected from exploitation, children who marry underage are left to engage in politics without adequate protection. (Wijaya n.d.2016)

Voters are defined in Law No. 7 of 2017 concerning Elections as Indonesian citizens who have the right to vote in general elections. Article 198 of the law emphasizes that voters must be at least 17 years old or married, even though they have not reached the age of 17. According to this provision, marital status can give voting rights to individuals who are not of legal age according to the general age standard. This reflects the recognition of married individuals' social



status and civic responsibility, where they are considered old enough to participate in elections. This law gives suffrage to people who marry underage because marital status affects their social role as members of adult society. This arrangement demonstrates efforts for social inclusion during the democratic process and protects the political rights of everyone in a democratic country like Indonesia.

NTB Province simultaneously continues to experience an increase in the number of child marriages (minors) and ranks first in the highest number of child marriages in 2023 at 17.32%, double the national average of 6.92%. In West Lombok, from 2020 to 2023, there is a downward trend in child marriage. Child marriage accounted for 16% of total marriages in 2020, according to data from the Central Statistics Agency (BPS). However, in 2023, this figure gradually decreases to 7%. (BPS, NTB, 2023) Raising public awareness and education plays an important role in this change. However, the problem of cultural norms and economic factors remains. This success reduces early marriage and increases children's access to better education and other rights.

Again, Law No. 7 of 2017 allows individuals who marry under the age of 17 to exercise their right to vote with the mechanism of managing isbat nikah or dispensation from the religious court as a condition to obtain official identity at the Population and Civil Registration Office (Dukcapil). However, there are a number of obstacles in the implementation of voting rights, including logistical barriers, limited access to election information on social media, and the supervisory role of Bawaslu that needs to be improved to ensure



the protection of voting rights for these individuals in West Lombok Regency.

In the context of the right to vote for individuals who are married underage, the conflict is between Article 19 of Law number 7 of 2017 concerning Elections, which states that married minors have the right to vote in elections, while the Population Administration Law requires that an identity card (KTP) can be owned by individuals who are at least 17 years old, while to be recorded as a voter by the General Election Commission (KPU), the main requirement is population identity or ID card.

The conflict between the Election Law (Law No. 7 of 2017) and the Child Protection Law (Law No. 35 of 2014) is in the Election Law Article 198 Paragraph (1) states that Indonesian citizens who on the day of voting are 17 years old or older, married, or have been married have the right to vote while the Child Protection Law Article 26 Paragraph (1) letter c and Article 1 Paragraph (1) states that a child is defined as a person who is not yet 18 years old, including those who are still in the womb. This article has implications for the protection of children who should still be considered minors if they are not yet 18 years old, even though they are married. The Election Law gives the right to vote to children who marry even though they have not reached the age of 17 or 18 years, while the Child Protection Law requires special protection for them because their status as children are psychologically considered not fully mature.



The conflict between the Marriage Law (Law No. 16 of 2019) and the Population Administration Law (Law No. 24 of 2013 concerning Civil Registration), the Marriage Law Article 7 Paragraph (1) states that marriage is only allowed if a man and a woman have reached the age of 19 years while the Population Administration Law Article 63 Paragraph (1) letter states that residents of Indonesian citizens who have been 17 (seventeen) years old or have been married are entitled to have an ID card. A person who is married but has not reached the age of 19 years (according to the Marriage Law), is entitled to have an ID card (based on the Population Administration Law) because of his or her married status. However, this creates administrative and legal ambiguity because the minimum age for marriage is higher than the age required to obtain an ID card (17 years old).

The conflict between the Election Law (Law No. 7 of 2017) and the Population Administration Law (Law No. 24 of 2013), Article 198 Paragraph (1) of the Election Law states that Indonesian citizens who are 17 years old or older, married, or have been married on the day of voting have the right to vote while the Population Administration Law Article 63 Paragraph (1) letter states that Indonesian citizens who have been 17 years old or have been married are entitled to have an ID card. If a person who has been married under the age of 17 wants to exercise their right to vote in the election, then administratively, they are prevented because the ID card is the main requirement to be registered as a voter (based on the Election Law). This creates a clash between recognizing voter rights based on





marital status and the administrative requirements regulated by the Population Administration Law.

The application of the principle of *lex specialis derogat legi generali* in this case shows the importance of progressive interpretation of the law, for example based on the fact that in the context of the implementation of the Election Law No. 7 of 2017 which is the most relevant because it is more specific than other laws, if it does not allow individuals under the age of 17 to be married to exercise their right to vote, then the state represented by the KPU has committed an unconstitutional act. The right to vote is a basic right recognized by the 1945 Constitution and various international instruments, such as the Universal Declaration of Human Rights. Therefore, administrative rules that hinder the exercise of this right should be adjusted or ignored in order to guarantee individual voting rights. In this case, the interpretation of the *lex specialis* principle is not only a formal legal matter, but also reflects a commitment to protecting human rights.

Research conducted by several Indonesian legal academics shows that the application of the *lex specialis* principle often faces challenges in practice, especially due to the lack of understanding and alignment between the various institutions involved in the implementation of elections. One relevant example is how the KPU is often stuck in a formal legal approach that prioritizes administrative requirements, without considering the substantive aspects of the right to vote. For example, Ida Ayu Sintya Wulandari, I Wayan Rideng, and Luh Putu Suryani from Warmadewa University in an article



entitled "Criminal Sanctions in Election Crimes related to the Principle of *Lex Specialis Derogate Legi Generali*" (2022), discuss the regulation and sanctions in election crimes related to the application of the principle of *lex specialist derogat legi generali* or Yuzon Sutrirubiyanto Nova from Pamulang University. The journal "Leave Rights of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 7 of 2017 concerning General Elections" (2022) examines the application of the *lex specialis* principle in the context of leave rights for incumbent presidential candidates. The relevance is that this principle can be used to give priority to special norms of the Election Law in order to guarantee their voting rights. However, like the author's experience in the 2024 General Election and Regional Elections, its implementation is hampered by rigid administrative procedures by the KPU General Election Commission)

Giorgio Agamben's *homo sacer* theory is used in this study because the position of individuals under 17 years old who have been married does not have constitutional rights because they experience neglect and neglect, which in Agamben's view is referred to as a human being without protection abandoned by the state but on the other hand recognized as part of the state. Furthermore, Agamben stated that *Homo Sacer* is a person or group who is excluded from his political rights even though he is still in a relationship with sovereign power, because he remains an object for power that allows his life without legal protection.



Legal journals in Indonesia that discuss Agamben's theory often associate it with the concepts of sovereignty and exclusion in the modern legal system. The journal entitled "A Critical Analysis of the Potential for the Emergence of the Homo Sacer Phenomenon in the Absence of Time Limits in the Investigation Process" by Andini Ayu Pangestu (2019), for example, examines how the absence of time limits in the investigation process can create a situation where certain individuals are not fully protected by the law, even though they are within the jurisdiction of the law. In the context of individuals who marry underage, this situation is created because of the inconsistency between substantive legal norms and procedural administrative norms. Rizki Dwi Agus also conveyed the same thing in his journal entitled "State Sovereignty and the Subject of Homo Sacer in The Pianist Film Based on the Perspective of Giorgio Agamben (2019)." Rizki analyzes how the concept of homo sacer is used to understand the position of excluded individuals in the context of state sovereignty, with a case study on the film *The Pianist*, a film set in Poland with the Polish Jewish community experiencing homo sacer and being treated arbitrarily by Nazi Germany.

With a qualitative approach, this study collects data from two sources: primary data through interviews with related parties and secondary data from documentation. Data analysis techniques use interactive models, including data collection, data reduction, data presentation, and conclusion drawn.

Furthermore, this research was conducted to find out how Law No. 7 of 2017 grants voting rights to individuals who marry underage,



including administrative processes and legal mechanisms that support its implementation, as well as various administrative, social, cultural, and geographical obstacles faced by individuals who marry underage in exercising their voting rights in West Lombok Regency.

The main focus of the research is to understand how Law No. 7 of 2017 concerning Elections does not accommodate the right to vote for underage married individuals by identifying the obstacles they face in the implementation of voting rights in West Lombok Regency that lead to the neglect of the right of children under 17 years old.

M . Mujib's research entitled Protection of Citizens' Political Rights in General Elections. (Mujib. M. 2019) Emphasizing the importance of political rights as one of the human rights that the state must protect and recognize. The right to vote is one of the manifestations of political rights owned by Indonesian citizens. This right is guaranteed in the constitution and strengthened by Law No. 7 of 2017 concerning Elections. In this context, the researcher emphasizes how the state protects the right to vote through electoral regulations and constitutional mechanisms that are in accordance with democratic principles but also with some restrictions for the public interest and social stability.

Billy Elanda's research entitled Institutional Relations between Bawaslu and KPU in implementing Elections.(Billy Elanda,2018.) This research emphasizes how important it is to regulate the relationship between the KPU and Bawaslu harmoniously, as well as to develop an ideal concept to reduce



institutional conflicts to organize more efficient, fair, and democratic elections. (Fahmi Islam,M,2017)

Noer Ubaedilla's research entitled *The Persistence of Early Marriage Practices in Mangguan Village, Pasuruan Regency, East Java*. (Noer Ubaedilla.2019) This research is to discover why the tradition of early marriage still exists in Mangguan Village. In addition, this study examines how society maintains the practice, especially through social pressures, hereditary traditions, and economic problems. To study the social interactions that influence the decision to marry early.

Supriadi's research entitled *The Implications of Early Marriage on the Fulfillment of Children's Rights in Padang Sawah Village, Kampar Kiri District, Kampar Regency*. (Supriadi.2020) Supriadi's research discusses various aspects of early marriage, ranging from what causes it, such as promiscuity, media influence, and lack of parental control, to its impact on children's rights, such as education and welfare. In addition, the study investigated how early marriage in Padang Sawah Village is often not officially recorded, even though it is religiously valid, as well as how domestic conflicts can cause children to be physically and emotionally neglected.

Using a qualitative-descriptive approach, Supriadi emphasized how important it is for the public to understand the dangers of early marriage and better prevention efforts. Andini Ayu Pangestu's research was entitled *A Critical Study of the Potential for*



the Emergence of the Homo Sacer Phenomenon in the absence of a time limit in the investigation process. This thesis discusses the potential for the emergence of the homo sacer phenomenon when there is no time limit for the investigation process. Another goal is to find out the ideal conditions for the problem of the emergence of homo sacer in the investigation process. The journal is titled State Sovereignty and the Subject of Homo Sacer in The Pianist Film Based on the Perspective of Giorgio Agamben, a study that aims to analyze the film The Pianist, directed by Roman Polanski in 2002. The analysis was carried out based on the viewpoint of political philosophy put forward by Giorgio Agamben.

The analysis in this study is about the social conditions during the invasion of Poland by totalitarian Nazi Germany in 1939 which is visualized in the film The Pianist. The social conditions in question include the human rights of civil society, which becomes a problem for Poland if it is protected or not protected, and groups that are homo sacer during the invasion. The results showed that Poland was outside the law or suspended the law to protect itself from the invasion of Nazi Germany. Therefore, Poland does not fulfill its authority to provide security, justice, and social services, especially to homosexual groups.

The groups that are homo sacer in this regard are Polish Jews. Polish Jewish groups experience suspension and discrimination against their citizenship rights. The suspension and discrimination were the impact of Poland's extrajudicial authority to protect the country's sovereignty over the invasion of Nazi Germany. Journal of



Agamben's Political Philosophy Theory in Literary Works: Bare Life and Homo Sacer by Damay Rahmawati and Ecclesia Sulistyowati This research presents Agamben's socio-political ideas and theories around state sovereignty and human rights to provide views and comparisons in relation to theories in the social sciences and literature. Agamben is one of the philosophers who emerged in the modern era, whose thoughts are related to the great philosophers of his predecessors, such as Michel Foucault and Hannah Arendt, also discussed in this study.

Therefore, this study also presents the relationship between the concepts of their thinking and the political concept of Agamben applied in literary criticism articles. Based on the data obtained through literature studies, it was found that the depiction of the terms bare life and homo sacer is Agamben's view of human quality as an individual.

Agamben shows that state sovereignty can change the status of human beings without human rights or political rights under their rule, which can also be found in several literary works discussed in literary criticism articles. Yuzon Sutrirubiyanto Nova Journal with the title The Right to Leave of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 7 of 2017 concerning General Elections (Analysis of the Constitutional Court Decision Number 10/PUU-XVII/2019) This paper examines the Leave Rights of Incumbent Presidential Candidates After the Judicial Review Decision of Law Number 07 of 2017 concerning General Elections (Analysis of the Constitutional Court Decision Number



10/PUU-XVII/2019), The purpose of this study is to find out the considerations taken by judges in issuing the Constitutional Court decision number 10/PUU-XVII/2019 regarding leave to carry out campaigns for the President and/or Vice President who are running for re-election in the Presidential and Vice President elections, as well as to find out how the implementation of campaign leave in Law Number 7 of 2017 concerning General Elections after the issuance of the Constitutional Court Decision Number 10/PUUXVII/2019 Reviewed from the concept of the state of law, legal certainty and justice. The research method used in this study is the normative juridical method or the doctrinal (dogmatic) legal research method.

Then, because this research is comparative research between what is carried out in the present and what is done in the past, in addition to using the normative juridical research method, it also uses a historical research approach (looking at history), added with a legal approach and a conceptual approach as a research method, this study concludes that in the application of campaign leave for presidential candidates who have the status of the incumbent, namely by carrying out leave only during the campaign, after the completion of the campaign, the duties and positions as President are attached again. Therefore clear arrangements and limits are needed regarding state facilities, both allowed and prohibited in carrying out campaign activities.

Journal of Implementation and Legal Consequences of the Application of the Principle of Lex Specialist Derogat Legi Generalis to the Privileges of Aceh by Titis Anindyajati, Winda Wijayanti, and





Intan Permata Putri on the Contestation of the Implementation of the Regional Election Law Nationally or the principle of *lex specialist derogat legi generalis* as a matter of reference to the rules related to the requirements for submitting a dispute application for the Aceh Regional Elections. This research is normative legal research related to the Regional Election Law and the Aceh Qanun regarding the Regional Elections. The crucial problem in the special regulation related to Aceh's privileges is that it does not regulate the threshold conditions so that the principle of *lex specialis derogate legi generali* cannot be used in applying to an election dispute will be contrary to the 1945 Constitution. The Election Law cannot be ruled out as the basis for applying for an Election dispute to the Constitutional Court. This principle can be applied to cases that meet the requirements, so preparing a harmonious law is necessary to form a special judicial body that resolves election disputes.

The ten studies discussed provided information on various aspects related to the *lex specialist derogate legi generali*, homo sacer, the administration of elections with political rights, early marriage, and institutional relations. Still, none of them specifically addressed the protection of voting rights for underage marriages. Billy Elanda's thesis discusses the institutional relationship between the KPU and Bawaslu without paying attention to vulnerable groups, while M. Mujib's thesis emphasizes the importance of protecting political rights as a whole. Muhammad Fahmi Islami's study analyzes the presidential threshold from a human rights perspective but is not directly related to the problem of young married voters.



Noer Ubaedilla's thesis studies the reasons why early marriage continues to occur. Supriadi's thesis discusses the impact of early marriage on children's rights as a whole without prioritizing political rights. Therefore, this study examines how Law No. 7 of 2017 protects the voting rights of underage married people, as well as overcoming challenges and ways to ensure the implementation of their political rights, as well as the five other theses and journals listed above, do not specifically discuss the fulfillment of the constitutional rights of minors and married children in obtaining their voting rights.

## **B. Method**

This research uses a descriptive qualitative approach, which aims to gain a deep understanding of social phenomena that occur in the village government environment, especially in the context of evaluating the performance of village officials in providing public services. The qualitative approach provides space for researchers to capture social realities holistically and contextually, as well as allow for the exploration of perceptions, experiences, and practices carried out by actors in public service.<sup>1</sup>

### **1. Type of Research**

The type of research used is a type of qualitative research with a phenomenological approach. Qualitative research is an approach that focuses on thoroughly exploring the phenomena

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<sup>1</sup> Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), 6–10.



experienced by certain individuals or groups.(Somantri, 2005)  
In qualitative research, researchers act as the main tool for data collection and seek to thoroughly understand the participants' meanings, perceptions, and perspectives. This method is particularly relevant in social research because it provides the flexibility to explore contexts and nuances that are difficult to achieve with a quantitative approach. (Creswell, 2014)

Phenomenology is a qualitative research approach that aims to understand phenomena' subjective experiences and perceptions, in other words, how people feel, understand, and give meaning to their experiences. (Tumangkeng, 2022) A phenomenological approach seeks factual information and understanding the subject's subjective views and the meaning they provide to their experiences. This method allows researchers to thoroughly investigate how the experience of early marriage affects a person's perception of their suffrage and political involvement. So, the purpose of this study is to gain a broader understanding of the problems faced and to help policymakers make policies that protect the voting rights of this group.

## 2. Data Source

- a. Primary data is data obtained directly by researchers from several sources or objects to be researched in this study. According to Muhammad Teguh, primary data is also known as original or new data that is always current or up to date. This type of data is mined and collected from primary or original sources and is generally in the form of qualitative data.(Sujarweni,V.W.2014) Which is included in the primary data source in this study and can be directly obtained from people who are married underage, namely Yulia, Abim, Riski, Ansori and Mr. Zulkarnain, a civil servant and the primary data source, of course, from the Commissioner of the West Lombok KPU, Mr. Hamdi, the Commissioner of the West



Lombok Bawaslu, Mr. Samsul Hadi, and an interview with the chairman of the Labuapi PPK, Mr. Ilham.

- b. Secondary data is supporting data or additional data that complements primary data. This data type is not obtained directly by researchers from the primary research subjects or sources. Secondary data serves as complementary data for primary data obtained from sources other than the research subject.(Alir, n.d.) In this study, the secondary data used includes Legislation No. 7 of 2017 concerning elections that regulate voting rights for married or married individuals who are not yet 17 years old, as well as KPU and BAWASLU reports related to the implementation of elections and socialization for this vulnerable group.

### 3. Data Collection Methods

Some of the data collection methods that will be used in collecting data in this study include:

#### a. In-Depth Interviews

Interviews will be conducted with the West Lombok KPU Commissioner, West Lombok Bawaslu Commissioner, Chairman of the Labuapi PPK and married minors. Researchers will conduct semi-structured interviews using open-ended interview guidelines to explore respondents' experiences, views, and feelings about their suffrage. Researchers can understand each person's unique experience with this method.(Sukmadinata, 2010) This discussion will involve groups of people with similar backgrounds to discuss the issue of voting rights and child marriage. Allows respondents to share experiences and perspectives with each other, allowing researchers to discover subjects that emerge from group interactions.

#### b. Observation

In qualitative research, observation aims to understand situations or behaviors in the natural environment without direct intervention from the researcher.(Wijaya et al.,2018) This technique is known as a data collection technique in which researchers directly look at the phenomenon or



behavior of an individual or group in the context being studied. The researcher made observations at the KPU (General Election Commission) office, at the BAWASLU (Election Supervisory Agency) office, and several villages in West Lombok Regency where there were married voters under the age of 17.

c. Documentation

The data collection method, or the documentation technique, involves collecting and analyzing data from various documents related to the research subject. (Achjar, 2023) This document can be in the form of reports, archives, regulations, laws, photos of draft election laws, news, diary, photos, or videos that are directly related to the issue to be studied. Phenomenological research uses documentation as a secondary source of data that helps them understand the context and background of the phenomenon being researched.

#### 4. Data Analysis

a. Data Analysis Techniques

Data analysis techniques are the process of systematically tracking and organizing field records collected from observations, interviews, and other sources to enable researchers to report on the results of their research. Data analysis also includes activities and determining which parts to report on depending on the focus of the research. Using the results of the analysis to gain a better understanding of the experiences of underage married people in relation to voting rights. The results of this analysis are expected to show the difficulties and desires of these individuals in exercising their voting rights. This research focuses on the implementation of Law No. 7 of 2017 on Elections regarding the voting rights of individuals who marry underage and uses qualitative data analysis techniques developed by Miles & Huberman. (Qomaruddin & Sa'diyah, 2024) This method provides researchers with a systematic framework to help reduce data, present data, and draw conclusions.

b. Data Validation Techniques



Data validation is an analysis method used in qualitative research to increase the validity and credibility of data. (Susanto et al., 2024) In this case, it involves using various data sources or data collection methods to ensure that the research results have a high level of accuracy. By validating, researchers compare and confirm findings from different viewpoints or data sources, thereby reducing the possibility of bias, such as interviews, group focuses, and observations, to ensure that the data is credible and accurate. In addition, researchers will also conduct member examinations. This is an opportunity for respondents to review the analysis and interview results to ensure that the researcher's interpretation is correct and in accordance with their experience. Researchers can improve the validity and reliability of research results in this way.

c. Triangulation

Triangulation is a data collection technique that combines various data collection techniques and existing data sources. In this case, the researcher will use triangulation techniques, to test the credibility of the data by checking the data to the same source with different techniques.

In the implementation of this study, the researcher checked data derived from interviews with the Commissioner of the KPU, the Commissioner of Bawaslu, the Chairman of the Labuapi PPK and the chairman of Panwascam and the Lingsar PPK, and voters who were married under the age of 17. Furthermore, the results of the interview were then checked by the researcher with observations and documents obtained during this research period, this aims to find out law No. 7 of 2017 in granting the right to vote to individuals who marry underage. Then, the data that has been obtained is described and categorized, which is the same view and which is a different view, and the specifications of some of these sources.



### C. Results and Discussion

According to data from the Central Statistics Agency (BPS), the rate of early marriage in West Lombok Regency fell from 16% in 2020 to 7% in 2023. This decline is due to better public education and local government efforts to reduce the practice of early marriage. However, because the high rate of early marriage in the region is still a problem in the conduct of elections, this figure shows how important the right to vote is for individuals who marry underage. (Quoted from BPS 2023). Furthermore, the data obtained by the author from Lakpesdam NU NTB, who conducted independent research related to similar issues stated that NTB Province simultaneously continued to experience an increase in the number of child marriages (minors) and ranked first in the highest number of child marriages in 2023 at 17.32 percent, double above the national average of 6.92 percent. This means that it is important for the state to guarantee that married minors have equal access to exercising their rights to vote.

According to Article 198 of Law No. 7 of 2017, people who marry underage have the right to vote even though they have not reached the age of 17. However, the exercise of this right depends on the completeness of population documents such as marriage certificates or ID cards. This administrative process is often an obstacle because of the large number of marriages that are traditionally carried out without official registration, making it difficult for the person to be registered in the Permanent Voter List (DPT). An interview with the West Lombok KPU Commissioner, 2024, is the source.

Political education provided by the West Lombok General Election Commission includes socialization of voting rights for couples who marry underage. However, people still do not





understand it, especially in rural areas. Many young unmarried couples stated that they did not understand the electoral process and the importance of their right to vote before becoming part of this socialization. (Source: Conversations with youth voters, 2024)

The West Lombok Regency Bawaslu actively investigates violations of voting rights, especially related to underage spouses. Supervising the polling station directly and providing a complaint channel is how supervision is carried out. However, a lack of human resources and a lack of public awareness to report violations hinder surveillance. The source is an interview with the Commissioner of the West Lombok Bawaslu, 2024.

The study found that traditions such as *merariq kodeq* in West Lombok contributed to an increase in the number of early marriages. Married people are often considered adults even though they have not reached the legal age to have documents such as ID cards, which makes it difficult to register on the Permanent Voter List (DPT). Although Law No. 7 of 2017 grants voting rights to individuals who marry underage, its implementation faces administrative challenges, poor political education, and cultural challenges. Around the world, the right of vulnerable individuals to vote is an important part of political inclusion emphasized in international conventions such as the Universal Declaration of Human Rights. Based on the theory of *Homo Sacer* Giorgio Agamben, this policy makes married minors not get the right to vote because they are ignored on formal legal grounds without paying attention to the legal substance of the more specific rules. In addition, Friedman's legal theory argues that a weak legal culture and legal structure are the main obstacles to guaranteeing the right to vote for this group. As a result, to promote a more inclusive democracy, more comprehensive actions are needed that include increasing political education, simplifying administrative procedures, and collaboration between the government, the KPU, Bawaslu, and community leaders.





#### D. Conclusion

This research reveals that the performance of village officials in Salut Village in the implementation of public services has gone well in general. Village officials show high discipline, strong work spirit, and ability to complete administrative tasks effectively and efficiently. The use of Village Information System (SID) technology has become an important innovation that helps speed up the service process and improve the accuracy of administrative data. This shows that the digitization of services at the village level can have a significant positive impact on the management of public administration.

The results of the research on guaranteeing voting rights for individuals who marry underage in the perspective of Law No. 7 of 2017 concerning Elections, with a case study in West Lombok Regency, concluded that the Election Law allows individuals who marry under 17 years old to exercise their voting rights on the condition of taking care of isbat nikah or dispensation from the religious court to obtain self-identity through Dukcapil. However, implementing the right to vote faces various obstacles, such as limited access to information through social media, the weak role of Bawaslu in supervising voting rights, and logistical constraints. In addition, the neglect of the rights of children who are married under the age of 17 makes them unable to access the right to vote. At the



same time, the KPU and Bawaslu are considered to have committed unconstitutional actions by ignoring the constitutional rights of these children who are married. From the results of the research, discussion and conclusions that already exist, the researcher can provide the following suggestions:

1. For the West Lombok KPU should continue to hold socialization for voters, both for first-time voters, female participatory voters, and voters who are underage married. So that all regulations and legislation can be properly socialized to the community. Give
2. The West Lombok Bawaslu should take a greater role in the implementation of election supervision in West Lombok so that there is no intimidation and manipulation of votes, especially against voters who are underage married.
3. For underage voters: they should immediately take care of their marriage isbat so that they can take care of their identity to the dukcapil and have full voting rights even though they have not reached the age of 17 years.
4. Request the organizers (KPU and Bawaslu) to hold a coordination meeting across stakeholders such as the Ministry of Religious Affairs, Religious Courts, District Courts, Ministry of Home Affairs, Dukcapil Office, village government, and other related agencies to obtain information related to the existence of minors who have or have been married through dispensation or series).
5. For the organizers (KPU and Bawaslu) to make minors who have been and or have been married as targets or subjects of socialization or voter education programs and strengthening democracy.
6. For the organizers (KPU and Bawaslu) to continue conducting discussions and studies with experts and observers of elections and children to formulate technical policies immediately to



affirm the political rights of minors who have been and or have been married in elections.

7. For election organizers (KPU and Bawaslu) to recognize and affirm the existence of minors who have been and/or have been married to become voters in the 2024 regional head election
8. For the organizers (KPU and Bawaslu) to collect data and record minors who have been and/or have been married, considering that the stage of updating voter data is still in the process so that the number and distribution in West Nusa Tenggara are known.
1. For the organizers (KPU and Bawaslu) to make a more progressive breakthrough by drafting or issuing policies or technical regulations to capture and respond to the social facts of underage voters who have or have been married.



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# EXCELLENT SERVICE FRONT LINER OFFICER AT THE HOSPITAL, PATJU SHOULD OBEY PATJU WEST LOMBOK REGENCY (ANALYSIS OF INTERPERSONAL COMMUNICATION)

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## Abstract

*This study analyzes the quality of excellent service of front liner officers of Patut Patuh Patju Hospital, West Lombok, through an interpersonal communication approach. The background is public complaints about the friendliness, empathy, and responsiveness of officers who are considered weak and lower the image of the hospital. Using a qualitative method with Goffman's dramaturgy theory and interaction openness framework, data was obtained through in-depth interviews, observations, and documentation of six officers and ten selected visitors. Results show that the success of the service is determined by openness, empathy, clarity of message, and the ability to listen actively, but consistency is still low because some officers are less skilled at communicating, using the wrong body language, or slow to respond. The family values of West Lombok shape the expectations of patients, demanding that officers understand the local culture in addition to work procedures. Training, supervision, and motivation have a significant effect on improving the quality of service. This study recommends communication standards based on local wisdom and regular training to strengthen service excellence and satisfaction. These findings are relevant for the human resources policy of regional hospitals in the future.*

**Keywords:** Service Excellent, Front Liner, Interpersonal Communication, Compliance Hospital, Quality of Service, Local Culture



## A. Introduction

Public sector services are now starting to adopt a private sector work pattern by prioritizing efficiency, *citizen as customer orientation*, technological innovation, and results-based management. This approach is in line with *the New Public Management (NPM)* theory which encourages public bureaucracies to implement market principles and private sector managerial practices to improve service performance.<sup>1</sup> However, this approach is refuted by the *New Public Service (NPS)* developed by Denhardt & Denhardt<sup>2</sup>, which emphasizes that citizens are not just consumers, but democratic actors who must be involved in the public service process in a participatory manner. So that a *theoretical gap* arises in understanding how excellent service in government hospitals should also prioritize aspects of human interpersonal communication as emphasized by DeVito.

In the context of hospitals, the adoption of private logic is seen in digital queuing systems, patient satisfaction surveys, and class- or premium-based service schemes. However, the dominance of this market logic raises concerns about the erosion of the principles of social justice and accessibility of services, especially for the poor. As a middle ground, the theory of *interpersonal communication* as described by DeVito emphasizes the importance of empathy, clarity of message, feedback, and emotional presence in the interactions

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<sup>1</sup> Hood, C. (1991). *A Public Management for All Seasons?* Public Administration, 69(1), 3–19.

<sup>2</sup> Denhardt, J. V., & Denhardt, R. B. (2000). *The New Public Service: Serving Rather than Steering*. Public Administration Review, 60(6), 549–559.





between medical personnel and patients. By strengthening the dimension of interpersonal communication, hospitals can maintain the quality of human relationships and strengthen public trust, so that managerial efficiency remains combined with fair and inclusive service values.<sup>3</sup>

The current concept of a hospital is indeed much different from the concept of a hospital in the past or in the early 1900s, the hospital only played a role as a place to care for the sick, then this role developed in line with the development of science and technology, economics, politics so that it was not solely to take care of the sick.<sup>4</sup>

On the other hand, people's needs and awareness of healthy living are increasing. People are increasingly aware of the importance of health, so the demands and expectations are increasing. With the high expectations of the public for health services today, it requires hospitals to have reliable human resources, have an *entrepreneurial spirit*, be competitive and innovative in providing services. So that the community as recipients of service services feels happy and comfortable with the services provided.<sup>5</sup>

Providing excellent service is not an easy thing that requires commitment and a long training process and of course a sufficient source of financing, but in a competitive effort with other hospitals,

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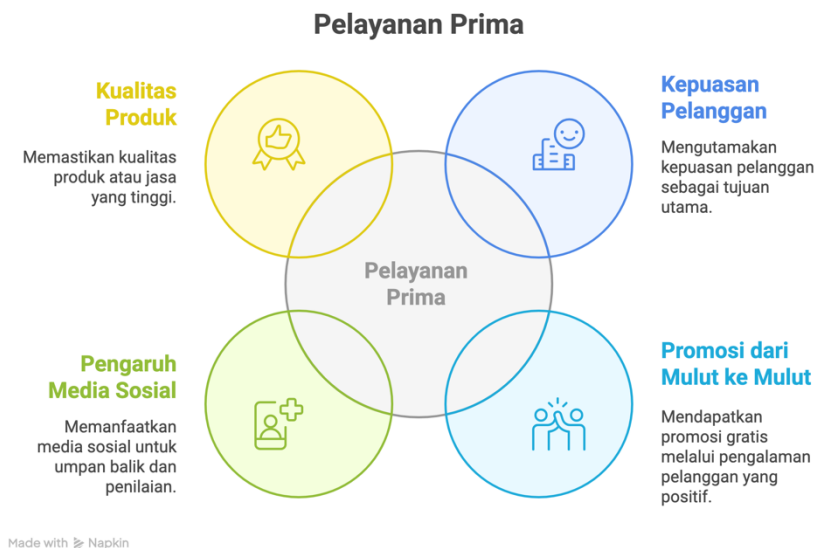
<sup>3</sup> DeVito, J. A. (2016). *The Interpersonal Communication Book* (14th ed.). Pearson.

<sup>4</sup> Ristrini. *Center for Research and Development of Health Services and Technology, Health Research and Development Agency*. JMPK Vol. 08, 21 March 2005

<sup>5</sup> Ristrini. *Center for Research and Development of Health Services and Technology, Health Research and Development Agency*. JMPK Vol. 08, 21 March 2005



the fulfillment of human resources who meet the qualifications is a must.



Excellent Service Diagram

*Service excellent* , also known as excellent service , prioritizes customer satisfaction above all else. If the company's services have made a good impression on consumers or the public, then it is possible that the company will benefit from free word-of-mouth promotions. Moreover, with the development of social media, it is so easy for someone to give an assessment of the health services provided, the tendency to consider trivial things related to the services provided, because they assume that the most important thing is the quality of the product or service only. In fact, ignoring service to consumers is a big mistake and can have an impact on public judgment.



*Front liners* are officers who are on duty on the front lines and can deal directly with customers. The presence of *frontliners* in every public service institution plays an important role and can be an ambassador for the company that oversees it. If *the frontliner* carries out his main duties well with sincerity, it can improve the company's image. On the other hand, when *frontliners* behave unkindly towards customers, *the* image of the company will also be tarnished.<sup>6</sup>

Patut Patuh Patju Hospital as a hospital owned by the government of West Lombok Regency which is located in the regency city and the characteristics of its citizens have cultural peculiarities and customs where the citizens still hold fast to their beliefs, culture and customs. As a society with high family cultural roots, of course, it also affects the behavior shown when receiving services at the hospital, the desire to be prioritized, get more services and tend to overflow emotions when getting services that are not in accordance with expectations, this phenomenon is a challenge for *fornt liner officers* at the Patju Patut Patuh Regional General Hospital, West Lombok Regency.

As a health service unit that already holds the status of a Regional Public Service Agency or BLUD, of course, Patut Patuh Patju Hospital not only prioritizes health services but is also important to consider economic and profit aspects for the sake of sustainability in providing health services for the community. With independent

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<sup>6</sup> Ly Public Relations RSHS. *Customer-Friendly Frontliner and Customer-Smile*.<https://web.rshs.go.id/frontliner-friendly-friendly-and-customer-smiled/>



financial management, of course, it will facilitate flexibility in financial management, and it is expected to continue to strive to improve the quality of service by providing infrastructure, improving the quality of human resources through further training and education, including in front *liner officers*.

Based on visitor reviews on the website of the Patut Patuh Patju Regional Hospital, it can be concluded that although this hospital has modern facilities, a clean atmosphere, and friendly staff , there are still some obstacles that need to be improved. These obstacles include long waiting times, uneven services, and the need to improve cleanliness and service management. The hospital has shown a commitment to making improvements, but concrete steps are still needed to improve the overall quality of service and ensure a better patient experience in the future.<sup>7</sup>

## B. Method

Research This research is carried out with a qualitative approach, namely a research data procedure that is collected in the form of descriptive data in the form of written or oral words and images from the behavior of the people observed, the data includes interviews, observations and related documents. Descriptive research studies the problems in society and the procedures that apply in society and specific situations, including relationships,

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<sup>7</sup> The website should be compliant with the <https://rsudtripat.lombokbaratkab.go.id/>



actions, perspectives, and processes, as well as the impact of a phenomenon.

An approach to phenomena that are consciously and individually experienced by a group of individuals in their lives. Phenomenology explains phenomena and their meanings for individuals by conducting interviews with a number of individuals. The study of phenomenology assumes that each individual experiences a phenomenon with his or her consciousness. In other words, the study of phenomenology aims to explore the subjects' deepest awareness of the experience of an event.

This qualitative method is used due to several considerations. *First*, because researchers are directly confronted with plural reality. *Second*, this method directly presents the nature of the relationship between the researcher and the respondent.<sup>8</sup>

#### 1. Data Source

In this research, data sources were obtained from two sources, namely primary data and secondary data. The primary data source in this study is data obtained directly from informants in the field in accordance with the problems discussed in this study. The data is sourced from direct interviews with informants who are closely related to the problem to be researched. One of them is by conducting interviews with *fronliner officers*, visitors as service recipients, which is the main role in this study. Meanwhile,

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<sup>8</sup> Lexy J. Moleong. *Qualitative Research Methodology*. PT. Teenage Rosdakarya Bandung.2022



supporting informants who are considered influential include management and colleagues, or parties who interact with *the fronliner officer*. Secondary data sources are additional data that are used as support, namely data sourced from literature, articles, journals, internet sites, Ministry SOPs, Hospital SOPs as well as other relevant supporting references, both directly and indirectly.

## 2. Data Collection Techniques

To obtain valid and context-rich data, this study uses three main techniques, namely observation, in-depth interviews, and documentation.

### a. Observation

The type of observation in this study is structured observation where observations are carried out using observation guides. Thus, in this observation, the observer must be able to personally develop his observation in observing an object.

### b. In-Depth Interviews

The data collection technique was carried out through in-depth interviews with 16 informants consisting of 6 front liner officers (Customer Service, Cashier, and Patient Transporter) and 10 hospital visitors, who were selected purposively based on their direct involvement in the service process. All interviews were conducted face-to-face and recorded with the consent of the informant. Data were analyzed using thematic analysis techniques to identify interpersonal communication patterns that support or hinder excellent service. To maintain research ethics, the identity of the informant is disguised



using a certain code so that the confidentiality of personal data is maintained.

Table of Informant Codes from Fronliner

No.	Informant Code	Position/Unit	Information
1	PFL-01	Customer Service	Officer 1
2	PFL-02	Customer Service	Officer 2
3	PFL-03	Cashier	Officer 1
4	PFL-04	Cashier	Officer 2
5	PFL-05	Patient Transporter	Officer 1
6	PFL-06	Patient Transporter	Officer 2

Table of Informant Codes from Visitors

No.	Informant Code	Visitor Categories	Information
1	PGJ-01	Outpatient Visitors	Interview 1
2	PGJ-02	Outpatient Visitors	Interview 2
3	PGJ-03	Inpatient Visitors	Interview 3
4	PGJ-04	Inpatient Visitors	Interview 4
5	PGJ-05	Patient's Family	Interview 5
6	PGJ-06	Patient's Family	Interview 6
7	PGJ-07	General Visitor	Interview 7
8	PGJ-08	General Visitor	Interview 8
9	PGJ-09	Patient's Family	Interview 9
10	PGJ-10	Outpatient Visitors	Interview 10

### c. Documentation

Documentation is a complement to the use of observation and interview techniques in qualitative research. Documentation is



carried out so that daily activities in providing services can be documented.

### 3. Data Analysis Techniques

Data analysis is carried out to describe all the data so that it can be understood and conclusions can be made. The results obtained through data analysis in this study can be useful for the development of theories built from the data obtained. Data analysis in this study was carried out using interactive models from Miles, Huberman and Saldana,<sup>9</sup> which applied four steps in analyzing data, namely:

- a. *Data Collection* : In this stage, the researcher selects, focuses, simplifies, abstracts, and transforms the raw data from the interview into a more manageable form. This can be done by:
  - 1) Identify key themes based on interview questions.
  - 2) Sort through relevant informant quotes or answers.
  - 3) Eliminate irrelevant or duplicate information.
  - 4) Create initial coding for each interview segment.
- b. *Data Reduction* : Once the data has been reduced, the next step is to present it in an organized form, so that patterns, relationships, and tendencies can be seen. This presentation can be in the form of:
  - 1) Matrix
  - 2) Thematic table
  - 3) Concise narratives grouped by theme/category
- c. *Data Display i*(Data Presentation), This step involves interpreting the meaning of the data that has been presented.

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<sup>9</sup> Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative Data Analysis: A Methods Sourcebook* (3rd ed.). Thousand Oaks, CA: SAGE Publications.





The researcher tries to find patterns, causal relationships, or thematic categories that can answer the research question. These conclusions are temporary, and should be verified continuously during the data collection and analysis process.

- d. *Conclusion Drawing* , Conclusion drawing is the result of research that answers the focus of research based on the results of data analysis. The conclusion stage leads to the analysis of the research questions asked and reveals the "what" and "how" of the research findings.<sup>10</sup>

### C. Results and Discussion

1. An Overview of the Importance of Keeping Up With the Kardashians

Based on the determination of strategic issues that have been described, the Vision of the Patut Obey Patju Hospital of West Lombok Regency is formulated as follows:

- a. Vision: "**Realizing a Superior Innovative Superior Compliance Hospital**".

The description of the Vision is as follows:

**Superior Hospital:** Reflects the determination to be a quality and leading healthcare center in all aspects.

**Innovative Hospitals:** Developing methods and technologies in competitive SMART Hospital applications

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<sup>10</sup> Haris Herdiansyah, *Qualitative Research Methodology for Social Sciences*, (South Jakarta:

Salemba Humanika, 12012), p., 254



**Health Service Center:** Realizing plenary health services that are oriented towards quality and patient safety

**Educational and research Service Center:** To be a center for education, research and development of new therapies, innovative medical technologies, and more effective treatment methods, as well as collaborate with research institutions and industry to advance medical knowledge.



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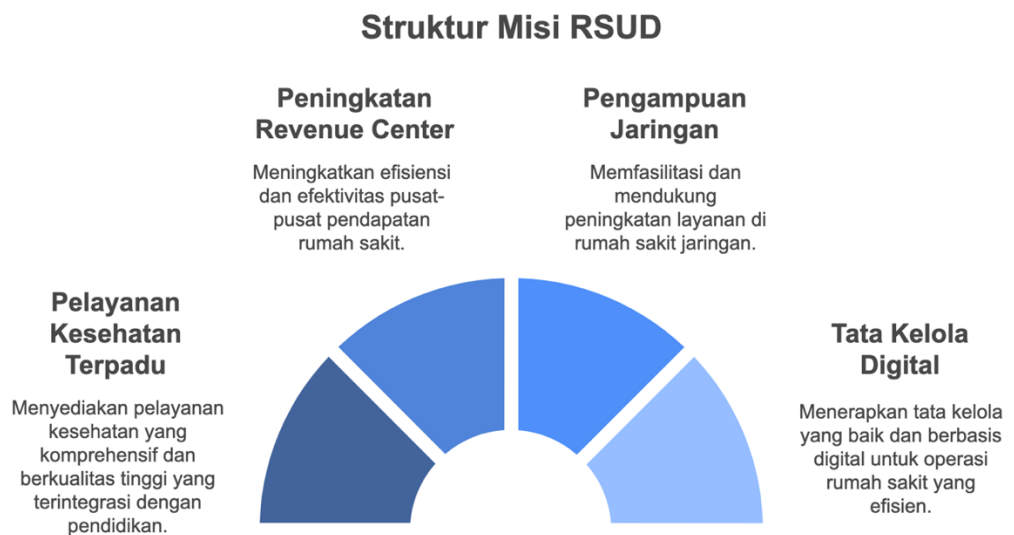
**b. The mission of the hospital should be to comply with the patju of West Lombok Regency**

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<sup>11</sup> Documentation at the Patut Patuh Patju Hospital, West Lombok Regency, May 12, 2025.



- 1) Providing plenary and excellent health services that are integrated with education.
- 2) Improving *hospital* revenue center services
- 3) Organizing the network hospital service strata
- 4) Implementing *digital-based* good governance



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### c. The Value System of the Hospital Should Be Compliant with the Patju of West Lombok Regency

Strategy is a strategic step by optimizing existing potentials and opportunities and overcoming internal weaknesses and external challenges to ensure the

<sup>12</sup> Documentation at the Patut Patuh Patju Hospital, West Lombok Regency, May 12, 2025.



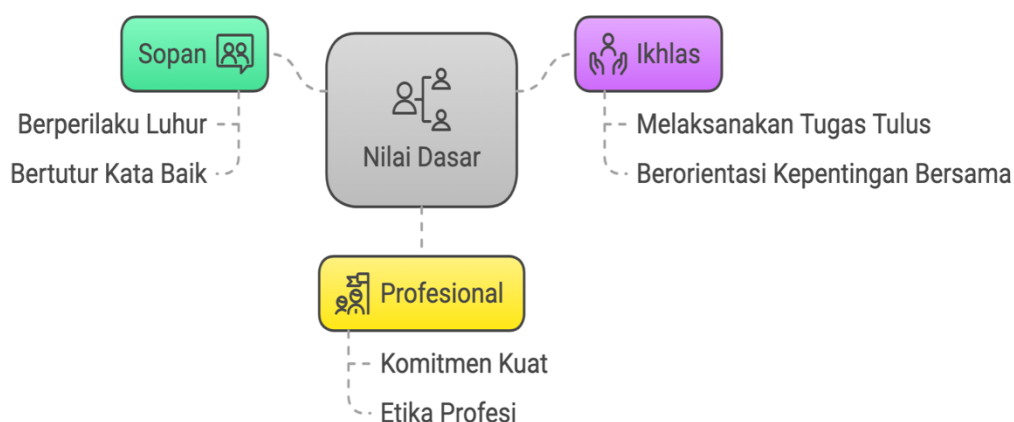
implementation of the mission and the achievement of an organization's mission. Thus, it can be interpreted that the strategy bridges the vision with the existing reality.

The strategy was prepared based on the position of the Patut Patuh Patju Hospital in West Lombok Regency which wants to achieve its goals. In order to develop a strategy, it is necessary to determine basic values that are used as guidelines for all human resources at Patut Patuh Patju Hospital.

The basic values carried out by the human resources of the Patut Patuh Patju Hospital, West Lombok Regency: First; **Politeness** is striving to be a noble person in behaving, acting, speaking in any condition and situation so as to create peace and comfort for others; Second, **Sincerity** is striving to be a sincere person to carry out all duties, functions, authorities, and responsibilities sincerely and wholeheartedly and oriented to common leadership; **Professional** is striving as a person who has a commitment (strong desire) to always improve the positive image of the profession in carrying out duties in accordance with the ethics and standards of their respective professions.



## Nilai Dasar Sumber Daya Manusia RSUD Patut Patuh Patju



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When these three basic values are put together, they can be acronymized with the term "**SIP**" or in Indonesian it can be interpreted as a symbol of satisfaction.

### d. Strategic work program

The strategic work program of Patut Patuh Patju Hospital covers various fields, including improving the quality of medical services, infrastructure development, strengthening human resources, and integrating information technology. Each program is designed with specific objectives and clear indicators of success, allowing for effective monitoring and evaluation. Through this structured and systematic approach, Patut Patuh Patju Hospital strives to face the existing challenges and take advantage of opportunities to develop.

<sup>13</sup> Documentation at the Patut Patuh Patju Hospital, West Lombok Regency, May 12, 2025.



In drafting a strategic work program, a variety of factors are considered, including analysis of public health needs, internal capacity evaluation, and the latest developments in medical technology and practice. This ensures that each program implemented is not only relevant, but also capable of having a significant positive impact.

The success of this strategic work program is highly dependent on the support and cooperation of all stakeholders, including hospital management, medical personnel, support staff, and the community. With strong commitment and dedication, Patut Patuh Patju Hospital is optimistic that it can achieve its vision of becoming a leading hospital that provides complete, quality, and equitable health services for all levels of society.

The preparation of this strategic work program is expected to be a strong foundation for Patut Patuh Patju Hospital in realizing various service improvement initiatives. With the right guidance, measurable steps, and a spirit of togetherness, the hospital is ready to face the future with optimism and readiness to continue to provide the best for the community.

## **2. Analysis of the Causes of Not Realized Service Excellent Behavior**

The Patut Patuh Patju Regional General Hospital (RSUD) West Lombok Regency is one of the health service institutions owned by the West Lombok regional government which plays a strategic role in providing health services for the community. As public



expectations for the quality of public services increase, hospitals are required not only to provide professional medical services, but also to prioritize aspects of *excellent service* and good interpersonal communication, especially by front liner officers who are the main faces of the institution. In the context of hospital services, *the front liner* has a very strategic position. They are the first party to interact with patients and patients' families, both in the registration process, service information, complaints, to administrative and medical briefings. The interaction that occurs at this starting point greatly determines the initial perception of the public towards the quality and comfort of hospital services as a whole.<sup>14</sup>

The implementation of excellent service for front liner officers at Patut Patuh Patju Hospital, West Lombok Regency refers to the principles of interpersonal communication from an Islamic perspective, especially the six speaking styles (*qaulan*) which include *Qaulan Sadida*, *Baligha*, *Ma'rufa*, *Karima*, *Layina*, and *Maysura*. *Qaulan Sadida* is the main foundation, where officers are expected to convey information honestly, factually, and according to the rules of language. This can be seen from the officer's efforts to provide accurate medical explanations to patients, even though sometimes the information is unpleasant. In addition, the application of *Qaulan Baligha* appears to be in the delivery of effective messages and adjusted to the patient's level of understanding, such as the use of

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<sup>14</sup> Maulyan, Feti Fatimah, Devi Yuniati Drajat, Ria Yuli Angliawati, and Dwi Sandini. "The Influence of Service Excellence on Company Image and Customer Loyalty: A Theoretical Review." *Journal of Management Science* 4, no. 1 (February 7, 2022): 8–17. <https://doi.org/10.51977/jsm.v4i1.660>.



simple language for the general public and medical terminology for the educated.

Qaulan Ma'rufa and Qaulan Karima are reflected in politeness, appreciation, and avoidance of harsh words or hurting the patient's feelings. Front liners try to maintain communication etiquette by saying kind words, especially when interacting with elderly patients or those who need special attention. Meanwhile, Qaulan Layina is realized through gentle speech and friendly intonation, thus creating comfort for patients. This approach is effective in relieving tension, especially in service situations that require high empathy, such as when patients experience anxiety or uncertainty related to their health condition.

Qaulan Maysura is applied by simplifying complex information to be easier to understand, avoiding misunderstandings, and providing an uplifting message when possible. Front liners try to ensure communication runs both ways and patients feel heard. Overall, the implementation of these six qaulan principles strengthens the quality of service, although there are still challenges such as consistency of implementation amid high work pressure and diversity of patient backgrounds. However, based on the results of initial observations, data on community complaints collected through the suggestion box, official complaint report, and interviews with several visitors of the Patut Patuh Patju Hospital, it was found that there were a number of problems that showed that the *excellent service behavior* and interpersonal communication skills of the front liner officers has not run optimally. This problem not





only has implications for patient satisfaction, but can also have an impact on the overall image of the institution.<sup>15</sup>

#### D. Conclusion

Based on the results of the study, the implementation of service excellence of front liner officers at Patut Patuh Patju Hospital, West Lombok Regency can be analyzed through the integration of several theories, namely Erving Goffman's Dramaturgy Theory, Interpersonal Communication Theory, SERVQUAL in Service Excellence, and Interpersonal Communication in Islamic Perspective. Goffman's Dramaturgy Theory explains that front liners act like actors on stage, where they play the role (front stage) by presenting a professional, friendly, and attentive impression to patients. However, behind the scenes, there are dynamics such as work pressure and fatigue that affect their performance. This approach shows that healthcare is not only about technical competence, but also the ability to manage impressions to create a positive experience for patients.

From the perspective of Interpersonal Communication Theory, the interaction between the officer and the patient is dynamic and affects each other. Verbal and nonverbal communication skills, such as active listening, eye contact, and empathic facial expressions, play an important role in building trust. The study found that patients tended to be more satisfied when officers were able to adjust their

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<sup>15</sup> Interview with PGJ-0, 102 March, 2025



communication style to their needs, both in delivering medical information and responding to complaints. However, challenges arise when officers have to deal with patients who are emotional or come from different cultural backgrounds, so cross-cultural communication training is needed to improve the effectiveness of interactions.

Analysis using the SERVQUAL (Service Excellence) model revealed that the quality of service at this hospital was assessed from five dimensions: tangibles (physical facilities), reliability (reliability), responsiveness (responsiveness), assurance (assurance of certainty), and empathy (empathy). The results of the study show that the aspects of empathy and responsiveness are the dominant factors in patient satisfaction. For example, officers who respond quickly to patient complaints and show a caring attitude are more likely to get a positive assessment. However, some constraints such as resource limitations and high workloads sometimes reduce the consistency of service quality. Therefore, better human resource management, including task rotation and reward systems, is needed to maintain officer motivation.

Overall, this study concludes that the success of service excellence of front liner officers depends on the integration of technical performance and interpersonal communication skills supported by a multidisciplinary theoretical approach. Recommendations that can be submitted include: (1) qaulan-based communication training for officers, (2) optimization of SERVQUAL-based performance evaluation systems, and (3) creation of a work environment that



supports a balance of front stage and back stage in the style of Goffman. Thus, RSUD Patut Patuh Patju can become a model of health services that are technically and humanly superior.

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Salemba Humanika, 12012), p., 254

Interview with PGJ-0, 102 March, 2025

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