

Implementation Of Village Law As A In Implementation Village Government

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Abstract

OF6 of 2014 concerning Villages as a guideline for village administration. This research is devoted to understanding in detail the extent to which the village government has implemented the substances contained in the Village Law. This situation is also exacerbated because after the issuance of Law no. 6 of 2014 village government administrators do not really understand the main tasks and functions. The approach to be used in this research is sociolegal. Where this sociolegal approach is not only textual in nature but also sees from the point of view of the impact caused by the existence of the rule itself. The conclusion of this research is that not many village government administrators implement Law no. 6 of 2014 especially in remote villages which tend to be difficult to access existing information.

Keywords : Village, Village Government, Village Main Functions.

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I. INTRODUCTION

As the smallest regional unit of the Indonesian government system, the village has a strategic position in the implementation of national development. To support the village development process, various village regulations have been passed since the founding of the republic. The village is the smallest autonomous village that has certain uniqueness, including the cultural state of its community which is still filled with tradition. Some villages still adhere to common law, so they must always be protected and this unique situation preserved. Village policies from the government are obliged to pay attention to and maintain the integrity of the village as a natural thing, so that the socio-cultural values of the indigenous peoples in the village are not eroded by changes in the development process, so that the expected modernization and welfare development of cultural authenticity values does not affect the village community. .

The government passed laws from an early age when the republic was founded. Changes to village regulations are still being tested from 1945 (UU No. 1 1945 concerning local government) until 2014 (Village Law No. 6 of 2014). However, changes to the law for villages have not shown great intensity or consistency in efforts to build village independence and welfare. Also changes to the village law that took effect in 1975 (UU No. 5 of 1979 on Villages) even denied the diversity of village institutions and institutions in the archipelago which actually had origin rights.

Asymmetric policies, namely imposing uniformity on village institutions and institutions throughout the archipelago, have even destroyed the diversity of village institutions and institutions so that their original rights are taken away. However, there is a basic comparison between Law No. 6 of 2014 and the previous Village Law. In Law Number 32 of 2004 concerning Regional Government, for example, in the spirit of the constitutional mandate of Article 18B paragraph (2) of the 1945 Constitution, namely: that villages and other names have the right to control and manage their respective affairs; In addition, there is room for the adat village to grow outside the administrative village.

However, the competence of the common law community to regulate common law is related to the provisions of the relevant sectoral laws and regulations. The latest village regulation that is expected to bring about significant changes in the village is Law Number 6 of 2014 concerning Villages. In Law no. 6 of 2014, the content is very different from the previous law. Village policy reforms are clearly visible in this village law. So far, villagers have usually only been spectators when development is rolled out in their area. However, Law no. 6 of 2014 gives authority to the community to recognize the right of origin (recognition), determine local authority and make local decisions for the benefit of villagers (subsidiarity), diversity, coexistence, mutual cooperation, kinship, deliberation, democracy, independence, participation, equality, empowerment and sustainability.

In addition, there are all efforts in the village regulation Law Number 6 of 2014 regarding villages to build village independence and welfare. The independence of the village includes (1) the independence of the village government (local self-government), (2) the independence of the village community (self-government of the community). This village independence is an important goal in the implementation of the Village Law. Currently, only a few villages have an independent predicate. In 2014, only 3.92 percent of Independent Villages were categorized, 68.86 percent of development villages were classified, and 22 percent were classified as underdeveloped villages (Bappens and BPS 2015). Therefore, the author in this article wants to analyze village politics, especially based on Law Number 6 of 2014.

II. PROBLEM FORMULATION

1. The authorities and duties of village government administrators are reviewed in Law no. 6 of 2014
2. Application of the substance of Law no. 6 of 2014 as an autonomous rule to regulate the administration of village government.

III. RESEARCH METHODS

Before conducting the analysis and discussion, the author transparently stated that this research used a normative type of research. In short, the meaning of normative research is a concept through a written regulatory approach such as a law. In the normative approach, the author refers to the legal basis of Law no. 23 of 2014 on the second amendment of Law no. 32 of 2004 concerning Regional Governments and special regulations that discuss community participation in the administration of local government through Government Regulation no. 45 of 2017.

IV. RESULTS AND DISCUSSIONS

1. The authority and duties of village government administrators are reviewed in Law no. 6 of 2014.

The administration of the city government has been developed and maintained by the local community in a new phase of becoming the government itself, developed and maintained by the local community since the first. In other words, ordinary problems mean that the system of government of the Republic of Indonesia has been

recognized and regulated by law. Village development is absolutely necessary for the realization of a village framework, kinship and interoperability to recognize village peace and justice for village communities. Village rights and origin rights, city regional government, regional government, regional/kelurahan government, authority, city government and urban main layers as determined. agree. How the working relationship arrangement between the working relationship between the village head and the consultant institution between the village and the village consulting agency can be explained as follows:

1. The village head and the BPD have discussed and agreed on the village regulations as regulated in Article 7. Law Number 2014 concerning Law Law No.
2. Discussions on villages that have been urban villages, which started out as urban villages, have been discussed in urban villages.
3. The village head reports. Article 27 of 2014 Orders at the City Council.
4. The BPD notifies the village head of the position 6 months before it expires (article 32 paragraph 1 of Law No. 6 2014)
5. The village head pays the import and village expenditure budget at the village consultative body described in Article 73 paragraph 2 of Law no. 6 2014. 6. The village head and the Village Consultative Body discuss the management of village property, and are explained in Article 77 paragraph 3 of Law no. 6 2014

Of the many powers of the village head, the most interesting is the authority of the village head in managing village finances by setting and implementing the village income and expenditure budget (APBDes) for researchers. Article 75 of Law Number 6 of 2014 confirms that:

- (1) The Village Head is the holder of the power to manage village finances. (2) In exercising the power as referred to in paragraph (1), the Village Head delegates part of his power to the village apparatus.

The village head carries out the rights, powers and obligations of village administration. Takes care of his own household and is the main organizer in village administration and is

responsible for governance, development, and government affairs in general. Government affairs, including fostering peace and order according to the provisions of the legislation, which apply and foster and develop the spirit of gotong royong (gotong royong) of the village community, are the affairs of the village and village heads. Therefore, in every political decision, the village head must always prioritize the principles of good governance and village financial management. The principles of APBDes management are explained below:

1) APBDes

Planning is the process of formulating an activity to produce the expected results of the activity. Before discussing the APBDes

, the deliberation stage must be preceded, namely the first stage of development deliberation at the village level, to follow up on the efforts of each RT/RW, this deliberation is led by each village head. The results of the initiation of efforts at the village level are outlined in the form of proposals that flow into village deliberations. Second, deliberation at the village level, the development efforts of each village are discussed in this deliberation, in the village deliberation the following matters are discussed:

- a) Deliberations in each hamlet
- b) Discussing village proposals or development programs
- c) Preparing priorities for the scale of development activities.
- d) Preparation of proposals received in the RAPBDes format
- e) Presentation of the RAPBDes for discussion to the BPD

2) Implementation of APBDes

Implementation is the process of updating or operating a given plan. The APBDes implementation process consists of elaborating the development plans listed in the APBDes, which are carried out as well as possible. In carrying out village development, it is necessary to go through the stages of socialization to the community so that they know that village development is ongoing and actively participate in the development. Supervision is the process of directing and evaluating the implementation of an activity. APBDes monitoring is very necessary to ensure that the APBDes implementation process is carried out in accordance with the plans and provisions of the applicable laws and regulations. This means that deviations in the implementation of the APBDes can be minimized through effective and regular monitoring. The APBDes management process includes a management process that includes planning, organizing, implementing and participating, as well as transparency. Participatory APBDes management can be measured using the following benchmarks:

- a) APBDes planning
 1. Village level APBDes planning meetings

- 2.
3. APBDes organization
4. Formation of a development committee based on ability
5. Clear division of tasks
6. Implementation APBDes
7. Socialization of Development
8. Community Participation
- b) Monitoring of APBDes
 1. Formal supervision by the Village Consultative Body
 2. Monitoring of information by the community
3. Accountability of the APBDes by the village head at the end of the fiscal year.

Villages are local community organizations that have territorial boundaries, are inhabited by many residents and are autonomous. The term village as a legal entity was only known during the Dutch colonial period. UU no. 22 of 1999 does not recognize village decentralization. This new meaning is different from the spirit and draft of Law no. 5 of 1979, which only established the people as the lowest government unit in the Camat. Politically, Law Number 5 of 1979 aims to subordinate villages within the framework of the Unitary State of the Republic of Indonesia, so that the basis of autonomous society

will be erased.

Based on the spirit of recognition, Law no. 22/1999 defines a village as follows:

"Village or what is called by another name, hereinafter referred to as Village, is a legal community unit that has the authority to regulate and manage the interests of the local community based on local origins and customs which are recognized in the national government system and are in the district".

The text of the normative formulation above is an extraordinary leap compared to the summary in Law no. 5/1979. Normative Law No. 22 of 1999 Village placement is no longer the lowest form of sub-district head, but because the legal community unit has the right to regulate regulations and pay attention to the interests of the community. The local community is in accordance with the rights of origin of the community. The implication is that the village has the right to make village regulations and even to manage public goods and city life, including people's finances. Management of People's Finances Based on Law No. 22 of 1999 is carried out by the head of the people and the BPD, which is poured into the APBDesa every year.

In Law Number 6 of 2014 concerning Villages, Article 1 number (1) states that a village is a legal entity that has territorial boundaries, authorized to regulate and manage government affairs based on the interests of the local community. Origin rights and/or traditional rights that are recognized and respected in the system of government of the unitary state of the Republic of Indonesia. Based on this law, the village has the power to manage and regulate the interests of its community in accordance with local, social and cultural conditions so that the position of the community with real autonomy becomes very strategic.

One of them in Law no. 6 of 2014 related to village finance. Article 1 point 10 of Law Number 6 of 2014 defines village finances as all rights and obligations that can be valued in money and all in the form of money and property related to the implementation of village rights and obligations. What is meant by these rights and obligations are everything that generates income, expenditure, financing, and administration of Village Finance. The authority of the village government grew so large in the administration of village government, especially in managing village finances after the enactment of Law Number 6 of 2014 compared to the period before its enactment. The authority of the village government in the period prior to the enactment of Law Number 6 of 2014 in managing village finances was only limited to the dependence of the village government on funds from the central government and local governments which were very strong. Villages have not been able to optimize village income sources based on local wealth and potential at the village level.

Article 1 number 10 of Law no. 6 of 2014 provides a definition of Village finances as all rights and obligations that can be valued in money and everything in the form of money and goods related to the implementation of Village rights and obligations.

The definition of these rights and obligations is all that generates income, expenditure, financing and management of Village Finance. In Article 71 paragraph (2) of Law no. 6 of 2014 states: "The rights and obligations as referred to in paragraph (1) generate income, expenditure, financing, and management of Village Finance".

The sources of village income as referred to in Article 71 paragraph 2) consist of: 1) Village original income

2) Revenue distribution from regional taxes and district/city allowances 3) Part of the central and regional balance received by the Regency/City 4) APBN budget allocation

5) Financial support from the Provincial APBD and Regency/Municipal APBD. 6) Non-binding gifts and donations from third parties.

Law Number 6 of 2014 which gives authority to village heads to manage village finances does not give freedom to village heads to use village budgets and expenditures. The central government, regional governments, and sub-district governments will continue to provide guidance and supervision so that their utilization is more optimal.

2. Application of the substance of Law no. 6 of 2014 as an autonomous rule to regulate the administration of village government.

The flexibility in the management of village fund allocations, which is expected by law, is a manifestation of village autonomy. Village autonomy deviates from the principles of recognition and respect and subsidiarity (localization of authority and decision making, or can be described as the implementation of local authority at the village level). The nature and nature of village autonomy is autonomy from within and autonomy from below and contains little autonomy from above.

UU no. 6/2014 is a response to the restoration and development of the nation's autonomy, through the reaffirmation of diversity (inequality). The Village Law stipulates the people's state as a separate legal entity related to state government. The People's Government establishes the power to stipulate village regulations as a form of official legislation in accordance with the Village Representative Body (BPD). However, these village regulations tend to be very technical, as they generally only describe the 5 highest regulatory provisions. Indonesia has around 73,000 (thirty thousand) villages.

These communities can be distinguished between ordinary villages and indigenous peoples. Therefore, there are two different concepts of Communities in ordinary areas, namely (i) 6 village communities and (ii) Indigenous peoples. Article 18 paragraph 2 (2), the Customary Law Community Unit stipulates the 1945 Constitution which is recognized and respected by the State. The existence of customary laws and regulations Community unity is based on three basic principles, namely genealogical, territorial and/or a combination of genealogical and territorial principles. This is regulated in Law no. 6/2014, is a customary law community unit, which is a combination of genealogy and territory. Customary law community units

that are designated as indigenous peoples must carry out the role of the government (regional autonomy government) so that absolute requirements must be met. Village communities are structured as part of the local government legal regime, while customary law communities are constitutionally recognized as communities organized in a unity of rights and obligations, including those concerned with their traditional rights as a legal entity.

The term "Indigenous Law Community Unity" in Article 18B paragraph (2) of the 1945 Constitution states the meaning of an organization or community organizational unit organized in accordance with customary law standards or a legal community originating from local cultural traditions. Customary Law Communities are recognized by paragraph (2) of Article 18b (2) of the 1945 Constitution as legal subjects, which regulates the rights and obligations of legal transactions. Transmission is a community (Association) with features that are emotionally related, have traditional, broad, pre-state and from the ground up. Gesity is association (Patembayan) with the characteristics of being rationally bound, granting autonomy, limited, according to the state and from top to bottom. Because the village is a community in the case of Indonesia, ideally the approach taken is an autonomous community that is not dominated by the state and regions such as the local

state government and local self-treaty approaches. In village law, agreements are carried out in an integrated manner, although the focus of autonomous communities is the main starting point.

Article 4 of the Village Law stipulates mandates related to the objectives of village regulations. The mandatory mandate of the Village Law focuses on administering village government, managing village wealth and finances, developing village areas, village administration and village officials (2) and paragraph 7 of article 18 of the Village Law. The 1945 Constitution by construction combines the functions of an autonomous community with regional self-government, so that this constitutional foundation becomes a solid foundation for the future of villages in Indonesia.

The principles that are written down in the context of Village regulation include: the principle of recognition; subsidiarity; diversity; togetherness; mutual cooperation; kinship; discussion; democracy; independence; participation; equality; empowerment; and sustainability.

Article 67 of the Village Law emphasizes that the village has the right to regulate and manage the interests of the community based on the rights of origin, customs and social values of the village community. Create and manage village institutions; And receive a source of income. Although villagers have the right to request information from the village government and supervise village government activities, implementation of village development, village community development, and ratification of indigenous peoples to receive equal and fair services. In terms of authority, apart from this authority, there is also authority based on the right of origin, in addition to the right of origin, which is recognized and viewed by the state. It seems that the principle of subsidiarity based on the village law provides freedom to determine the local level and make local decisions for the benefit of the village community. The result of

this increased authority allows the village to develop autonomy for the benefit of the local community. The implication is that the village can use financial resources from the state and local government to develop all existing, emerging and other authorities that may be ordered from the supra-village. The head of the community is responsible for administering village government, community development and empowering village communities. (Article 26 (1) of the Village Law) The village head has a position for 6 (six) years and can serve a maximum of 3 (three) mandates.

With regard to the attitude of the village government organization, there is the position of the Village Consultative Council, the village head and village officials without the position of the BPD. These limits are different from PP No. 72/2005, which passed the people's government from the village head and the BPD. The separation of the positions of the village head and the BPD apparatus allows the village government to be more effective in implementing village autonomy, as well as the Supradesa commitment.

V. CONCLUSION

With the implementation of self government and local self government community, Law no. 6 of 2016 is expected to limit the influence of regional autonomy which is too broad. And in the end it will return to being the implementer of policies and success in strengthening the village community itself which will answer whether Law no. 6 of 2014 can be implemented properly or become a boomerang for the realization of the independence of the village itself. Although Law Number 6 of 2014 largely takes into account the restoration of village sovereignty, when it is implemented it fails to implement village sovereignty properly. It may be too early to assume that, considering that Law Number 6 of 2014 was only implemented in 2015, but almost three years have passed since its implementation, signs of a return to village sovereignty are yet to be seen. . Moreover, the tug-of-war between actors in the implementation of village law is evident.

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