

# FUNCTIONS OF THE VILLAGE DEVELOPMENTAL BOARD (BPD) ACCORDING TO LAW NUMBER 6 OF 2014 AND IMPLEMENTATION IN PURAKA I VILLAGE SEI LEPAN DISTRICT, LANGKAT DISTRICT

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## ABSTRACT

The Village Consultative Body (BPD) is an institution that carries out village government functions whose members are representatives of the village population based on regional representation and are determined democratically. In the village government system, village government will run effectively if the elements or institutions administering village government can run well. The Village Consultative Body (BPD) is an institution that embodies democracy in the administration of village government. BPD members are representatives of the population of the village concerned based on regional representation. In general, those selected to be members of the BPD consist of the chairman of the Rukun Warga, traditional leaders, professional groups, religious leaders and other figures or community leaders. It can be concluded that the function of the Village Consultative Body (BPD) is to discuss and approve Draft Village Regulations, accommodate community aspirations, and supervise the performance of the Village Head. Based on the research results, it shows that the function in making regulations is more implemented and realized, which is different from the function in accommodating community aspirations and supervising the performance of the Village Head, which has not been optimal in its implementation due to the lack of understanding of BPD members regarding their duties and functions based on applicable regulations.

**Keywords:** *Function, Village Government, Village Head Performance*

## A. INTRODUCTION

The village is the smallest government in the Republic of Indonesia which has the freedom to regulate regulations and government systems in accordance with applicable laws and regulations. In running the village government, it is led by the Village Head and Village Apparatus. The Village Head is a Village Government Official who has the authority, duties and obligations to organize his village household and carry out the duties of the Government and Regional Government. In line with the presence of the modern state, the independence of village communities began to decrease. In Law Number 6 of 2014, the form of village government consists of the Village Government and the Village Representative Body where the Village Government consists of the Village Head and village officials (village secretary, village treasurer, section head and hamlet head)

The Village Consultative Body or what is known by other names is an institution that carries out government functions whose members are representatives of the Village population based on regional representation and are determined democratically. Based on Law no. 6 of 2014 concerning Villages, Villages are no longer an administrative level, no longer being Subordinate Regions but instead becoming Independent Regions, where Villages have original rights and traditional rights in regulating and managing the interests of local communities. In the course of the constitution of the Republic of Indonesia, villages have developed in various forms so they need to be protected and empowered so that they become strong, advanced, independent and democratic so that they can create a strong foundation for implementing governance and development towards a just, prosperous and prosperous society. After the enactment of Law No. 6 of 2014 concerning Villages, the position of the Village Consultative Body (BPD) underwent changes. If previously the BPD was an organizing element of village

government, now it is a village institution. From a legal function it changed to a political function. The function of the BPD now is to establish village regulations together with the village head, channel aspirations, plan the APBD, and supervise the village government. Apart from carrying out its function as a connecting bridge between the village head and the village community. The BPD also has a main task, namely holding village deliberations (musdes) with participants from the village head, village officials and community leaders. Village deliberations function as a forum for togetherness and to discuss all policies regarding the village, even in the Minister of Home Affairs Regulation Number 110 of 2016 BPD, namely Village Deliberation or what is called by another name is Deliberation between the Village Consultative Body, the Village Government, and elements of the community which is organized by Village Consultative Body to agree on strategic matters.

In Article 1 paragraph (3) of the 1945 Constitution, it is stated that "Indonesia is a State of Law. The principle of the rule of law basically implies the existence of rules of the game in carrying out government tasks as state administrators, this is how State Administrative Law emerges as a supervisor of the implementation of government power. Based on this assumption, it appears that State Administrative Law contains two aspects, namely first, legal rules that regulate how the State's equipment carries out its duties. second, the legal rules that regulate the relationship between the state's administrative apparatus and its citizens.

State Administrative Law is law relating to government (in the narrow sense) (Bestuursrecht of administratief Recht omvat regels, die betrekking hebben op de administratie) namely law whose broad scope regulates:

1. Government actions (central and regional) in the political field
2. The government's authority (in carrying out actions in the public sector) is regulated regarding where, in what way, and how the government uses its authority; The user of this authority is expressed in the form of a legal instrument, therefore regulations regarding the making and use of legal instruments are also regulated
3. Legal consequences arising from actions or use of government authority
4. Law enforcement and application of sanctions in the government sector.

In the context of the government system of the Republic of Indonesia which divides Indonesia into large areas and small areas, the form and structure of the lowest level of government is the village or sub-district.

In this context, village government is a sub-system of the national government administration system which is directly under the district government. Law Number 23 of 2014 concerning Regional Government has provided various changes towards increasing welfare for the community through good service, as well as maximum performance directly and transparently. With regional autonomy, regional governments can pay more attention to remote areas in the context of equitable development. Increasing welfare in the regions is directly carried out by means of equitable development, such as in the fields of education and agriculture, especially in villages that are right on target, which will increase the level of community participation.

Villages and Law Number 6 of 2014 concerning Villages states that: "Villages are villages and traditional villages or referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that have the authority to regulate and manage government affairs and interests. local communities based on community initiatives, rights of origin, and/or traditional rights which are recognized and respected in the government system of the Unitary State of the Republic of Indonesia." In equitable development in the Village, the government involves community participation to raise awareness that basically Village development uses the principle of being carried out by the community and for society. This public awareness will create a high sense of ownership and responsibility in village development. Village development will ultimately be felt by the

community, so that community participation can lead the Village in a better direction with guidance from the local government which will have a positive impact on Village development.

In Law Number 6 of 2014 concerning Villages in Article 54 paragraph (1) it is explained that: "Village Deliberation is a deliberative forum which is attended by the Village Consultative Body, Village Government, and elements of the Village community to discuss strategic matters in the administration of Village Government. ." In connection with the implementation of Village government and mobilizing the community to participate in the physical development of the Village and the implementation of Village administration, every decision taken must be based on Village deliberation to reach a joint decision. The Village Government plays a very important role in Village development, in this case the Village Head and his staff are given the authority to manage their area. In Government Regulation (PP) Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014, it is explained that the Village has its own government organization, namely the Village Head and Village officials. The Village Head is the head of the village government who is assisted by the Village apparatus as an assistant to the Village Head. In Law Number 6 of 2014 Article 61, BPD is an institution that embodies democracy in the administration of village government which functions to accommodate and channel community aspirations, carry out the task of monitoring the performance of the Village Head, and together with the Village Head discuss and agree on Draft Village Regulations (Perdes) .

Based on Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Bodies, Article 31 of the BPD states that it has the following functions:

1. Discuss and agree on the Draft Village Regulations with the Village Head
2. Accommodate and channel the aspirations of the Village community and
3. Supervise the performance of the Village Head. Based on the above functions,

In the implementation of Village Government, the BPD has a very important role because it is a forum for accommodating and channeling the aspirations of the community, so it can be said that the success of the Village can be seen from how effective the BPD's role is in carrying out its functions. However, in reality, the implementation of BPD functions in Puraka I Village, Sei Lapan District, Langkat Regency is still not optimal. The problems related to the administration of Village government are that the BPD has not been optimal in carrying out supervision of the administration of government in Puraka I Village, Sei Lapan District, Langkat Regency, in carrying out the main tasks and functions of the BPD in Puraka I Village, Sei Lapan District, Langkat Regency, it has not been optimal in embracing, gathering, formulate and channel community aspirations.

Based on these phenomena, the author is interested in studying these problems by connecting the Village Consultative Body (BPD) of Puraka I Village regarding the Implementation of the Legislative Functions and Duties of the BPD according to Law No. 6 of 2014 in the formation and stipulation of Village Regulations (PERDES) together with the Head Villages in the Village Government, as well as factors inhibiting the Village Consultative Body (BPD) in implementing the legislative function and future efforts to increase the role of the BPD.

## **B. FORMULATION OF THE PROBLEM**

1. What are the main duties and functions of the Village Consultative Body according to Law No. 6 of 2014?
2. How is the implementation of the BPD function in Puraka I Village, Sei Lapan District, Langkat Regency?
3. What are the factors that hinder the Village Consultative Body (BPD) in carrying out its functions?

## C. RESEARCH METHODS

### 1. Types of research

Type of Research and Problem Approach This research is focused on the Sociological Function of the Village Consultative Body (BPD) in Puraka I Village, Sei Lepad District based on the Juridical Function related to participation in autonomy related to the task of delegating state authority. The author in this research uses the Empirical Juridical Research Type or Legal Sociology, an approach that looks at legal realities in society. The Legal Sociology Approach is an approach used to look at legal aspects in social interactions in society using an approach method through the effectiveness of legislation in terms of the basis for the preparation and enactment of Village Regulations by the Village Consultative Body (BPD) in efforts to achieve Village Autonomy in Puraka village. I Sei Lepad District and the role of the Puraka I Village community in establishing Village sovereignty. Starting from the type of research used is Empirical Juridical research, the problem approach used is a qualitative approach. A qualitative approach is research that basically uses a deductive-inductive approach. Qualitative research places more emphasis on processes and meanings that are not studied closely or have not been measured, emphasizing the socially constructed nature of reality, the close relationship between those studied and the researcher, pressure. the situation that forms the inquiry, the conditions of value, highlight the way in which social experience arises, as well as the acquisition of its meaning

### 2. Research sites

The research location is the area or place used to carry out research activities and obtain the data needed to complete this research. The location of this research was carried out in Puraka I Village, Sei Lepad District, Langkat Regency.

### 3. Types of Research Data

Types of Data In terms of preparing material and presenting the Legislative Function of the Village Consultative Body (BPD) in Village Autonomy, the author uses legal study sources which are divided into:

#### a. Primary Data Source

Primary Data, namely data obtained directly from the source, either through interviews, observations or reports in the form of unofficial documents which are then processed by the researcher. Regarding Primary Data Sources in preparing this research material, it was obtained from an in-depth study of the applicable laws and regulations and become the basic source for the implementation of the Village Consultative Body (BPD) in Puraka I Village, Sei Lepad District, Langkat Regency.

#### b. Secondary Data Sources

Secondary Data, namely data obtained from official documents, books related to research objects, research results in the form of reports, theses, theses, dissertations, and statutory regulations.

#### c. Primary Legal Materials, namely binding legal materials consisting of statutory regulations related to the research object, consist of:

1. Norms (basics) or basic rules, namely Pancasila.
2. The 1945 Constitution of the Republic of Indonesia.
3. Law Number 32 of 2004 concerning Regional Government juncto. Law Number 12 of 2008 concerning Regional Government is an amendment to Law Number 32 of 2004 concerning Regional Government.
4. Law Number 6 of 2014 concerning Villages.
5. Law Number 23 of 2014 concerning Regional Government.
6. Law Number 2 of 2015 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2014 concerning Amendments to Law Number 23 of 2014 concerning Regional Government into Law.
7. Government Regulation Number 72 of 2005 concerning Villages.

8. Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning Village Consultative Bodies (BPD).
- d. Secondary legal materials are legal materials that provide explanations of primary legal materials, such as:
  1. Literature relating to Regional Government
  2. Literature related to Village Government
  3. Literature on Village Autonomy Literature related to the Village Consultative Body (BPD).
- e. Tertiary Legal Materials Tertiary legal materials are instructions or explanations regarding primary legal materials or secondary legal materials originating from dictionaries, encyclopedias, magazines, newspapers, and so on.

#### 4. Data collection technique

The data collection method used is the literacy method, namely collecting data through searching and reviewing existing literature sources that are relevant to the problem under study, such as books, journals, statutory regulations, documents or other written data related to the discussion after or before this thesis. In addition to collecting data using the interview method, the use of interview methods is proposed to Village Government Officials, the Village Consultative Body (BPD) and local community figures such as the Village Head, Village Secretary, Chair of the Village Consultative Body and others.

So, this data collection technique was analyzed using a qualitative approach using existing data sources and reality in the field followed by systematic interpretation and related functions of implementing laws and regulations, field research and interviews. Then the data obtained is analyzed descriptively and with juridical-sociological applications, to arrive at systematic and related conclusions.

#### 5. Data Analysis

According to the data that has been obtained during research by means of interviews and reading library books, qualitative descriptive data will be produced, namely what is obtained from library research or expressed by sources in writing or orally and also their real behavior, which is researched and studied as something which is intact. The data that has been collected and complete is selected and arranged systematically and then analyzed using the existing theoretical basis, so that a conclusion can be reached. From the data that has been compiled and analyzed, truths will be obtained that can be used to answer the questions raised in the research. This is to guarantee whether it can be accounted for in accordance with reality, then the data is processed.

### D. DISCUSSION

#### 1. Main Duties and Functions of the Village Consultative Body According to Law No. 6 of 2014

Village Government is a government activity carried out by the Village Government and the Village Consultative Body. The village government is the village executive institution and the BPD is the village legislative institution. In order to implement the authority it has to regulate and manage the interests of the community, the Village Consultative Body (BPD) was formed as a legislative institution and forum that functions to accommodate and channel community aspirations. This institution is essentially a working partner of the Village Government which has an equal position in carrying out government affairs, development and community empowerment. Based on Law Number 6 of 2014 concerning Village Government Article 55, the Village Consultative Body has three functions, namely:

- 1) discuss and agree on the Draft Village Regulations with the Village Head,
- 2) accommodate and channel the aspirations of the Village community and
- 3) supervise the performance of the Village Head.

The duties and functions of the Village Consultative Body include:



- a. Function: Accommodating and conveying community aspirations. The duties and functions of accommodating and conveying community aspirations include: exploring community aspirations, accommodating community aspirations, managing community aspirations, channeling community aspirations, holding BPD meetings, holding Village meetings, and holding special Village meetings for the interim Village Head election.
- b. Function of designing and forming Village Regulations (Legislation) The duties and functions of forming Village Regulations (Legislature), include: discussing and agreeing on draft Village Regulations with the Village government, and creating an academic text of Village Regulations.
- c. Supervisory Function Supervisory duties and functions include: carrying out supervision of the performance of the Village Head, carrying out supervision of the development process in the Village, evaluating information reports on the implementation of the Village Government and creating harmonious working relationships with the Village government and other Village institutions. Apart from that, the supervisory function also includes supervision of the implementation of Village Regulations, the Village Revenue and Expenditure Budget, Village Head decisions and the administration of the Village Government.
- d. Budgeting Function Budgeting tasks and functions include: preparing the Village Revenue and Expenditure Budget (APBDes), with this function the BPD with the Village government prepares and determines the APBDes every year. Apart from that, the BPD also carries out monitoring, control and supervision activities regarding the realization of the APBDes. To ensure accountability of the village financial management system, at the end of each year the BPD should ask the Village Head to be accountable for the realization of the APBDes.
- e. Function of Protecting Village Customs The Village Consultative Body also functions as a protector of customs that live and develop in the community, showing a strong will to maintain, protect and preserve the customs of each village.

In the decision-making process in the village there are two types of decisions. First, decisions with a social aspect, which bind the community voluntarily, without clear sanctions. Second, decisions are made by formal village institutions that are formed to carry out decision-making functions. For the first decision, which is often found in the social life of village communities, the decision-making process is carried out through a collective agreement process, beforehand the reasons for alternative decisions are explained first by village leaders. As for the second form of decision, decisions are based on mutually agreed procedures, such as the Village Development Deliberation (Musrenbangdes) process which is carried out once a year. The decision-making process is carried out by parties who are legally given a function for this, which is then called a Village Regulation (Perdes).

The BPD is the Village Head's partner in carrying out its duties and authority. BPD membership is representative of the Village population based on regional representation whose filling is carried out democratically. Village regulations are very important regulations and aim to accelerate the realization of community welfare through improvement, service, empowerment and community participation, as well as increasing regional competitiveness by paying attention to the principles of democracy, equality, justice, privileges and specialties of a village in the Unitary State system. Republic of Indonesia, the administration of government affairs which is the authority of the village, in many cases must be implemented with Village Regulations to provide regulations for the administration of Village government affairs.

The BPD membership period is 6 (six) years starting from the date of taking the oath/promise, BPD members can be elected for a maximum membership period of 3 (three) times consecutively or not consecutively. Juridically, the duties of the BPD refer to Law Number 32 of 2004, as follows:

1. Forming a Village Head election committee, in carrying out the village head election, the BPD has the right to form a village head election committee in accordance with Regency Regional Regulations
2. Propose and determine the elected candidate for village head. In this case, the public knows the selected candidate they will vote for during the election, it is hoped that the public will know their personality, character and other educational and social backgrounds in full.
3. If the village head's performance deviates from the provisions outlined or his term of office has expired, the village head is proposed by the BPD to be dismissed.
4. The village head submits a draft village regulation to the BPD, and together with the BPD to discuss it in a plenary meeting, in accordance with the rules and regulations of the BPD. The BPD with its duties and authority participates in approving or ratifying, and the village head implements village regulations and village decisions after there is approval from both parties.
5. The village head submits the Draft APBDes to the BPD to be ratified as APBDes within one fiscal year. Because with a budget, the village government can work to build public facilities and infrastructure.
6. The BPD carries out supervision over the running of the village government which is carried out by the village head. BPD supervision takes the form of:
  - a. PERDES and other statutory regulations,
  - b. Implementation of regulations Implementation of village regulations and decisions, Village government policies,
  - c. Implementation of cooperation.
7. Considerations and suggestions from the BPD include the village government and the community, always maintained so that all trust and support remains, so that the village head always and seriously carries out his duties with a full sense of responsibility.
8. For all community aspirations, especially in the development sector, BPD is expected to acknowledge, accommodate and protect the community with a sense of responsibility and good cooperation.

BPD is also a democratic institution that is envisioned to be able to institutionalize democratic values that already exist among village communities. Village regulations are very important regulations and aim to accelerate the realization of community welfare through improvement, service, empowerment and community participation, as well as increasing regional competitiveness by paying attention to the principles of democracy, equality, justice, privileges and specialties of a village in the Unitary State system. Republic of Indonesia, the administration of government affairs which is the authority of the village, in many cases must be implemented with Village Regulations to provide arrangements for the administration of Village government affairs. The role of the BPD is to be responsible for organizing village meetings. This responsibility covers the preparation, implementation and post-village deliberation (musdes) stages:

1. In the preparation stage, the BPD is responsible for ensuring that community groups carry out participatory mapping of community needs. The results of this needs mapping will be used as material in determining village spending priorities. The BPD together with the community also carries out an assessment of the development results which are used as material for discussion at the Village Deliberation.
2. In the implementation stage, the BPD leads the implementation of the Village Deliberation

3. In the stage after the Musdes, the BPD ensures that the spending priorities set by the Musdes and recommendations based on previous year's activities are implemented by the Village government.

## **2. Implementation of BPD functions in Puraka I Village, Sei Lapan District, Langkat Regency**

To provide an overview of the implementation of the functions of the BPD (Village Consultative Body) in Puraka I Village, Sei Lapan District, Langkat Regency, as one of the organizing elements of Village Government formed as a vehicle for implementing democracy in the Village, it has shown an important role in supporting the realization of good Village governance. So far the BPD in Puraka I Village has a clear paradigm of adhering to the constitution, and is independent in carrying out its duties and functions. Until now, the existence of the BPD in Puraka I Village, Sei Lapan District, has begun to show its duties and functions between the Village Government and the people of Puraka I Village. The Village Government and BPD in Puraka I Village can play a role and function in discussing and agreeing on draft Village regulations, accommodating and channeling aspirations. Village community, and supervise the performance of the Village Head, this is in accordance with the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body.

However, what is interesting from the results of the interview with the Head of Puraka I Village (Mr. Ibnu Sanjaya S.Kom) concluded that the existence of the BPD is not very optimal, some of the BPD members are elderly. Apart from that, BPD officials also still do not properly understand their duties and functions as BPD even though BPD should be able to position itself well in administering government in Puraka I Village as mandated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body which states that What is meant by Village Government is the Village Head and his staff who are integrated with the BPD as the Village organizing body in a Village.

From the results of the interview that took place with the Village Head (Ibnu Sanjaya S.Kom) who was interviewed at the Puraka I Village Office on October 20 2022, it was discovered that there was a lack of socialization between the BPD and its members and the community. This is in accordance with the expression of the Head of Puraka I Village who said that:

*"The BPD that was formed did not understand its duties and functions as a BPD, so that in its implementation they were still confused, apart from that, ignorance about its duties and functions resulted in the existence of a BPD that did not really participate in the administration of the Village Government, especially in receiving and channeling community aspirations which were then followed up by the Village Government and ranks"*

In creating a more professional village government, harmonious relations and cooperation between the BPD and the village head are required, this is intended to create better government services. The relationship pattern between the BPD and the Village Government is reciprocal where both need each other to create better government. The relationship between the Village Government and the BPD will influence the capacity to accommodate community aspirations as objects in the implementation of government within the Village government. This is in line with Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Councils.



To understand the functions of BPD as mandated in PERMENDAGRI Number 110 of 2016, the following will be explained clearly:

### **1. Function of Legislation**

The legislative function referred to here is the function of the BPD which is related to the formulation and stipulation of Village regulations. The function of the BPD in discussing and agreeing on Draft Village Regulations with the Village Head is regulated in Minister of Home Affairs Regulation Number 110 of 2016 Article 31 point (a) states that "Discuss and agree on Draft Village Regulations with the Village Head" In formulating and enacting Village Regulations, the Consultative Body Villages are guided by Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Councils. together with the Village government (Village Head and Village Apparatus), through several processes including the following:

- a. The Village Government invites BPD members to convey their intention to form village regulations by conveying the main points of the proposed village regulations.
- b. The BPD first submits a draft Village Regulation, as does the Village government which also submits a draft Village Regulation.
- c. The BPD provides input or suggestions to complete or improve the draft Village Regulations.
- d. The BPD chairman submits the proposal to the village government to be put on the agenda.
- e. The BPD holds meetings with the village government approximately one to two times to obtain a mutual agreement.

In carrying out their duties, the BPD and the Puraka I Village Government have issued Village Regulations and the Village Medium Term Development Plan (RPJMDes) for 2016. Law Number 25 of 2004 concerning the National Planning System, Government Regulation no. 72 of 2005 (Article 64) concerning Villages, and Minister of Home Affairs Regulation no. 66/2007 concerning Village Development Planning, mandates village governments to prepare their own development programs. The planning forum is called the Village Development Planning Deliberation (Musrenbang Desa). Through the process of involving the community in the village development planning and budgeting process, it is hoped that efforts to increase community welfare evenly and fairly can be achieved.

In the context of research conducted in Puraka I Village, it was discovered that the implementation of the BPD's function in discussing and agreeing on Draft Village Regulations with the Village Head went quite well, although not optimally, this proves that the community has sufficient enthusiasm in the stage of making village regulations.

### **2. Protective Function**

The function of the guardian referred to here is to accommodate and channel the aspirations of the community. BPD as an element in the Village Government is responsible for implementing activities to accommodate community aspirations. As explained in Article 36 paragraphs (1) and (2), the distribution of community aspirations is carried out in oral and/or written form, which is meant by oral delivery such as conveying community aspirations by the BPD in a BPD meeting attended by the Village Head, whereas in written form, namely conveying aspirations through letters in the context of conveying input for the implementation of Village Government. Accommodating community aspirations, namely handling and channeling aspirations received from the community which are carried out at the BPD secretariat, administered and conveyed in village meetings. (Article 34, paragraphs (1) and (2)). In general, there are 3 ways for people to express their aspirations, namely:

a. Submission directly to BPD

It is not uncommon for residents to convey their aspirations to the BPD either individually or collectively by conveying it directly to BPD members in their neighborhood (RW). The types of aspirations conveyed in this way tend not to be very urgent issues for the interests of the village, therefore many suggestions and aspirations are "assuming" but this method of conveying aspirations is very effective at the monitoring and implementation stages of a village program.

b. Submission through citizen forums

BPD pays attention to the aspirations of the community through forums held in the region. Each region once a month holds meetings in associations such as social gatherings and so on. According to the author's observations, the nature and form of giving people's aspirations is no different from the direct delivery model in this kind of forum.

c. Delivery through village level meetings

Expressing aspirations through village discussion forums or coordination meetings held by the Village Government. In this forum, the government invites representatives from the community, namely religious, traditional and community leaders and includes the BPD to discuss problems and programs that are being or will be implemented by the Village Government. Apart from that, the conveyance of aspirations by the community is more dominant during MUSRENBANGDES/KEL meetings.

In field research, it was discovered that there was a lack of role for the BPD in implementing its function in conveying the aspirations of the village community and a lack of understanding by BPD members regarding the implementation of the BPD's functions so that in accommodating and channeling community aspirations it had not been implemented properly. where the BPD does not convey aspirations through citizen forums, where the BPD works together to accommodate complaints from the community regarding development in the village. So it can be said that the BPD has not been optimal in implementing and channeling the aspirations of the village community based on Permendagri Number 110 of 2016.

### **3. Oversight function**

Supervision is one of the functions of the BPD, the supervision referred to here is the supervision carried out by the BPD regarding the implementation of Village regulations, use of the budget and regional expenditure as well as the decisions of the Village Head. Regarding the BPD's function as supervisor of the BPD's position with the village, it is more about coordination, this is regulated in Article 46 which reads:

- a. BPD supervises the performance of the Village Head
- b. Implementation of supervision as intended in paragraph (1) is carried out through:
  1. Village Government activity planning
  2. Implementation of activities, and
  3. Reporting on the implementation of Village Government
- c. The form of BPD supervision as intended in paragraph (1) is in the form of monitoring and evaluation.

The Village Consultative Body has the function of making and enacting Village Regulations together with the village government, apart from that the BPD also has the function of supervising the running of the village government. Functions in this area of supervision include supervision of the implementation of Village Regulations, supervision of the Village Revenue and Expenditure Budget (APBDes), and supervision of Village Head decisions. In carrying out this supervisory function, the BPD has the right to hold the Village Head accountable and ask the village government for information.

The function as supervisor of the BPD is to be more professional and better understand the government system and organizational flow in the village. In the case of this research, the function as supervisor was carried out in Puraka I Village, Sei Lapan District, Langkat Regency. The supervision carried out by the BPD in Puraka I Village has not been optimal even though the government implementation in this village is more cultural, but the cultural characteristics it possesses cannot be used properly in carrying out the working relationship between the BPD and the Village Government, according to Mrs. Siti Sumarni as Secretary In Puraka I Village, according to him, the supervision pattern has not been running optimally, this may be due to the closed attitude that is being carried out by both parties, even though transparency should be needed such as transparency in the use of the budget, but so far, budget transparency is still a scary thing so that the BPD's task is in terms of supervision. also walks with a limp.

### **3. factors inhibiting the Village Consultative Body (BPD) in carrying out its functions**

#### **a. Obstacle factor**

Based on data obtained in the field, there are several factors that hinder the performance of BPD in carrying out its duties and functions, namely:

##### **1. Means**

In carrying out its duties as a BPD, a forum as a secretariat is needed to carry out all activities related to BPD activities, starting from planning and administration. A container or place in the form of an office is really needed by BPD for the organization of all BPD activities. This is also intended to facilitate communication and coordination between other BPD members.

##### **2. Communication Patterns**

Communication patterns greatly influence the functioning of the Village Consultative Body (BPD) by looking at how the emotional relationship between the Chair of the BPD and its members can be seen from the communication patterns that have been built so far. Looking at the facts that occur in the field, one of the factors inhibiting the implementation of the functions of the Village Consultative Body (BPD) is that the communication pattern does not work as it should, both between the Chair and its members and between members and other BPD members.

##### **3. Not understanding the function**

BPD members do not understand their functions as BPD members based on the applicable regulations. One of the factors inhibiting the implementation of the functions of the Village Consultative Body (BPD) is that BPD members do not understand their own functions. Facts found in the field are that it turns out that BPD members do not understand the functions as stated in the applicable laws and regulations.

And their understanding is that the function of the Village Consultative Body (BPD) is only as a working partner where whatever decision the Village Head makes, the BPD must fully support the decision without any prior deliberation or communication between the Village head and the BPD.

##### **4. The public does not understand the function of BPD**

Listening to the aspirations of the community is one of the very important functions of the BPD, what the community needs must be conveyed to the Village Government, this is where the role of the BPD is to listen to the aspirations of the community and the community is also expected to convey their aspirations. In listening to the aspirations of the community, the important role of BPD members as conduits to the Village Government is very necessary. However, what happens in the field is not only that BPD members do not understand their function, but the community also apparently does not understand at all what the function of the BPD is.

##### **5. There is no socialization from the village government regarding the functions of the BPD**

Looking at the two factors inhibiting the implementation of the functions of the Village Consultative Body (BPD), namely BPD members do not understand their function as BPD members based on applicable regional regulations and the community does not understand the function of the Village Consultative Body (BPD). So it is necessary to socialize the functions of the Village Consultative Body (BPD) from the Village Government and from the BPD members themselves. This is expected to understand their respective functions, both the Village Government and BPD and the community itself, but what is happening in the field of socialization as intended is not there.

This is very necessary in carrying out their respective duties and functions in accordance with applicable laws. Obstacles in implementing BPD functions in Puraka I Village, Sei Lapan District, Langkat Regency, can be grouped into two parts, namely internal obstacles and external obstacles. Internal obstacles are obstacles that originate from within the BPD organization, these obstacles can be in the form of personal obstacles or financial obstacles. Personal obstacles include:

- 1) limited skills and knowledge of BPD members in drafting village regulations,
- 2) work as a BPD is a "part time" job.

It is clear that the BPD in Puraka I Village is not yet supported by an adequate budget, or in other words, the budget post for operational activities of the BPD in Puraka I Village is still relatively limited. In Puraka I Village, it shows that the budget for BPD operations has two sources, namely from the Budget. Wedelan Village Revenue and Expenditures (APBDes) and from the budget sourced from the Langkat Regency Government, the amount of which is still relatively small.

### **B. Supporting Factors**

Based on the results of research in the field, there are several factors that support the effectiveness of the BPD function in Puraka I Village, namely:

#### **1. Public**

The community is a determining factor in the success of the BPD in carrying out its functions. The amount of support, welcome and appreciation from the community for the BPD means that the BPD has more room to carry out its functions. Support from the community does not only depend on the number of aspirations that come in but also from the implementation of a village regulation. It is the will and enthusiasm of the community that makes all decisions from the BPD and Village Government easy to implement. Community participation, both in the form of aspirations and in the implementation of a decision, greatly determines the effectiveness of the BPD's duties and functions.

Support from the community can also be seen from the enthusiasm of the community in every deliberation or meeting held by the BPD. The community should support every activity carried out by the BPD or Village Government. This must be based on the collective awareness of community members that all activities are carried out for the sake of joint activities. One of the factors supporting the effectiveness of the duties and functions of the BPD is the creation of a harmonious relationship between the BPD and the Village Government by always appreciating and respecting each other, as well as the existence of good intentions to help and remind each other. This harmony is caused by the existence of shared goals and interests to be achieved, namely the prosperity of the village community.

2. Income/incentives.

The provision of incentives from the government encourages BPD performance to become better. Even though for BPD members the incentives are not adequate, for them the existence of incentives is a form of the Government's appreciation and concern for the BPD.

3. BPD member selection system.

The election of BPD members uses a direct election system by the community. This increases public trust in people who are members of the BPD.

### C. Efforts to Overcome Obstacles

Various obstacles in implementing the functions of the BPD in Puraka I Village, both in the form of internal obstacles and external obstacles, have been responded to positively by the BPD in Puraka I Village, meaning that the BPD has made various efforts to overcome the various obstacles that have arisen. The efforts made can be grouped into two large parts, namely efforts carried out by parties outside the BPD, namely those carried out by the Langkat Regency Government and efforts carried out by the Puraka I Village BPD.

Efforts made by the Langkat Regency side include providing technical guidance for the administration of Puraka I Village by the Langkat Regency Government. Through this technical guidance, socialization materials for various changes to regional regulations in the field of village government and technical implementation of village administration as well as technical preparation of village regulations are provided, and the BPD in Puraka I Village follows all technical guidance for implementing village government from the Langkat Regency Government seriously. .

Specifically related to external obstacles, namely the lack of technical guidance for village government administration by the Langkat Regency Government. The BPD in Puraka I Village has established good cooperation with the Langkat Regency Government. If the BPD in Puraka I Village feels a lack of technical guidance for the implementation of village government by the Langkat Regency, the BPD in Puraka I Village, chaired by Agamluddin, immediately communicates this to the Langkat Regency. so that a harmonious relationship can be created between the Langkat Regency government and the BPD in Puraka I Village, and this can also support the BPD's performance in implementing democratic village governance in Puraka I Village, Sei Lapan District, Langkat Regency. Regarding other external obstacles, such as the low level of education of residents and the busy work of the people of Puraka I Village, causing a lack of understanding by residents regarding the functions, duties and authority of the BPD, to overcome this, the BPD always provides understanding to residents regarding the duties, functions and authority for events such as recitations, RT gatherings, yasinan, village gatherings.

The educational level of BPD members in Puraka I Village greatly influences their performance in implementing democratic village governance, even though the education level of Puraka I Village residents is still low and the busyness of Puraka I Village residents is high, the BPD is still able to carry out socialization regarding the functions, duties and authority of BPD village meetings, payroll and yasinan, these events are also used by the BPD as a basis for exploring, absorbing, reviewing and prioritizing aspirations that will be used as draft village regulations, and continue to provide opportunities for the community through these events to revise the draft village regulations before they are ready to become village regulations.

## E. CLOSING

### A. Conclusion

Based on the results of the explanation of the problem formulation, the conclusions of this research are:

1. The main tasks and functions of the Village Consultative Body according to Law No. 6 of 2014 are to accommodate and convey community aspirations, design and form



Village Regulations (Legislation). budgeting, including: preparing the Village Revenue and Expenditure Budget (APBDes), Protecting Village Customs and Village Consultative Body also functions

2. There are still weaknesses in the supervision of village regulations carried out by BPD Puraka I, where BPD members lack understanding of their functions. It can be concluded that the function of the Village Consultative Body (BPD) is to discuss and approve Draft Village Regulations, accommodate community aspirations, and supervise the performance of the Village Head. Based on the research results, it shows that the function in making regulations is more implemented and realized, in contrast to the function in accommodating community aspirations and supervising the performance of the Village Head which has not been optimal in its implementation due to the lack of understanding of BPD members regarding their duties. and its functions are based on applicable regulations.
3. Factors that influence the effectiveness of the Village Consultative Body are supporting factors that can influence the community, community relations patterns, incentive income and the BPD member selection system. Meanwhile, the inhibiting factor is that the community and BPD do not understand the function of BPD based on applicable regulations and there is no socialization from the village government regarding the function of BPD.

#### **B. Suggestion**

1. It is necessary to discuss the performance of the Village Head with the community so that the Village Head's performance can be implemented as well as hearing suggestions from the community regarding the performance of the Village Head.
2. It is necessary to increase the competency of Human Resources of Puraka I BPD members so that supervision of village government starting from the legislative process to supervision of the Village APB and village regulations can run optimally. This can be done by conducting training and counseling to BPD members. If necessary, changes can be made to BPD members who are more competent in carrying out their duties.
3. More thorough and regular outreach to the community regarding the existence of the BPD and the duties and functions of the BPD in Puraka I Village is needed. In addition, funding for BPD operational activities needs to be increased for the welfare of BPD members. However, only if the implementation of BPD Puraka I is in accordance with the provisions of the Law.

## REFERENCES

### A. BUKU

- Ali, Zainuddin. *Metode Penelitian Hukum*, Sinar Grafika, Jakarta, 2016.
- Butarbutar, Elisabeth Nurhaini. *Metode Penelitian Hukum*, Alumni, Bandung, 2018.
- Gunawan, Imam. *Metode Penelitian Kualitatif*, Bumi Aksara, Jakarta, 2013.
- Handoyo, B. Hestu Cipto, *Hukum Tata Negara Indonesia*, Andi, Yogyakarta, 2009
- Huda, Ni'matul, *Hukum Pemerintahan Desa*, Cetakan Pertama, Setara Press, Malang, 2015
- Kaho, Josef Riwu. *Prospek Otonomi Daerah Di Negara Republik Indonesia*, PT.Raja Grafindo Persada, Jakarta, 1997.
- Moch. Solekhan. *Penyelenggaraan Pemerintahan Desa*, Setara Press, Malang 2014.
- Ndraha, Taliziduhu. *Dimensi-Dimensi Pemerintahan Desa*. PT Bumi Aksara, Jakarta, 1991.
- Santoso, Purwo, *Pembaharuan Desa Seacara Partisipatif*, Cetakan Pertama, Pustaka Pelajar, Yogyakarta, Refika Aditama. 2003
- Sudjatmiko, Budiman. *Desa Hebat, Indonesia Hebat*, Pustaka Yustisia, Yogyakarta, Univ.Atma Jaya, 2015.
- Widjaya, HAW. *Otonomi Desa Merupakan Otonomi yang Asli, Bulat dan Utuh*, Raja Grafindo Persada, Jakarta, 2003

### B. PERATURAN PERUNDANG-UNDANGAN

- Undang-Undang Dasar Tahun 1945
- Undang-Undang Republik Indonesia Nomor 6 Tahun 2014 Tentang Kepala Desa.
- Peraturan Menteri Dalam Negeri Nomor 110 Tahun 2016 tentang BPD
- Peraturan Menteri Dalam Negeri Republik Indonesia Nomor 110 Tahun 2016 tentang Badan Permusyawaratan Desa (BPD).

### C. JURNAL, SKRIPSI, TESIS

- A.N, Dodik Prihatin. Fungsi Legislasi BPD Dalam Pembentukan Peraturan Desa. *Jurnal Rechtsens* 6(1), 2017.
- Arianta, Ketut, et.al.. Perlindungan Hukum Bagi Kaum Etnis Rohingya Dalam Perspektif Hak Asasi Manusia Internasional. *Jurnal Komunitas Yustisia* 1(1), 2020
- Baharudin. Analisis Kedudukan Peraturan Desa Dan Pembentukan Peraturan Desa Yang Demokratis Partisipatoris. *Jurnal Ilmu Hukum, Volume 10* No.2, 2019.
- Habibi, Fikri. Pasang Surut Otonomi Desa Di Indonesia. *Jurnal Administrasi Negara*, 1(1), 2012.
- Hasjimzoem, Yusnani, Dinamika Hukum Pemerintahan Desa. *Jurnal Ilmu Hukum*, 3 (8), 2014
- Kushandjani. *Otonomi Desa Berbasis Modal Sosial Dalam Perspektif Socio-Legal*, (Skripsi, UNDIP), 2008.
- Masuara, Rico. Pelaksanaan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Penyelenggaraan Pemerintahan Desa. *Jurnal Politico*, 3(1), 2014.
- Mulyono, Sutrisno Purwohadi. Sinergitas Penyelenggaraan Pemerintahan Desa Pasca Pemberlakuan UU No. 6 Tahun 2014 Tentang Desa. *Jurnal Masalah Masalah Hukum*, 43(3), 2014.
- Nadir, Sakinah. Otonomi Daerah Dan Desentralisasi Desa: Menuju Pemberdayaan Masyarakat Desa. *Jurnal Politik Profetik*, 1(1), 2013.
- Rahayu, Taqwa Utama. *Kedudukan Dan Wewenang Badan Permusyawaratan Desa Dalam Penyelenggaraan Pemerintahan di Desa Rancasalak Berdasarkan PERMENDAGRI No. 110 Tahun 2016 Tentang Badan Permusyawaratan Desa*. (Skripsi, UNPAS), 2019.
- Rony, Harun Al. *Implementasi Fungsi BPD Menurut UU No. 6 Tahun 2014* (Skripsi, UMS), 2017.
- Rumokoy, Nike K. Prinsip-Prinsip Pembentukan Peraturan Kepala Desa Berdasarkan UU No. 12 Tahun 2011. *Jurnal Hukum Unsrat*, 21(3), 2013

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- Saputra, Prayozza. *Optimalisasi Peran Badan Permusyawaratan Desa Dalam Pembentukan Peraturan Desa*. (Skripsi, Universitas Islam Negeri Syarif Hidayatullah Jakarta), 2014.
- Susantie, Anie. 2013. *Implementasi Pembentukan Peraturan Desa Setelah Lahirnya Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan* (Tesis). Yogyakarta: Universitas Islam Indonesia.
- Tindi, Steffy Adelia. Peranan Pemerintah Desa Dalam Perencanaan Pembangunan Studi Di Desa Pineleng Dua Kecamatan Pineleng. *Jurnal Politico*, 4(2), 2015.
- Wardana, Dodi Jaya. Penguatan Kedudukan Peraturan Desa Dalam Sistem Perundang-Undangan Indonesia. *Jurnal Justiciabelen*, 2(1), 2020.
- Wijayanto, Dody Eko. Kepala Desa Dan Badan Permusyawaratan Desa Dalam Pembentukan Peraturan Desa. *Jurnal Independent*, 2(1), 2014.
- Zainudin, Arif. Model Kelembagaan Pemerintahan Desa. *Jurnal Ilmu Pemerintahan: Kajian Ilmu Pemerintahan dan Politik Daerah*, 1(2), 2016.