

IMPLEMENTATION OF LAW NOMOR 6 TAHUN 2014 ON VILLAGE AUTHORITY IN PAKKAT HAUAGONG VILLAGE HUMBANG HASUNDUTAN DISTRICT

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Abstract

Villages as the main milestone in the development of the State have the right of origin and traditional rights in regulating and managing the interests of local communities and play a role in realizing the ideals of independence based on the 1945 Constitution of the Republic of Indonesia, although Village Regulations are not explicitly explained in the hierarchy of legislation in Indonesia. Villages in their governance and development arrangements are regulated in Law No. 6 of 2014. This research is a descriptive qualitative research with the type of research used is Field Research. The results of this study are the implementation of the formation of village regulations in Pakkat Hauagong Village, Humbang Hasundutan Regency still has many shortcomings in the formation process. In the formation of village regulations in Pakkat Hauagong Village, there are still many inhibiting factors such as people who are still unfamiliar with village regulations, lack of cooperation between the Village Head and the Village Consultative Body (BPD) and Pakkat Hauagong Village as a village where the majority of Batak Toba people are still more dominant in using customary law than village regulations in solving problems.

Keywords: *Village, Village Regulation, Village Authority*

A. Introduction

Historically, the existence of village autonomy dates back to before Indonesia declared independence. The village was recognized as a legal unit based on custom and regulated using law with the local wisdom of the village, which was formed in 1906 by the Dutch government which was called the Inlandschee Gemeenteordonantie (Abdurrahman, 2014).

The application of village autonomy at that time was very real and was noticed and recognized and did not recognize the existence of other terms or components. Villages are formed from the geologic and territorial association of hamlets. Meanwhile, a customary village is a community that applies customary law as the law that applies to the most important part of the village unit and is recognized by the State of Indonesia.

The village is the scope of organization or the basic government order which is the basic milestone in the formation of the State of Indonesia and closer to the community in the implementation of autonomy in accordance with the constitution as a bridge to a prosperous people. The implementation of Law No. 6/2014 on Villages makes the position of government in the village very meaningful in regulating the system of organization and welfare of the community.

The establishment of Village Regulations creates a structured division of various authorities by the Village by referring to the provisions of the hierarchy of legislation at a higher level. Village regulations must not contradict higher regulations and must not harm the public interest as one of the legal products. Therefore, village regulations must pay attention to harmonization and synchronization in the hierarchy of laws and regulations.

In this case, the author conducted research directly into the field and Pakkat Hauagong Village became the object of research located in Pakkat District, Humbang Hasundutan Regency. Through this journal, it can be seen that the implementation of the formation of

village regulations in Pakkat Hauagong Village is still not in accordance with what is stated in Law No. 6 of 2014 concerning Villages.

B. Problem Formulation

Based on the background of the problem above, the problem formulations in this paper are:

How is the implementation of village authority in the formation of village regulations in Pakkat Hauagong Village, Humbang Hasundutan Regency?

C. Research Method

This research uses empirical juridical research. The research in this thesis is directly related to legislation, village regulations and is directly related to direct research that occurs in the field. The data collection method is obtained by interview, which is asking several questions to the interviewer directly to the respondent, then the respondent's answer can be recorded and recorded to collect data. The next method is documentation, which is data that is not addressed directly to the subject, through documents to collect data. The type of empirical research data is classified into 2 data, namely primary data (obtained directly from the community) and secondary data (library materials).

D. Results and Discussion

1. Mechanism of Village Regulation Formation in Law No. 6 Year 2014

Village development must concretely consider various factors, including those related to economic development, development or education services, government capacity building and the provision of various village infrastructure. All of these factors are necessary to implement and integrate village development into a structured plan in spatial design.

The process of forming Village Regulations requires community involvement so that the final result of the Village Regulation can be fulfilled for legal sustainability aspects and is able to be implemented according to the purpose of its formation. Community involvement can take the form of input or contribution of ideas to the formulation of the substance of the Village Regulation. Laws or legislation are considered valid and effective if philosophical elements, juridical elements and sociological elements are fulfilled.

Law No. 6/2014 on Villages, Explanation of Article 19 states that village-scale local authority is also an authority used to manage and regulate the interests of the village community that has been carried out or effective to be carried out by the Village or that can arise due to the development and initiative of the village community. Examples are village libraries, village reservoirs, village markets, village art studios, and others.

The process of forming village regulations starting from the planning, drafting, discussion and promulgation stages is specifically regulated by referring to Law No. 6/2014 on Villages. In fact, Article 115 letter b of Law No. 6/2014 states that the Regency/City Government provides guidance and supervision on the implementation of the Village Government, including providing guidelines for the preparation of Village Regulations.

2. Mechanisms and Implementation in the Formation of Village Regulations in Pakkat Hauagong Village.

The current Pakkat Hauagong Village Apparatus is the 2019-2025 term of office. The village head election held in October 2019 was won by Mr. Murdin Tinambunan. The structure of the Pakkat Hauagong Village Government, namely:

**STRUKTUR ORGANISASI KELEMBAGAAN DAN TATA KERJA
PEMERINTAHAN DESA PERIODE 2019-2025**



Village regulations in the implementation of village governance, especially in Pakkat Hauagong Village, are not in line with expectations. This can be observed from the Regional Regulations established by the district/city government relating to the procedures for the formation of village regulations as mandated in the laws and regulations still contain many shortcomings. These poor guidelines will certainly not be able to produce good village regulations.

Based on Law No. 6 of 2014, Village Regulations are stipulated by the Village Head after being discussed and agreed upon with the Village Consultative Body (BPD) as a legal and policy framework in the implementation of Village Administration and Village Development. Village Regulations are processed in a democratic and participatory manner. The drafting process includes the participation of the village community. Village communities have the right to propose or provide input to the Village Head and the Village Consultative Body (BPD).

The scheme of the stages of village regulation formation in Pakkat Hauagong Village, namely:

**MECHANISM OF VILLAGE REGULATION FORMATION
IN PAKKAT HAUAGONG VILLAGE**



The scheme of village regulation formation in Pakkat Hauagong Village is not much different from the stages listed in Law No. 6/2014, but has a slightly unique stage, namely:

a. Planning Stage

1) Proposed village regulations can be submitted by the Village Head, Village Consultative Body (BPD).

b. Drafts of village regulations must be discussed with the community, especially village regulations on a village scale. However, because it is not possible to invite the entire village community, those who participate are the Raja huta, raja adat, religious leaders, sub-district heads, youth organizations, hamlet heads, and neighborhood heads. The village community also has the right to submit input on the draft.

c. Stages of Discussion:

The Draft Village Regulation is discussed by the village head and BPD. The results of the discussion / deliberation (referred to as *Himbauan* first) are then reproduced to be distributed to public places such as stalls, shops, bus stops so that all villagers can find out.

The village government will pay attention to the pros and cons of the community. The community is allowed to express their opinions about the appeal that is circulating. If there are many cons, the appeal will not be enacted. Meanwhile, if the community is in favor of the appeal, the village government will proceed to the stipulation stage.

d. Stages of Stipulation:

The Village Regulation is stipulated by the village head.

e. Stages of Enactment:

Village Regulations are promulgated in the Village Gazette and Village News by the Village Secretary. Then make copies and distribute them again to public places so that the public knows that the regulation has come into effect.

From the results of the interview, the Village Consultative Body (BPD) of Pakkat Hauagong Village mentioned that the formation of Village Regulations was made in accordance with the stages in the Village Law, namely based on Law No. 6 of 2014. However, this is inversely proportional to the results of the interview with the Pakkat Hauagong Village Head. In Law No. 6 of 2014, article 55 states that the Village Consultative Body (BPD) discusses and agrees on draft village regulations together with the Village Head. The Pakkat Hauagong Village Head stated that the formation of village regulations is only the task of the Village Consultative Body (BPD). Therefore, there is a gap between the existing legal regulations (*das sollen*) and the events or what happens in the field (*das sein*), which becomes a problem in the formation of village regulations in Pakkat Hauagong Village.

Basically, in the formation of a village regulation, for example the Draft Village Revenue Budget (RAPB Desa), the Village Head puts his signature so that the regulation can be implemented. Giving a signature is also a participation, which in this case means "agreeing" to the formation of the matter.

Does this mean that the village regulation is not implemented? Indeed, this does not affect the implementation of village regulations in Pakkat Hauagong Village. However, in the procedure, the Village Head does not seem to care or even understand the formation system of village regulations in the village. Perhaps this can be an evaluation of how the Village Head and the Village Consultative Body in the formation of village regulations in the future.

E. Conclusion

Village regulations that are not explicitly mentioned in Article 7 paragraph (1) of Law No. 12/2011 are still recognized in formal juridical existence and have binding legal force like other laws and regulations. The position of Village Regulations is located below the hierarchy of laws and regulations which are the implementation of the regulations above them. The article that shows the location of village regulations is Article 8 paragraph (1) of Law No. 12/2011.

Village Regulations are formed by the Village Head together with the Village Consultative Body (BPD). Drafts of Village Regulations can come from the Village Government or from the community directly. Village regulations are formed in accordance with the needs of the village. Therefore, the aspirations of the community are needed in its formation.

Pakkat Hauagong Village has not maximally implemented the implementation of village regulation formation in line with Law No. 6/2014. Article 55 of the Village Law states that village regulations are formed by the Village Consultative Body together with the Village Head, but from the results of interviews, this does not match what happens in the field. There are still many inhibiting factors in the formation of village regulations in Pakkat Hauagong Village, Humbang Hasundutan Regency.

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