

The effectiveness of legal role of village consultative agency (BPD) in village development according to UU.No. 6 year 2014 about village (Kahianga Village study)

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Abstract

The purpose of this research is to know the effectiveness of legal role of the Village consultative Agency (BPD) in the development of the village according to UU.No. 6 year 2014 about village (Kahianga Village study) and to find out the factors that inhibit the role of the Village consultative Agency (BPD) in development in the village Kahianga East Tomia District. The data collection techniques used more on observation, a dandokumentation interview. The conclusion of this research is the effectiveness of legal role of the village consultative body (bpd) Kahianga in the case that legislation does not go as it should, proved in the absence of the rules that are issued, in the meantime in the case of the function budgeting bpd goes well, proved by always involved in the budget discussion meetings that are done with the principle of transparency and supervision function bpd also goes well seen with the active bpd in surveillance of the village's income and expenditure budget and factors that become constraints BPD Kahianga in the development of the village namely the community participation Kahianga Village to the development program is still relatively low, the level of education is relatively low is a BPD inhibitors communicate well and able to analyze the aspirations or what the next community is in coordinate with the village government and the pattern of parallel relations between the BPD and the village head in the village government , it turns out that in the implementation is colored by the practices of working relationships that are less harmonious and leads to the occurrence of conflicts and shows the tendency to dominate the village chief of the BPD..

Keywords: BPD, Legal effectiveness

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1. Introduction

The village or called by another name existed before the unitary State of the Republic of Indonesia formed. As proof of its nature, explanation of article 18 of the Constitution of the Republic of Indonesia Year 1945 (before the change) mentions, that "in the Territory of Indonesia there are more or less 250 Zelfbesturende landsschappen and volksgemeenschappen, such as villages in Java and Bali, Nagari in Minangkanaou, Hamlet and Marga in Palembang These areas of the region have the original structure and by the Karnanya can be considered a special area, therefore, the situation must remain recognized and given the guarantee of its survival in the unitary Republic of Indonesia (Solekhan, 2014)

The village which is the scope of the organization or is the arrangement of the smallest government and closer to the Merck, has an important role in running the autonomy that is secure by the Constitution as a way to the prosperous people. From

this, it can be determined by the Government's success in development, whether it is from the regional level and from the central level through the assistance task given to the village government, and then distribute the aid program to the community. In LAW article 1, the village number 1 is mentioned that Village is a village and traditional village called by another name, hereinafter called the village is a law unit that has the boundary of the territory that is authorized to organize and manage the affairs of the Government, the interests of local people based on the initiative of the Community, the right of origin, and/or the traditional rights that are recognize and respect in the system of unitary Indonesia.

The village government as a spearhead in the local governance system will relate and contact the community. Therefore, the system and mechanisms of regional governance are strongly supported and determined by the village government and the village consultative Agency (BPD) as part of the local government. Institutional structures and working mechanisms at all levels of government, especially village governance, must be directed to create a government that is sensitive to the development and changes occurring within the community.

The implementation of the village government is a subsystem of the governance system, so the village has the authority to regulate and manage the interests of society. As well as regional and central levels in carrying out government in the aid and cooperation with the executive and legislative bodies with the Division of power (Widjaja, 2004). Similarly, at the village level, in the running of its government wheel, the head of the village does not work alone, but is assisted by other village devices such as village secretaries and others. The Village consultative Agency (BPD) is the embodiment of the democracy system, in the village LAW said that the village consultative Agency (BPD) is an institution that carries out governmental functions whose members are representatives of villagers based on regional representation and in a democratic setting.

A juridical village government consists of the village head and the Village consultative Agency (BPD). The village government functioned to conduct policies made by the village head with the BPD. In accordance with the principles of democracy, the BPD with the village chief has the obligation to provide a report on the implementation of the village government to the Regent/mayor (Nurcholis, 2011).

The presence of the village consultative Body (BPD) with a number of functions attached to it makes the village consultative Agency (BPD) as an institution that has great power at the village level, in addition to the power of the village head which has been there. This strong position can also be seen from the authority and rights owned by the Village consultative Agency (BPD). The authority intended is to perform supervision on the implementation of village regulations and the rules of the village head, propose the appointment and termination of village head and form the electoral committee of the village head.

Law No. 6 of 2014, article 61 point 1 & 2 mentions the rights of BPD namely:

- a. Supervise and seek information about the implementation of the village government to the village government.
- b. Expressed opinion on the implementation of village governance, Village development, village societal development, and empowerment of rural communities (Sudjatmiko & Zakaria, 2014).

- c. In article 15 paragraph (2) of government regulation No. 72 year 2005 on village states the village chief has the obligation to provide the Village governance implementation report to the Regent or mayor, and provide a report of accountability to the village consultative Agency (BPD), and inform the Village Government implementation report to the village community.

Based on the background above, it can be formulated with the following problems;

How the effectiveness of legal role of village consultative Agency (BPD) in Village development according to UU.No. 6 year 2014 about the village (Kahianga study) and what factors inhibit the role of the Village consultative Agency (BPD) in development in the village Kahianga East Tomia district.?

The objective is to be achieved as follows: to know the effectiveness of legal role of the Village consultative Agency (BPD) in Village development according to UU.No. 6 year 2014 about village (Kahianga study) and to know the factors that inhibit the role of the Village consultative Agency (BPD) in development in the village Kahianga East Tomia District.

2. Method

Empirical research is conducted by researching directly to the location in the middle of society to see directly the application of legislation or rules relating to law enforcement, and conducting interviews with some respondents who are considered able to provide information on the implementation of law enforcement (Ilmar, 2014).

3. Foundation theory

Theory of legal effectiveness

Legal effectiveness theory, that is, this theory explains the passage of legislation when applied to the community. Often we know that in the community, the law that has been made is not effective therein.

According to Lawrence Friedman elements of the legal system consist of 3 elements and the three elements of this legal system greatly affect the effectiveness of the law in the third society of such elements are:

- a. Legal structure
- b. Legal substance (legal substance) and
- c. Legal culture

Legal structures include executives, LEGISLAFIF and judiciary as well as related institutions, as well as prosecutors, police, judicial commissions and others. While the legal substance is about the norms of regulation and law.

The culture of law is the view, customs and behavior of the public about the values and expectations of the prevailing legal system, in other words, the culture of the law is the climate of social thought about how the law is applied, violated or implemented.

Without the legal culture of the legal system itself will not be empowered like a dead fish that is buried in the basket, not like a living fish swimming in the sea (without legal culture, the legal system is its sea). (Lawrence Friedman, 1984:7) Every society, country and community has a culture of law. There is always an attitude and a legal culture view. It does not mean that everyone in a community gives the same thought.

Legal effectiveness is a process that aims to make the law effective. The situation can be reviewed on the basis of some effective benchmarks. There are parties who perceive the law as an attitude of action or conduct that is orderly. The method used is induction-empirical; So that the law is seen as an attitude of a re-action in the same form, which has a specific purpose of achieving the peace through harmony between order and tranquility, or between discipline and freedom (Soekanto, 2008).

According to Soekanto that there are five factors that affect the effectiveness of the law in society, the five factors are:

1. His own law
2. Law enforcement
3. Tools and Facilities
4. The Community
5. Culture.

The five factors above relate to the era, because it becomes a staple in the law, as well as the benchmark of the effectiveness of law enforcement. The five factors that submit, there is no one which is very dominant influence, all these factors must support each other to form the effectiveness of the law. Better yet if there is a systematics of these five factors, so that the law can be in effective value.

4. Findings and Discussion

4.1 Legal effectiveness of the Village consultative Body (BPD) in Village development according to UU.No. 6 year 2014 about village.

In the structure of the village government, the position of the Village consultative Agency (BPD) is parallel with the village government even partners from the village head, it is intended to occur the process of balancing power so that there is no suspicion between the head of village as the implementation of village government and BPD as a legislation that serves the establishment of customs, supervision functions and functions to accommodate and

This is where the members of the Village Consultative Board (BPD) are required to carry out their role. Village government affairs will run well in the event of a good cooperation between the village apparatus and the Village consultative Agency (BPD). Capability usually shows the potential and strength that exists in a person to demonstrate ability in the field of governance of the village government, for that BPD members are required to have extensive insight both experience, knowledge, skills and attitudes.

The knowledge and skills of a person in conducting directly in the implementation of the village government have an influence on the ability of a person (member of BPD) to handle inputs from the community and in the village decision making so that the decision is taken according to the wishes and aspirations of the community.

The presence of village consultative body (BPD) in the village government with its various functions and competence is expected to realize the check and balance system in the village government. As an embodiment of democracy, in the implementation of village governance, the village head and the Village consultative Agency (BPD) work together to manage and govern the interests of the local community based on their recognised and respectful origins and customs.

In implementing Law No. 6 of 2014 about the village, the function of the Village consultative Agency (BPD) as a village legislature and community aspirations is expected to be accomplished properly and effectively. In other words, the village government and the village consultative Agency (BPD) can synergize well in organizing the government, of course, by getting support from the community

Jointly discuss and agree with village regulations with village government

The village regulation is the highest legal product which is issued by the village government, which is made both by the head of village as well as the proposal of the village's Consultative Agency (BPD), which is approved jointly and appointed by the head of the village and announced in the news of the village made both the implementation/the description of higher legislation and for the implementation of village governance The formulation of village regulation is implemented through the following mechanisms:

The draft of the good village regulations prepared by the Village Consultative Agency (BPD) and by the village head, was delivered by the leadership of the BPD to all members of the BPD at least seven days prior to the plan of the village regulation discussed in the plenary meeting

A discussion of the village headmaster was done by BPD with village head.

The draft can be withdrawn before being discussed jointly by the BPD and the village head.

The draft village regulations that have been approved with the BPD with the head of the village are delivered by the leadership of the BPD to the village to be set into the village regulations for a period of no later than seven days on the date of joint

The draft Village regulation shall not contradict the general interest and higher legislation.

The village regulations shall prevail after the country is laid in the news.

Based on a statement by BPD village of Kahianga; So far, BPD's active role focuses more on development programs, in development planning meetings are always attended by the BPD. The BPD itself often conducts discussions on the development of infrastructure, education and and road of the village scope while the creation of village Regulations (perdes) is still in stages.

Based on the results of the interviews and observations in the field then the researcher can conclude that the BPD does not do its job in making the village Regulation (Perdes), this proves that the function of the BPD legislation does not work as it should.

Kahianga Community is a society that has the complexity of needs. In line with this they need quality service from the local village government that must always try to improve their ability to provide better service in accordance with the guidance of the community. One of the auth of the village consultative Agency is to accommodate and distribute the aspirations of society. Desa Permusyawartan Agency (BPD) as a representative in the village is as a place for villagers to convey their aspirations and to hold all complaints and then follow up the aspirations to be delivered to the institutions or related institutions. Therefore, it takes knowledge by the community about the existence and role of BPD

The same is also conveyed by the Government of Kahianga Village; As a village government, things I do in the field of development are as technical executor, where in the execution of tasks always coordinate and always follow up all the results of the meeting that has been done (interview).

Based on the results of the interview, it can be concluded that there is always a coordination conducted by the village government in this case the village head with the BPD in the process of discussion and drafting the village regulations.

Conceptually, the relation between village head and village consultative Agency (BPD) is more on check and balance which is essentially a mechanism of mutual control among the village institutions to avoid the occurrence of power irregularities in the framework of public welfare. In the distribution of the power division of the Village Consultative Agency (BPD) is a village legislature that serves as a village regulatory maker, a container for community aspirations and also supervises the implementation of village regulations in the framework of the implementation of village government while the head of the village is the Executive body that serves as the implementing village regulations.

Accommodate and distribute community aspirations

Organizing the village government to be able to move the community to participate in the development and implementation of village administration, then every decision that is taken must be based on deliberation to reach consensus.

The Village consultative Agency (BPD) is a container for village community aspirations. The aspiration container can be interpreted as a place where the wishes or aspirations of the community delivered, be accommodated then channeled. Based on the results of observations and research of authors, the task and authority of BPD in digging, accommodating and channeling community aspirations has been in accordance with the duties and authorities that exist in the local regulations. Some examples of complaints submitted by the community to BPD Kahianga Village especially in the field of development, namely: Road construction, Village Office development.

After the aspirations of the village community is accommodated, the next step is BPD channeling the aspirations of the community in meetings organized by the BPD. After gaining aspiration and then discuss it, the village's consultative body (BPD) then continues and conveys as intended by the community. But on this occasion the village government still given the opportunity to give explanation for the aspirations given by the community. It illustrates that the village head and the village consultative agency have been trusted and established by the citizens.

According to one of the people of the village Kahianga said that; BPD In this regard I think, very important role in development because often it becomes a container in conducting deliberations on the development of the village (interviews).

Based on the results of the interview, that the effectiveness of the role of law BPD as stipulated by law Number 6 year 2014 is stated that the Government is held by the village administration and regulation of the Republic of Indonesia number 111 year 2014 about the technical guidelines of village regulations, in this case as a container of aspirations of the community has been carried out well according to the expectations. It can be seen from the frequent BPD to be a community container in delivering their aspirations about the development of the village.

4.2 Factors that inhibit the role of the Village consultative Agency (BPD) in development in the village Kahianga East Tomia District.

Community participation

The community is a determining factor in the success of BPD in implementing village governance. The magnitude of support, reception and appreciation of the community to the BPD makes BPD more of a space to perform its functions. The support of the community is not only on the number of aspiration entered also from the implementation of a perdes. The willingness and enthusiasm of the people making all the decisions of the BPD and the village government are easy to implement. Unfortunately, the human resources of the villagers of Kahianga are still lacking, this is seen from the level of public education in the village is still relatively low.

The low level of public education makes communities in the village of Kahianga less concerned about the rights of its participation in village governance and is reluctant to engage in influencing public policy. This lack of awareness has an impact on community reluctance to engage in a local organization that aims to fight for its aspirations by influencing a policy. This condition is caused by low public political education. Because of this, in terms of government affairs and Village Development, they tend to figure out the community leaders who are seen to represent and distribute their aspirations in being and acting.

BPD member Education level

For the implementation of the representative function of the Village consultative Agency (BPD), it is necessary for those who are able to communicate well and to analyze the aspirations or what the community is next in coordinate with the village government. The problem of education qualification level greatly supports the implementation of village government wheels.

Cooperation with the village head

The presence of the village's consultative body (BPD) in the village government with its function and competence is expected to realize the Chek and balances system in organizing the village government.

But in the research that the authors have shown that the pattern of relationship parallel between the BPD and the village chief in the Government's implementation of the village as stipulated in the legislation, it turns out that it is colored by the practices of working relationships that are less harmonious and leads to conflict and show the tendency to dominate the village chief of the BPD. Spoken by the BPD Agggotha that:

"Generally, the things that will be a BPD management activity usually get a challenge from Mr. Kades if what we will do is not in accordance with the opinions of Mr. Kades, so that all these activities will be hampered only because of the problem of his desire to be implemented so that for the result of making the village regulations are not based on the targets that have been"

Based on the observation and information that the author has, that despite the kinship between the BPD manager and the Mr. Head of village, but not the whole view or the will of Mr. Head of village who became a guideline to work, some things resulted in an unharmonious relationship between the BPD with the head of village, one element of disharmony occurred because of the intervention of BPD in the process of drafting

and setting budget of rural income and Village, implementation of village regulations and implementation of village head responsibility.

5. Conclusion

The effectiveness of law in the role of National Consultative Agency (bpd) Kahianga in the case of legislation does not go as it should be, proved in the absence of the rules that are issued, in the meantime in the case of the function budgeting bpd goes well, proved by always involve in the discussion of the budget meetings that are done with the principle of transparency and supervision function bpd also goes well seen with the active bpd in monitoring the village budget and income expenditure. Surveillance of the APBDes. Ini can be seen in the village chief accountability Report at the end of the budget year. The form of supervision conducted by the BPD is monitoring all income and expenditure of village cash and monitoring regularly about the self-reliance funds used for Village development

The factors that are the constraint of BPD Kahianga in the development of village community participation Kahianga Village to the development program is still relatively low, a relatively low level of education is a BPD inhibitor communicating well and able to analyse aspiration or what the society is next in coordinate with the village government and the pattern of the parallel relationship between the BPD and the village chief in the village government's dismissal as stipulated in the laws and regulations , it turns out that in the implementation is colored by the practices of working relationships that are less harmonious and leads to the occurrence of conflicts and shows the tendency to dominate the village chief of the BPD.

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