



## The Process of Making Village Regulations in the Rimba Sari Village Council

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### **Abstract**

This study aims to describe the process of making Village Regulations in the Rimba Sari Village Consultative Body and the obstacles faced in the making process. This research uses a qualitative approach with a descriptive research type. The data collection techniques used were interviews, observation, and documentation. Based on the results of the study, it is known that the process of making Rimba Sari Village regulations is still not good because the stages of the process of making village regulations are still not fulfilled. This can be seen in the small number of village regulations issued. The obstacles in the process of making village regulations found are the low communication and coordination between the Village Consultative Body (BPD) and the village government.

**Keywords:** *Village; Governance; Village Regulation; Communication*

### **Introduction**

A village is a legal community unit that has territorial boundaries that has the authority to regulate and manage the interests of the local community based on local origins and customs that are recognized and respected in the government system. In addition to embracing democracy, villages also have their autonomy, which is recognized and respected in the Indonesian government system. Based on the provisions of Article 1 paragraph 4 of Law No. 6/2014 on Villages, it can be found that the Village Consultative Body or other designation is "an institution that carries out government functions whose members are a delegation of villagers based on regional representation decided democratically". Therefore, the Village Government in running government is supervised by the Village Consultative Body (BPD).

The BPD is the implementation of democracy in the implementation of village government. BPD in its form is a high-ranking village institution that holds and realizes the full sovereignty of the village people. The BPD has the function of a representative institution (legislative) located in the village

according to Law No. 6/2014 concerning Villages, including mobilizing the use of supervision and legislation, including proposing and producing village regulations that are made.

The BPD has an important role in making village regulations and managing village governance. Village regulations (Perdes) are formed in the context of organizing the Village Government, thus Perdes must be a further elaboration of higher laws and regulations, must not conflict with the public interest and/or higher laws and regulations, and must pay attention to the socio-cultural conditions of the local community, to achieve long-term, medium-term, and short-term goals of governance, development and community services.

The preparation of Perdes is very necessary because the village that has been determined must have a legal foundation and transparent scheduling of each activity. Perdes that are processed must be based on events that exist in the community that wants to be made into Village Regulations and are useful for handling problems.

Based on the results of preliminary observations, researchers found that the Rimba Sari BPD, Teweh Tengah District has not been maximized in carrying out the legislative process, which is characterized by the lack of legal products made by the Village Government and BPD. Therefore, this research will explore the process of making Village Regulations in the Rimba Sari Village Consultative Body, Teweh Tengah District, North Barito Regency.

## ***Research Methods***

This research used a qualitative approach with a descriptive research type. The location of the research was Rimba Sari Village, Central Teweh District, North Barito Regency. The instrument of this research is the researcher himself with informants from the village government, namely: the chairman of BPD, deputy chairman of BPD, Secretary of BPD, Village Head, Village Secretary, Village community leaders, and Rimba Sari Community. The data collection techniques used were interviews, observation, and documentation.

The data analysis technique in this research is an interactive model adapted from Miles and Huberman (in Emzir, 2012). Data obtained by researchers is based on the results of interviews, observations, and documentation in the field, then in the next stage researchers will analyze the data by reducing data, presenting data, and verifying.

Data validity Sugiyono (2011: 368) states that there are various ways of testing the credibility of qualitative research data, including through 1) additional field observation time, 2) increasing the intensity of research activities, 3) negative case analysis, 4) triangulation, 5) exchanging ideas or hearing opinions with peers, and 6) member check.

## ***Results and Discussion***

In a democracy, the rule of law is essential to the state's ability to provide for its citizens. This is because the state or the authorities responsible for governance cannot act arbitrarily. In the nineteenth century, people once again looked to the state to step in and help maintain order and provide for their needs in an increasingly complex society. The people are the ultimate overseers of a government authority. The use of legal instruments to manage the welfare of the people as constraints or rules of the game for the use of such authority is the means to enforce it.

One form of instrument is legislation. Legislation acts as a limitation on the authority of the state as well as a limitation on the independence of society. The subject is aimed at achieving an attitude of the ruler or the attitude of the people based on the right to independence that does not interfere with the independence of others and does not lead to basic violations.

### **Village Government**

The term "government" comes from the much smaller word "command", which consists of four components: there are two parties involved, they are connected, the person in charge has power, and those who are commanded are under their authority. Governance is a field of science that deals with the administration of affairs (executive), rules (legislative), leadership, and coordination of government in various events and phenomena of governance, properly and correctly.

According to Misdiyanti, (1993: 47) Village Government as the implementation of the lowest government and dealing directly with the people has a considerable workload because in addition to having to carry out all the work of various superiors must also take care of various village household affairs whose responsibility is direct to the people.

Villages are recognized communities with their own rules and history. The Village Government was established to foster pluralism, participation, true autonomy, democracy, and empowerment of residents. The Village Head is responsible for organizing the Village Government as a subsystem of government administration to ensure that the Village can regulate and manage the interests of its people.

Based on Government Regulation of the Republic of Indonesia Number 72 of 2005 concerning Villages, it states that governance, development, and community organization in the village are all delegated to the village head. The Village Head is authorized to organize the village government according to policies set by the BPD, propose draft village regulations, enact village regulations that have received BPD approval, and compile and propose draft village regulations regarding APBDes to be discussed and formalized with the BPD which aims to improve the quality of life of villagers, strengthen the local economy, coordinate the participation of villagers in the decision-making process, and facilitate village development. -broad initiative

Widjaja (2008: 28) argues that the accountability of the village head is carried out by the village head so that the joint responsibility of governance carried out by the village head to the people through the BPD can be seen as a manifestation of popular sovereignty (democracy) and its realization at the village level.

Boedianto (2010:57) states that in addition to its supervisory role, the Village Consultative Body is in charge of making Village Regulations, the birth of Draft Village Regulations, and discussion and approval or rejection of the Draft Village Regulations as proposed by the DPRD. Village Executive/Head. The BPD is responsible for the drafting of laws governing the creation of Village Regulations. BPD members and the Village Head will work together to draft Village Regulations as part of the legislative procedure to enact them.

Village regulations stipulated by the village head together with the BPD are one of the regulatory instruments. Village regulations are formed in the context of organizing village governance which is a further elaboration of higher laws and regulations by taking into account the socio-cultural conditions of the local village community. (Hanif, 2011:113).

## Existence of Village Regulations

Article 22A of the 1945 Constitution of the Republic of Indonesia stipulates that "Further provisions on the procedure for drafting laws shall be regulated by law", and Law No. 12/2011 is the ratification of this mandate. However, the scope of the content module of the law does not only include the Decree of the People's Consultative Assembly and the 1945 Constitution of the Republic of Indonesia.

Village regulations are laws and regulations decided by the village head through discussion and approval with the BPD. Following the provisions of Article 55 of PP No. 72 of 2005 concerning Villages and subsequently amended to PP No. 43 of 2014 concerning Villages, it is known that village regulations are made to implement village governance.

Village Regulations are a continuation of the above laws and regulations and adjust to the cultural conditions of local villagers. Village regulations are not allowed to contradict public needs or the laws above. In the making of the Raperdes, it should be based on the making of laws specified in Article 6 of Law No.12/2011 on Law Making.

To facilitate understanding, the author will describe the results and discussion of research on the process of making regulations in Rimba Sari Village, Teweh Tengah Subdistrict, North Barito Regency, which includes: 1. initiation stage (proposal and formulation); 2. socio-political stage (discussion); 3. juridical stage (ratification and stipulation).

## Village Regulation-Making Process

Based on the results of research that has been conducted by researchers with several informants, a discussion can be described regarding the process of making Village regulations in the Village Consultative Body of Rimba Sari Village, Teweh Tengah Subdistrict, North Barito Regency.

First, is the Initiation Stage (Proposing and Formulating). At this stage, ideas or suggestions for new regulations first come from village officials or the Village Consultative Body. Both the Village Consultative Body and the village head have the right to propose village regulations, if the proposal comes from the Village Consultative Body then the draft is submitted to the Village Head, and if the proposal comes from the village head then the document is submitted to the Village Consultative Body.

The village regulation is made in line with the proposal until the result of the deliberation, which is then made into a draft village regulation. Subsequently, the draft village regulation is discussed in a meeting held by the Village Consultative Body and attended by sector leaders (social or government and development) involved.

Based on the results of the research found that the process in this initiation stage there are still proposals from the community from previous years that have not been realized and then made into Perdes, such as the Perdes BUMDES which still does not exist.

Second, Socio-Political (Discussion). This stage is the next stage of village regulation-making after the initiation process. In the previous stage, the draft village regulation that has been submitted by the village government is submitted to the Village Consultative Body. The draft village regulation is submitted directly from the village secretary to the chairman of the Consultative Body.

Based on the research results at the socio-political stage, the discussion of the joint meeting begins with the delivery of the objectives of the Draft Village regulation by the meeting leader, namely the Village head. The Village Head should inform about the Draft Village regulation because the Draft Village regulation is proposed on behalf of the Village government. This joint meeting began with the delivery of the background and objectives of the Draft regulation of Rimba Sari Village. The explanation

from the Village Head is to clarify the reasons why the village regulation on APBDES needs to be made into a village regulation.

Third, is the Juridical Stage (Authorization and Stipulation). At this stage, the Village Head and BPD formalize the draft village regulation into a village regulation after obtaining approval from all interested parties to proceed to the level of submission of the agreed Village Regulation Draft and the determination and ratification of village regulations. Based on the results of the research, it is known that the determination and ratification of the draft Village Regulation experienced obstacles because it took a long time to check.

### **Constraints Occurring in the Process of Making Village Regulations**

Various forms of obstacle factors in the process of making Per Des in the Rimba Sari Village Consultative Body, Teweh Subdistrict, Central, North Barito Regency, among others, namely: 1.) Communication. Communication regarding village regulations has so far not been carried out properly, besides that the meetings between the Village government and the Rimba Sari Village Consultative Body in discussing village regulations are not intense, making it difficult to build good communication. The second obstacle is from the aspect of; 2.) Coordination. Lack of coordination between the village government and the Village Consultative Body. This can be seen in the course of the meeting organized by the Village government where the Rimba Sari Village Consultative Body was not involved in the deliberations while only certain parties were involved such as the head of the Neighborhood Association, and Community Association. Furthermore, the lack of agreement in deciding on a draft village regulation together. In addition, there is a lack of direction between the Village Government and the Village Consultative Body.

### **Conclusions**

The process of making Village Regulations is based on three stages. First, the initiation stage begins with the absorption of community aspirations or opinions conducted by the Village Consultative Body and the Village Government. Furthermore, all aspirations or opinions of the community are managed and then proposed. Second, the socio-political stage, as a determination of the quality of the village regulation that will be realized. Third, is the juridical stage (ratification and stipulation), in this stage, the village regulation design that has been agreed upon in the socio-political process is decided as a village regulation (stipulation) and approved by the Village Government (ratification).

An obstacle in the process of making village regulations is the lack of communication and coordination between the Village Consultative Body and the Village Government. The Village Government or the Village Consultative Body is rarely involved in meetings and other agendas. Furthermore, the lack of agreement in deciding on a draft village regulation together. In addition, the lack of direction between the Village Government and the Village Consultative Body.

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