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Empowering Bilalang 2 Village Community Partnership In Designing Village Regulations

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Abstrak

Keterbatasan kompetensi para perangkat desa dan sumberdaya manusia di lingkup lembaga pemberdayaan masyarakat desa maka perlu dilakukan pendampingan dan penguatan perancangan peraturan desa. Program ini merupakan Program Kemitraan Masyarakat (PKM) dilaksanakan di desa Bilalang 2 Kecamatan Kotamobagu Utara Kota Kotamobagu Propinsi Sulawesi Utara. Tujuan program kemitraan ini agar perangkat desa, tokoh masyarakat dan semua pihak sebagai bagian dari masyarakat desa terlatih dan terampil dalam perancangan dan penyusunan Peraturan Desa (PERDES). Dengan demikian terbentuk PERDES yang partisipatif, mengayomi semua lapisan masyarakat, tidak bertentangan dengan syariat agama dan hukum negara. Metode yang digunakan adalah Participatory Learning and Action (PLA). Waktu pelaksanaan dimulai bulan Oktober 2023. Pihak-pihak yang terlibat dalam PKM ini adalah para perangkat desa dan tokoh masyarakat di desa Bilalang 2. Hasil program kemitraan ini adalah (1) adanya penguatan para perangkat desa terhadap penyusunan PERDES, (2) adanya sosialisasi bahwa konten perdes wajib memperhatikan tentang hak dan kewajiban masyarakat dan pemangku adat, tugas dan fungsi lembaga adat, peran tokoh masyarakat dan pemerintah desa dalam mendukung implementasi perdes.

Kata Kunci: *Peraturan Desa, Pemerintah Desa, Partisipatif, Kemitraan Masyarakat*

Abstract

The limited competence of village officials and human resources in the scope of village community empowerment institutions means that it is necessary to provide assistance and strengthen the design of village regulations. This program is a Community Partnership Program (PKM) implemented in Bilalang 2 village, North Kotamobagu District, Kotamobagu City, North Sulawesi Province. This partnership program aims for village officials, community leaders, and all parties as part of the village community to be trained and skilled in designing and drafting Village Regulations (PERDES). In this way, a participatory PERDES is formed that protects all levels of society and does not conflict with religious law and state law. The method used is Participatory Learning and Action (PLA). Implementation time starts in October 2023. The parties involved in this PKM are village officials and community leaders in Bilalang 2 village. The results of this partnership program are (1) strengthening village officials regarding the preparation of PERDES, (2) there is socialization that The content of the village regulation must pay attention to the rights and obligations of the community and traditional stakeholders, the duties and functions of traditional institutions, the role of community leaders and the village government in supporting the implementation of the village regulation.

Keywords: *Village Regulations, Village Government, Participatory, Community Engagement*

INTRODUCTION

The making of Indonesian legislation is based on Law Number 12 of 2011 concerning the Formation of Legislative Regulations (UU No. 12 of 2011). Article 1, paragraph (1) stipulates that the Formation of Legislative Regulations is the creation of Legislative Regulations. Invitation includes planning, preparation, discussion, ratification or determination, and invitation. It is further emphasized in Article 1 paragraph (2) that Legislative Regulations are written regulations that contain generally binding legal norms and are formed or stipulated by state institutions or authorized officials through procedures stipulated in Legislative Regulations (Saija, 2014; Akhmaddhian, 2020; Safudin, 2021). The 1945 Constitution (UUD 45) and various statutory provisions in Indonesia have stipulated that the legal authority to create and determine a legal product of statutory provisions in Indonesia is exercised by the executive and legislative institutions, both at the central and national levels down to the district and city level, including the village level (Ajie, 2016; Anggono, 2020; Akmal, 2021).

It is time for the context of drafting legislation in Indonesia in the era of "bureaucrat-oriented law," which has dominated the legal system in Indonesia, to be replaced with more democratic Law, which serves and favors the interests of the people at large and whose drafting is carried out in a participatory manner. The process of drafting existing laws and regulations in Indonesia, both normatively and in practice, still tends to be elitist and

closed and only provides very minimal opportunities for participation by the wider community in the process (Rumokoy, 2013); Nugroho, 2021; Aruni & Sofianus, 2023). Stakeholders are often left out of drafting legislation, even though stakeholders are the parties with the most interest in the birth of legislation (Styawan, 2012; Tjandra, 2023; Adrian, 2023).

In the Decree of the People's Consultative Assembly Number III/MPR/2000 concerning Sources of Law and the Sequence of Legislation in Article 1 paragraph (2), it is stipulated that the sources of Law which are used as the basis for making Indonesian legislation are written and unwritten sources of Law. Then Article 8 letter (a) Law no. 10 of 2004 stipulates that the content material that must be regulated in the Law contains matters relating to (1) human rights; (2) the rights and obligations of citizens; (3) implementation and enforcement of state sovereignty and distribution of state power; (4) state territory and regional division; (5) citizenship and residence; (6) state finances (Andi, 2017; Ruslan, 2021; Muhtar et al., 2023).

The content of Village/equivalent level regulations based on Article 13 of Law No. 10 of 2004 is all material in administering village or equivalent level affairs and further elaborating higher statutory regulations. Then, with the enactment of Law No. 12 of 2011, Types and hierarchy of laws and regulations in Indonesia based on Article 7 paragraph (1) of Law No. 10 of 2004, consisting of (a) UUD 45; (b) Invitations/Government Regulations instead of Laws; (c) Government Regulations; (d) Presidential Regulation; (e) Regional Regulations (Gusman & Nova, 2012; Wijayato et al., 2020; Susanti, 2017). Furthermore, paragraph (2) stipulates that the Regional Regulations in question include: (a) Provincial Regional Regulations made by the regional people's representative council together with the governor; (b) District/city Regional Regulations made by the district/city regional people's representative council together with the regent/mayor; (c) Village regulations/similar regulations, made by the village representative body or other name together with the village head or other name (Barlian, 2016; Rustandi, 2017; Mustafa, 2018). Then, paragraph (3) stipulates that further provisions regarding the procedures for making Village Regulations/regulations at the same level are regulated by the Regional Regulations of the relevant district/city (Tamin, 2019; Susantri, 2020; Luthfy, 2021). Based on the Minister of Home Affairs Regulation Number 29 of 2006 concerning Guidelines for the Formation and Mechanism of Preparing Village Regulations (Permendagri No. 29 of 2006) in Article 4 paragraph (1) stipulates that the content material for village regulations is all content material in the context of administering village government, village development,

and community empowerment, as well as further elaboration of higher laws and regulations (Syafriyani, 2016; Rochim, 2021; Muslimah, 2023).

Village Regulations (Perdes) are a relatively new form of statutory regulations; in reality, they are less popular than other forms. Because it is still relatively new in governance practices at the village level, this Village Regulation is often ignored in the process of making it and in its implementation (Wulandari et al., 2014; Arisaputra, 2021; Sulistiana et al., 2023). Many governments and even people in villages still ignore this village regulation as the basis for government affairs and development at the village level. Such facts have an impact on the lack of attention of village, sub-district, district/city, and provincial governments in the process of drafting and implementing a village regulation (Abrianto, 2011; Frans, 2013; Lia, 2021)

Generally, the Government and society in villages consider village regulations "basically there," so Village Regulations are often drawn up haphazardly. Meanwhile, the Government at the Subdistrict and Regency levels at the level of coordination and guidance in the creation and formation of Village Regulations by their respective duties and functions based on statutory provisions seems to be only pursuing time targets by bureaucratic demands and the annual agenda in compiling and formulating the Regency/City APBD (Roza & Arliman, 2017; Pertiwi et al., 2019; Mutaqilah, 2021). Village regulations should be prepared seriously based on the principles of democracy and participation so that they can genuinely be used as a reference for government administration and development at the village level (Rusfiana, 2013; Kawung, 2015; Riki, 2023). In the era of regional autonomy, it is deemed necessary to strengthen village institutions and civil society organizations in the administration of village government (Arisaputra, 2013; Putra, 2017). Strengthening village institutions and community organizations is necessary to limit the dominance of village heads in administering Government in the village (Lailiyah, 2013; Margayaningsih, 2015; Saraswati et al., 2021).

RESEARCH METHOD

The method used in Community Service is through lectures, discussion, and question-and-answer methods. With this question and answer, the public can ask questions according to the counseling theme, or the public can ask questions outside the predetermined theme.

This community service activity aims for village officials, community leaders, and all parties as part of the village community to be trained and skilled in designing and drafting Village Regulations (PERDES). This way, a participatory PERDES is formed, protecting all levels

of society, and does not conflict with religious and state law. This Community Service will be located in Bilalang 2 Village, North Kotamobagu District, Kotamobagu City, in October 2023.

RESULT AND DISCUSSION

This community partnership program activity was preceded by a focus group discussion with the community and officials of Bilalang 2 Village, North Kotamobagu District, Kotamobagu City. The following is documentation of these activities.



Figure 1. Implementation of Focus Group Discussion Activities with Bilalang 2 Village Officials

The realization of the rule of law and the legal areas for the implementation of regional autonomy in Indonesia is based on Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia as follows: "The Unitary State of the Republic of Indonesia is divided into provincial areas, and the provincial areas are divided into districts and cities,

where each province, district, and city has a regional government regulated by law (Erga Yuhandra, 2016).

Article 1 paragraph (1) of Law No. 10 of 2004 stipulates that the formation of statutory regulations starts from planning, Preparation, drafting techniques, formulation, discussion, ratification, legislation, and dissemination. Then Article 3 of Minister of Home Affairs Regulation no. 29 of 2006 stipulates that the types of Legislative Regulations at the Village level include (a) Village Regulations and (b) Village Head Regulation. Meanwhile, according to Article 4 of Minister of Home Affairs Regulation no. 29 of 2006, there are three types of regulatory provisions at the village level, namely: (1) Village Regulations, (2) Village Head Regulations, and (3) Village Head Decrees as an elaboration of the implementation of Village Regulations and Village Head Regulations, which are of a stipulation nature. Village regulations based on PP No.72 of 2005 were formed to a. administration of village government. b. further elaborates higher laws and regulations by considering the socio-cultural conditions of local village communities. c. prohibited from conflict with public interest and higher statutory regulations. d. based on the principles of establishing statutory regulations (Seidman Ann. et al., 2002).

Minister of Home Affairs Regulation No.29 of 2006 has established procedures and mechanisms for forming and preparing village regulations, consisting of a. Preparation and discussion are regulated in Articles 6 to 11 b. Ratification and determination are regulated in Articles 12 to 15 c. Submission of village regulations, regulated in Article 16 d. Dissemination is regulated in Article 17. Decree of the Minister of Home Affairs Number 169 of 2004 concerning Guidelines for Preparing Regional Legislation Programs (Kepmendagri No. 169 of 2004), in Articles 6 and Article 7 it is stipulated that village legislation programs and other names are prepared by government authority village which includes draft village regulations and draft village head decisions as well as the Preparation, form and procedures for filling out the village legislative program and other names which are prepared *mutatis mutandis* by prolegda. 9 Based on Permendagri No. 29 of 2006 in the Preparation and discussion of draft village regulations as regulated in Chapter III Articles 6 to Article 11, Preparation and discussion of village regulations have been stipulated. The contents of these provisions stipulate:

- a. Draft village regulations are initiated by the Village Government and can originate from a BPD initiative proposal. (Article 6).
- b. The community has the right to provide written and verbal input on draft village regulations, which can be done by drafting village regulations regulated by district/city regional regulations. (Article 7)

- c. The draft Village Regulation is discussed jointly by the village government and BPD (Article 8).
- d. Draft village regulations from the village government can be withdrawn before being discussed with the BPD (Article 9).
- e. Evaluation of the Draft Village Regulation on the Village Revenue and Expenditure Budget (APBDesa), Levy and Spatial Planning, submitted by the village head to the Regent/Mayor no later than three days before being adopted by the village head and the results of the evaluation by the Regent/Mayor of the draft Village Regulation no later than 20 (twenty) days it is submitted to the village head and if within 20 (twenty) the Regent/Mayor has not provided the results of the evaluation, then the village head can determine the RAPBDesa Village Regulation to become a Village Regulation. (Article 10).
- f. Evaluation of Village Regulations regarding RAPBDesa can be delegated to the sub-district head (Article 11).

The various challenges and obstacles faced both structurally, functionally, institutionally, and legally in the process and procedures for making Village Regulations are indicated as follows:

- a. The system developed during the drafting of the Village Regulations needs to provide a broad, safe, and adequate space for the development of community participation.
- b. The village government should not develop the political will (as a prerequisite for participation) to involve the community in drafting village regulations.
- c. A culture of non-participation has developed so that participation is often interpreted as an expression of resistance.
- d. Community capacity to participate still needs to improve.
- e. Lack of financial capacity is caused by the fact that participation must be kept from funding.

Apart from that, participation requires quality human resources because the essence of community participation is an active community. With participation, space can be utilized optimally in an active community. According to Amitai Etzioni, as quoted by (Suwari et al., 2018), an active society is defined as a society that can determine itself (societal self-control), and for this situation, commitment and access to information are needed.

CONCLUSION

The results of this community service are that the formation of Village Regulations, one part of the legal structure of national legislation in the current era of regional autonomy, has

become a legal necessity based on national legal development policies and programs through the National Legislation and Legislation Program. Regions are accompanied by a system of information and legal documentation so that within the framework of national legislation, products are based on legal principles and mechanisms for forming national legislation. Village regulations are part of existing legislation in Indonesia.

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