

## VILLAGE GOVERNMENT IMPLEMENTATION BASED ON LAW NUMBER 6 OF 2014

Budi Santoso<sup>1</sup>, Arif Awangga<sup>2</sup>

<sup>1,2</sup>IBLAM College of Law, Jakarta, Indonesia

Budi.santoso@gmail.com<sup>1</sup>, arifawangga@gmail.com<sup>2</sup>



Received: December 23, 2022; Revisions: January 22, 2023; Published: February 24, 2023

**Abstract:** The purpose of this research is to find out how the village government functions in carrying out village autonomy. Based on Law no. 6 of 2014 concerning Village Autonomy and how the concept of village financial management is based on Law no. 6 of 2014 concerning Village Autonomy. This study uses normative legal research methods so that it can be concluded: 1. The government and BPD are village administrations that have a very important role in administering village governance. With the existence of Law Number 6 of 2014 in its implementation it reflects village genuine autonomy, democratization, participation and diversity as the foundation of village thought. The village government is the village head and village apparatus as elements of village administration. Meanwhile, village officials consist of a village secretariat headed by a village secretary, field technical implementers and regional elements adapted to the needs and conditions of the local area. 2. The concept of village finance is almost the same as the concept of state finance, carried out through the Village Revenue and Expenditure Budget mechanism, which consists of the village revenue, expenditure and financing sections, which are carried out by the Village Head and his apparatus which are discussed jointly with the Village Consultative Body. Village financial management has juridical implications for the Village Head and the Village Consultative Body to be able to compile, authorize, implement, supervise and be accountable for village financial management. If there is negligence or intentional, then, give rise to accountability both administratively and criminally. Regency/City Governments are obliged to allocate a budget for village finances, as well as provide guidance and supervision.

Keywords: Implementation, Village Government

## I. INTRODUCTION

In Law Number 6 of 2014 concerning Villages Article 2 it is explained that the Administration of Village Government, implementation of Village Development, Village community development, and Village community empowerment is based on Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Single Ika.<sup>1</sup>The village government is run by village officials which consists of the village head and is assisted by his apparatus in running the village government as stated in Law Number 6 of 2014 article 2 which says:

1. The Village Head is in charge of administering Village Government, carrying out Village Development, Village community development, and Village community empowerment.
2. In carrying out the tasks referred to in paragraph (1), the Village Head has the authority to: a. lead the implementation of Village Administration; b. appoint and dismiss Village officials; c. holding the authority to manage Village Finance and Assets; d. stipulate Village Regulations; The Republic of Indonesia as a Unitary State reads Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is necessary to organize a government by providing opportunity and flexibility to the regions to carry out regional autonomy. Article 18 of the 1945 Constitution of the Unitary State of the Republic of Indonesia states, among other things, that the division of Indonesia's territory into large and small areas with the form and structure of their government is stipulated by law. *eenheidsstaat*, then Indonesia will not have areas in its environment that are *staat* either. Indonesian regions will be divided into provincial regions and provincial regions will be divided into smaller regions. In autonomous regions or *streeken locale rechtsgemeenschappen*.<sup>2</sup>or purely administrative in nature, all according to the rules to be stipulated by law.<sup>3</sup>

The elucidation of Article 18 of the 4th amendment of the 1945 Constitution contains several main points regarding autonomous regions/regional government as follows:

1. Large and small regions are not states because they are formed within the framework of a unitary state
2. Areabig and small, some are autonomous and some are purely administrative in nature
3. which areahaving special hereditary rights are autonomous and similar villages
4. The Republic of Indonesia will respect the position of regions that have special origin rights. In connection with the description above, Philipus M. Hadjon expressed his opinion that the principles of implementing regional government after the anandomen included the principles contained in Article 18 are:
  1. The principle of hierarchical regional division (paragraph 1)
  2. The principle of autonomy and co-administration (paragraph 2)
  3. Principles of democracy (paragraphs 3 and 4)
  4. The principle of maximum autonomy (paragraph 5)<sup>4</sup>

The provisions of Article 18 of the 1945 Constitution which animate the implementation of governance in the regions within the framework of a unitary state, are in sync with Article 1 v. (1) of the 1945 Constitution which explicitly requires the Republic of Indonesia to be a unitary state, not a union or federal state. This affirmation indicates that in the territory of the Negom The Republic of Indonesia does not have a region that is negma

---

<sup>1</sup>Basic Law No. 6 of 2014 Article 2

<sup>2</sup>Deddy Supriady Bratakusuma et al. *Autonomy of Regional Government Administration*, Gramedia, 2001, Jakarta, p. 1

<sup>3</sup>Prof. Drs. HAW. Widjaja. *Dexa Autonomy*, PT Raja Grafindo Persada, Jakarta, 2010, page 1

<sup>4</sup>HM Arief Muljadi, SH, *Principles of Unitary State and Decentralization, Achievement of Publicist Readers*, 2011, p. 37

(staat), which runs the government in a permanent area within a unified framework of a unitary state government. The recipient has stipulated Law No. 6 of 2014 concerning Villages.

The philosophical basis for the birth of this law is based on the consideration that the village has original rights and traditional rights in regulating the interests of the local community and plays a role in realizing the ideals of independence based on the 1945 Constitution. Juridically, Law No. 6 of 2014 was born based on the mandate of Article 1883: paragraph (2) of the 1945 Constitution, which states: The state recognizes and respects customary law community units along with their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law". Villages or what are called by other names existed before Indonesia was formed.

The Republic of Indonesia respects the position of these special regions and all state regulations regarding these areas will remember the rights of the origin of these regions". Country within the territory of the Unitary State of the Republic of Indonesia One of the substances regulated in Law No. 6 of 2014 is regarding Village finances Article 1 point 10 of Law No. 6 of 2014 provides the definition of Village finances are all rights and obligations that can be valued in money and everything in the form of money and goods related to the implementation of Village rights and obligations.

The definition of these rights and obligations is all that generates income, spending, financing and management of Village Finance Law No. 6 of 2014 confirms that villages have sources of village income consisting of: 1) Village original income; 2) Revenue sharing of regional taxes and regency/municipality regional levies; 3) The portion of the central and regional financial balance funds received by the Regency/City; 4) Budget allocation from APBN; 5) Financial assistance from the Provincial APBD and Regency/City APBD; and 6) Non-binding grants and donations from third parties. Village financial management authority is carried out by the Village Head as stated in Article 26 paragraph (2) letter e, which states "The Village Head has the authority to hold Village financial and asset management powers".

The existence of Law No. 6 of 2014 which gives authority in the field of financial management for villages, on the one hand, is worthy of gratitude as a means of realizing prosperity for the people in the village, but on the other hand, it will have an impact on juridical implications regarding village financial management itself. This is based on the consideration that village profiles throughout Indonesia are of various forms, moreover the definition of village in Law No. 6 of 2014 equates between villages (definitive) and traditional villages, which of course the abilities of the village government apparatus are at different levels in village financial management.

The consequence for Village Government apparatus including the Village Head and other Village apparatus is that they are required to carry out village financial management following the Laws and Regulations that regulate financial management. If the Village Government does not comply with these Laws and Regulations, it will have a number of juridical implications for them. The reform of village government administration is essentially a process of reversing the political paradigm, in which the process of democratization which during the New Order proceeded from above, was then reversed through a process that departed from the village in the new paradigm, the village is an autonomous legal entity and has the right and authority to regulate own household.

Based on Law no. 6 of 2014 concerning Regional Government, the Village is no longer an administrative level, no longer a subordinate of the Region, but rather an independent community, whose people have the right to speak for their own interests and not be determined from top to bottom. The Village has been played as extras and objects, now

acting as an actor.<sup>5</sup>Even though there has been a change in the law, the basic principles as the rationale for regulating villages regarding villages remain the same, namely: (1) Diversity, which means that the term village can be adapted to the origins and socio-cultural conditions of the local community, (2) participation, that governance and village development must be able to realize the active role of the community so that the community always owns and takes responsibility for the development of life together as fellow villagers; (3) genuine autonomy, that the authority of the village government in regulating and managing the local community is based on the rights of origin and socio-cultural values that exist in the local community but must be carried out in the perspective of village administration; (4) Democracy, meaning that the implementation of the government and implementing development in the village must accommodate the aspirations of the community which are articulated and aggregated through the BPD and Community Institutions as Village Government Partners; (5) Community Empowerment, meaning that implementation and development in the village are aimed at increasing the standard of living and welfare of the community through the establishment of policies, programs and activities that are in accordance with the essence of the problems and priority needs of the community.<sup>6</sup>

In the decision-making process in the village there are two kinds of decisions. First, decisions that have a social aspect, which bind the community voluntarily, without clear sanctions. Second, decisions are made by formal village institutions formed to carry out the decision-making function. For the first form of decision, which is often found in the social life of village communities, the decision-making process is carried out through a joint approval process, where previously the reasons for choosing an alternative were first described by the village elders or people who were considered to have certain authority. The forms of decisions are based on mutually agreed procedures, such as the Village Development Consultation (Musbangdes) process which is held once a year at the village hall.

The decision-making process is carried out by parties legally given a function for that, which is then called the Village Regulation (Perdes). Village Regulations are village-level legal products stipulated by the Village Head together with the Village Consultative Body in the framework of administering village administration.<sup>7</sup>Village regulations are a further elaboration of higher laws and regulations by taking into account the socio-cultural conditions of the local village community. The Village Representative Body (BPD) which has so far changed its name to the Village Consultative Body, the BPD has the function of establishing village regulations with the village head, accommodating and channeling community aspirations, therefore the BPD as a deliberative body originating from the village community, in addition to carrying out its function as a bridge the liaison between the village head and the village community must also carry out its main function, namely the function of representation.<sup>8</sup>

## II. RESEARCH METHODS

This study uses a normative legal research approach supported by sociological legal research, because through a normative approach alone one cannot see the reality that occurs

---

<sup>5</sup>Busrizalti, HM, Regional Opont Regional Government Law and its Implications, Yogyakarta, Total Media, 2013.

<sup>6</sup>Wasitono Sadu Prof. Dr. Ms. Irawan Tahir, M.AP. MSi Village Development Prospects, Bandung, CV Focus Media, 2007. page 18

<sup>7</sup>Article 55 PP No. 72 of 2005

<sup>8</sup>Prof. Dr. Sadu Wasistiono, MS. and M. Irawan tahir. AP. M.SE Village Development Prospects, Bandung, CV Focus Media. 2007, p. 35

in society related to a rule of law, for this reason another approach is needed to see law as a real social phenomenon and institution. and functional in the social life system that occurs from patterned behavior of community members. Or in other words the approach used in this study is Juridical, Sociological. The types and sources of data used in this study consist of primary and secondary data sources. Secondary data in this study include:

- 1) The primary legal material in this regard is the 1945 Constitution, Law Number 6 of 2014 concerning Villages, Government Regulation Number 43 of 2014 concerning Villages, as well as regulations related to the focus of writing in this thesis.
- 2) Secondary legal materials are materials that provide explanations regarding primary legal materials such as research results, legal materials obtained from textbooks, foreign journals, opinions of scholars, legal cases.
- 3) Tertiary legal materials are legal materials that provide instructions or explanations of primary and secondary legal materials such as legal dictionaries, and others.

### **III. RESULTS AND DISCUSSION**

#### **The function of the village administration in carrying out village autonomy is based on Law no. 6 of 2014 concerning Village Autonomy**

Roles and Functions of Village Administration in Organizing Village Autonomy Village administration, in Law no. 6 of 2014 concerning Villages, article 1 paragraph (2) states that Village Government is the implementation of government affairs by the Village Government and the Village Consultative Body (BPD) in regulating and managing the interests of the local community based on village origins and local customs that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia.

Thus, in the implementation of village government there are 2 institutions that control it, namely the Village Government and BPD. As for the functions of the government and BPD based on Law Number 6 of 2014 will be discussed below. Described in Law no. 6 of 2014 Article 1 paragraph 3, that what is meant by Village Government or what is called by another name is the Village Head or what is called by another name assisted by Village apparatus as an element of Village Administration. Meanwhile village officials consist of the Village secretariat, regional implementers, and technical implementers, the number of which is adjusted to the needs and local socio-cultural conditions. In other words, village government is a village organization consisting of: a). The element of leadership, namely the village head. Village head assistant elements, consisting of the village secretary. b). Technical implementing elements, namely village head assistant elements who carry out technical affairs in the field such as irrigation, religious affairs, and others c). The regional element, namely the village head's assistant in the working area of the hamlet head. As an element of village administration, the village government has the task of carrying out government, development and social affairs.

Therefore, when viewed from the function, the village government has the following functions: a). Organizing community household affairs b). Carry out community development and coaching; c). Carry out village economic development; d) carry out fostering economic participation and community self-help; e). Carry out public order and peace f). Carry out deliberations on dispute resolution, and so on. The village consultative body has the position as an element of village administration.

Members of the village consultative body are representatives of the residents of the village concerned based on regional representation determined by way of deliberation and consensus. Members of the village consultative body consist of heads of community associations, customary leaders, professional groups, religious leaders and other community leaders or leaders. The term of office for BPD members is 6 years and can be appointed or re-

proposed for the next term of office. The number of BPD members must be an odd number, a minimum of 5 people and a maximum of 11 people, taking into account the area, population and financial capacity of the village. For the inauguration of BPD members, it is determined by a decision of the Regent/Mayor. The leadership of the BPD consists of 1 chairman, 1 deputy chairman, and 1 secretary who are directly elected from and by members of the BPD.

In order to carry out its functions, the village consultative body has authority based on article 55 of Law no. 6 of 2014 as follows: a). Discuss the draft village regulation with the village head; b). Carry out supervision of the implementation of village regulations and village head regulations; c). Propose the appointment and dismissal of village heads; d). Form a village head election committee. Explore, accommodate, collect, formulate community aspirations, and; f). Develop rules of village consultative bodies.

Based on article 36 PP No. 72 of 2005 as for the rights of the BPD, namely: a). to supervise and ask for information regarding the implementation of Village Administration from the Village Government; b), express opinions on the implementation of Village Administration, implementation of Village Development, Village community development and Village community empowerment; and e). obtain operational costs for carrying out their duties and functions from the Village Revenue and Expenditure Budget.

In addition to having the above rights and powers, members of the village consultative council also have the following obligations according to article 63: a) adhere to and practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia, and defend and maintain the integrity of the Unitary State of the Republic of Indonesia and Bhinneka Single Ika; b) carry out a gender-equitable democratic life in the implementation of Village Administration; c) absorbing, accommodating, collecting and following up on the aspirations of the people d) prioritizing the public interest over personal, group and/or class interests; e) respect the socio-cultural values and customs of the Village community; and f) maintain norms and ethics in working relationships with Village social institutions.

In an effort to realize the implementation of democracy in the administration of Village government so that it is able to mobilize the community to participate in the development and administration of the Village, every decision taken must be based on deliberation to reach a consensus. For this reason, the Village Consultative Body has the function of protecting customs, establishing Village regulations with the Village Head, accommodating and channeling community aspirations, as well as overseeing the implementation of Village regulations and Village Head regulations, proposing the appointment and dismissal of the Village Head Village consultative body meetings are chaired by the BPD leadership , the meeting is declared valid if it is attended by at least the number of members of the BPD and decisions are made based on the majority vote.

Village Financial Management Based on Law 1 number 10 and Article 71 paragraph (1) Law no. 6 of 2014 states: "Village Finance is all Village rights and obligations that can be valued in money and all Articles in the form of money and goods related to the implementation of Village rights and obligations". The definition of village finance above when compared with the definition of state finance in Law no. 17 of 2003 concerning State Finances, grammatically, only the word state in the definition of state finances has been replaced with the word village.

- 1) Village original income;
- 2) Revenue sharing of regional taxes and regency/municipality regional levies;
- 3) Part of the central and regional financial balance funds received by the Regency/City;
- 4) Budget allocation from APBN;
- 5) Financial assistance from the Provincial APBD and Regency/City APBD;
- 6) Non-binding grants and donations from third parties. Financial assistance from the Provincial APBD and Regency/Municipal APBD to Villages is given in accordance with

the financial capacity of the local Government concerned. The assistance is directed at accelerating Village Development. Other sources of income that can be cultivated by the Village come from Village-Owned Enterprises, Village market management, Village-scale tourism area management, management of non-metal mineral mines and rock mining without using heavy equipment, as well as other sources and not for sale and purchase.

The portion of the balancing funds received by the Regency/Municipal Government is at least 10% (ten percent) after deducting the Special Allocation Fund, hereinafter referred to as Village Fund Allocation Article 26 paragraph (2) letter e jo. Article 75 paragraph (1) Law no. 6 of 2014 confirms that the Village Head has the authority as the holder of village financial and asset management powers. In the context of managing Village Finances, the Village Head delegates part of his authority to the appointed Village apparatus, as also emphasized in Article 72 paragraph (5) jo. Article 75 paragraph (2) Law no. 6 of 2014. Village financial management is carried out with a budgeting mechanism at the village level through the Village Revenue and Expenditure Budget, which consists of Village revenue, expenditure and financing sections.

### **The concept of village financial management based on Law no. 6 of 2014 concerning Village Autonomy**

The draft Village Revenue and Expenditure Budget is submitted by the Village Head and discussed with the Village Consultative Body. According to the results of these deliberations, the Village Head determines the Village Revenue and Expenditure Budget every year by Village Regulations. Supervision of village financial management is carried out internally and externally. Internally, supervision of Village financial management is carried out by the Village Consultative Body. Externally, the guidance and supervision of village financial management is carried out by the District/City Government. This is confirmed in Article 115 letter g of Law no. 6 of 2014. The implementation of authority in managing village finances requires responsibility for realizing people's welfare which is carried out within the corridors of the applicable laws and regulations.

The substance of Village financial management in Law no. 6 of 2014 which is carried out through the Village Income and Expenditure Budget, which consists of the village income, expenditure and financing sections, has legal consequences for the village head and his apparatus as village finance executors. The Village Head is required to have the ability to prepare the Village Revenue and Expenditure Budget every year to be submitted to the Village Consultative Body. are also required to have the ability to procure goods and services belonging to the Government for development activities whose funds come from the state budget (APBN/APBD).

Likewise for members of the village community who become Village Consultative Councils, they are required to have the ability to examine the draft Village Revenue and Expenditure Budget submitted by the Village Head and to supervise village financial management by the Village Head Law no. 6 of 2014 has not regulated the mechanism for discussion, approval, supervision and accountability for the management of the Village Revenue and Expenditure Budget. So it cannot be analyzed whether the mechanism resembles the submission, discussion, approval, implementation and financial accountability as in the Provincial APBD or Regency/City APBD.

According to the author, several important things that deserve attention include the function of the Village Consultative Body in the ratification and accountability of the Village Revenue and Expenditure Budget. Because in Article 73 paragraph (2) it states that the Village Revenue and Expenditure Budget is only discussed between the Village Head and the Village Consultative Body. It should not be sufficiently deliberated, but added with the

approval of the Village Consultative Body. Likewise with accountability for implementing the Village Revenue and Expenditure Budget. Law No. 6 of 2014 has not regulated the accountability mechanism of the Village Revenue and Expenditure Budget by the Village Head.

Ideally, the Village Head will provide an accountability report on the Village Revenue and Expenditure Budget to the Village Consultative Council. This accountability report on the duties of the village head is carried out as an effort to realize accountability for village administration and as an effort to realize transparency towards the community. The juridical implications of having a village financial mechanism as stipulated in Law no. 6/2014 creates an obligation for District/City Governments to allocate a certain amount of funds for villages within their territory. For Regencies/Cities that do not provide Village fund allocations, the Government can postpone and/or deduct the amount of the balancing fund allocation after deducting the Special Allocation Funds that should be distributed to Villages.

#### IV. CONCLUSION

The government and BPD are village administrations that have a very important role in the administration of village governance. With the existence of Law Number 6 of 2014, in its implementation it is required to reflect genuine village autonomy, democratization, participation and diversity as the basis for village thinking. Village government is the Village Head and Village Apparatuses as elements of village administration. Meanwhile, village officials consist of a village secretariat headed by a village secretary, field technical implementers and regional elements adapted to the needs and conditions of the local area.

The concept of village finance is almost the same as the concept of state finance, carried out through the mechanism of the Village Revenue and Expenditure Budget, which consists of the village revenue, expenditure and financing sections, which are carried out by the Village Head and his apparatus which are discussed jointly with the Village Consultative Body. Village financial management has juridical implications for the Village Head and the Village Consultative Body to be able to compile, legitimize, implement, supervise and be accountable for village financial management. If negligence or intentional action occurs, it will result in accountability both administratively and criminally. The Regency/City Government is obliged to allocate a budget for village finances, as well as carry out guidance and supervision.

#### REFERENCES

- Arnas, Y., Sutarjo, M., & Fajarianto, O. (2022). Differences of Students' Mathematics Learning Results using Student Team Achievement Division (STAD) and Expository Methods on Materials Build A Flat of A Rquange. *EduLine: Journal of Education and Learning Innovation*, 2(2), 146-150.
- Bratakusuma, D.S, *Otonomi Penyelenggaraan Pemerintahan Daerah*, Gramedia, Jakarta, 2001.
- Busrizalti, H.M, *Hukum Pemda Otonomi Daerah dan Implikasinya*, Total Media, Yogyakarta, 2013.
- Deddy Supriady Bratakusuma dkk. *Otonomi Penyelenggaraan Pemerintahan Daerah*, Gramedia, Jakarta, 2001.
- Fajarianto, O., Jubaedah, S., & Erawati, D. (2021). Penerapan Digital Marketing dalam Mendukung Kegiatan Pemasaran Pada Usaha Taniku Cirebon. *Janaka, Jurnal Pengabdian Masyarakat*, 4(1), 68-74.
- Gadjong, A.A, *Pemerintahan Daerah*, Ghalia Indonesia, Bogor, 2007.
- H.M. Arief Muljadi, SH, *Prinsip-Prinsip Negara Kesatuan dan Desentralisasi*, Prestasi Pustaka Publisier, 2011



- Muljadi, H.M.A, Prinsip-Prinsip Negara Kesatuan dan Desentralisasi, Prestasi Pustaka Publiser, Jakarta, 2010.
- Prof. DR. Sadu Wasistiono, MS. dan M. Irawan tahir. AP. M.SE Prospek *Pengembangan Desa*, Bandung, CV Fokus Media. 2007.
- Prof. Drs. HAW. Widjaja. Otonomi Dexa, PT Raja Grafindo Persada, Jakarta, 2010
- Sari, P. K., Arofatinajah, S., & Fajarianto, O. (2022). Development of Digital Comic on Thematic Learning to Improve Literature Skills of 5th Grade Students in Elementary School. *JTP-Jurnal Teknologi Pendidikan*, 24(1), 38-49.
- Siswanto, S. Hukum Pemerintahan Daerah di Indonesia. Sinar Grafika. Jakarta. 2008.
- Soekanto S. Pengantar Penelitian Hukum. Universitas Indonesia Perrss. Jakarta. 1986.
- Wasistono S. dan I. Tahir. Prospek Pengembangan Desa. CV Fokus Media. Bandung. 2007.
- Wasitono Sadu Prof. DR. MS. Irawan Tahir, M.AP. MSi Prospek Pengembangan Desa, Bandung, CV Fokus Media, 2007.
- Widjaja H.A.W, 2010, Otonomi Desa, PT Raja Grafindo Persada, Jakarta.