



## The Role of *Badan Permusyawaratan Desa* (Village Consultative Board) on Village Government Post Law No. 6 Year 2014 about Village

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Available online at: [www.isroset.org](http://www.isroset.org)

Received: 28/May/2018, Revised: 6/Jun/2018, Accepted: 19/Jun/2018, Online: 31/Jul/2018

**Abstract**—This study discusses the status of the *Badan Permusyawaratan Desa* or commonly abbreviated as *BPD* (Village Consultative Board) after the enactment of Law No. 6 year 2014 on the village. *BPD* has a position as a partner of the village head. The role of *BPD* based on Law No.32 year 2004 is to accommodate and to distribute the aspirations of the community and to formulate and to establish village regulations with village head. This research method uses triangulation method with data collection, data reduction, data presentation and discussion, and conclusion. The result of the research shows that the *Badan Permusyawaratan Desa* (Village Consultative Board) still has not fulfilled its role and function maximally as the partner of the village head. The purpose of this research is to know and to analyze the role of *Badan Permusyawaratan Desa* (Village Consultative Board) as partner of village head in performing role as partner of village head, also the obstacles that encountered when carrying out its role. The source of the research data uses primary and secondary data. The method of the data collection uses documentation study.

**Keywords**— *BPD, Partners, Village Government*

### I. INTRODUCTION

Indonesia's *gandul* post-reform system of government strongly rejected the system of government with a centralistic model. Regional autonomy becomes a necessity for the Indonesian government. A centralistic goal after more than thirty years changed its character to bring the Republic of Indonesia into a multidimensional crisis. The demand to provide significant roles to the wider community through civil society and to provide the freedom of speech that for more than thirty years has been silenced by doing what is called a full democratic system into the life of the nation and state, also expressly rejects the functioning of the Armed Forces of the Republic of Indonesia. The new paradigm shift in political life and state administration in Indonesia is coming from the authoritarian system to the democratic system and from the centralistic system to the autonomy system.

The position of Village Government is still part of the Regional Government. The implementation of autonomy and decentralization as a consequence of limited reforms to the provincial and regency/ city level autonomy is symbolic of the realization of democracy. This concept is clarified in paragraph 7 of Article 18 of the 1945 Constitution stipulates

that "The Unitary State of the Republic of Indonesia is divided into provincial areas, and the provinces are divided into districts and cities, each of which the provinces, districts and cities have Government Regional (executive and legislative), which is regulated by law ". It clearly according to this determination that is actually the village government is part of the local government as contained in the law regulating the Regional Government or Regional Autonomy, stated in Law Number 32 Year 2004 that previously set in Law No. 22 of 1999 on Governance Area. Autonomy is not a final step but it is a preliminary step, so the content and realization of autonomy is very important.

The next step in the concept of implementation of autonomy and decentralization was developed by separating the regulation between regional autonomy and village autonomy after twenty years of reformation. The birth of Law Number 6 Year 2014 on Village and Law No. 23 of 2014 on Regional Government was then amended in the Regulation of Lieu of Law Number 2 Year 2014 and stipulated to become Law Number 2 Year 2015 About the Stipulation of Substitute Regulation Law Number 2 Year 2014 on Amendment to Law Number 23 Year 2014 on Regional Government. This proves that the State has given the widest possible right to

implement autonomy and decentralization to the village level.

Village as a unity of jurisdiction that has autonomous right is needed to strengthen the institution of Village Government. The Village Government as the organizer of the Village Government and the *Badan Permusyawaratan Desa* or *BPD* (Village Consultative Board) as an institution that performs the functions of the Government, must have the same goal for the welfare of the village community by exercising the authority of village autonomy as well as possible in organizing and managing government affairs. The interests of the local community based on community initiatives, rights of origin, and / or traditional rights recognized and respected within the system of government of the Unitary State of the Republic of Indonesia. To achieve these objectives, both partnerships must be established based on a philosophy of principle of mutual respect for equal positions between the partners, building common interests for the development of the village to be achieved, working up good intentions to help each other and remind each other.

In carrying out the governmental function, *BPD* is a consultative body at the village level which participates in discussing and agreeing on various policies in the implementation of Village Government, also controlling on the implementation of the policy which has been decided together. In addition to the efforts to improve institutional performance at the village level, strengthen togetherness, and increase community participation and empowerment, Village Government and / or *Badan Permusyawaratan Desa* (Village Consultative Board) facilitate the implementation of Village Deliberations. Thus, the position of *BPD* in the Village Government becomes parallel to the Village Government which is part of the Village Government organizer. Although in Article 23 of Law Number 6 Year 2014 on Village explained that the organizer of Village Government is the Village Government.

In order to realize autonomy and democracy in the Village Administration, it is necessary to have a derivative regulation at the level of Regional Regulation that clear and specific to the existence of *BPD* to reinforce the formation mechanism, position, function and authority of *BPD* as mandated in Article 65 Paragraph 2 of Law Number 6 Year 2014 about village. This need will be the uniformity of *BPD* in determining the steps and settling the position in the implementation of Village Government as well as a basic benchmark evaluation of the implementation of good village governance.

The role of *BPD* with one of its functions and authority in discussing the plan and establishing the Village Decree with the village head is a policy and legal framework for

governance and village development. Preparation of Village Rules is an elaboration of the various authorities owned by the village. It certainly based on the needs and conditions of the local village and referring to higher legislation. As a legal product, Village Regulation should not conflict with higher regulations and should not harm the public interest. As a political product, village regulations are democratically and partially regulated, that is the process of compilation involves community participation. The public has the right to propose or give inputs to the *BPD* or to the village head in the process of formulating the Village Rules which the implementation is carried out in Village Deliberation activities.

## II. RELATED WORK

### A. *Badan Permusyawaratan Desa* (Village Consultative Board)

*Badan Permusyawaratan Desa* (Village Consultative Board) or commonly abbreviated as *BPD*, is an institution of democratic manifestation in the administration of village government. The role of *BPD* in this study is grouped into 2 (two) roles in general, based on Law No. 32 of 2004 namely: policy makers and community aspirations. The role of the *BPD* will be further explained in the following description:

- a. To accommodate the aspirations of society, "aspiration has a target and involves the individual itself and leads to an effort to achieve it, so that the point he has designed will have meaning for himself" (Hurlock 1979: 264). *BPD* as an actor who mobilizes the community should be able to stimulate the people's minds to explore the potentials that exist, then to convey what the ideals and desires of the community for the creation of village progress and community welfare.
- b. The Policy Makers, "Policies are public decisions taken by the state and implemented by bureaucratic apparatus" (Ali, 2007: 51). This policy is certainly a complex political process. The process includes the policy objectives and the means of decision-making, the people or groups that involved, and how this policy is implemented. *BPD* as a legislative in the village has a major role in making policies in the village. The policy made by *BPD* is in the form of village regulations or village regulations that apply to all villagers in the village concerned. This is also affirmed in Article 209 of Law Number 32 Year 2004 regarding Regional Government which states, "The Village Consultative Body has the function of establishing village regulations with village heads, accommodating and channeling the aspirations of the people". In other words, the *BPD* in formulating

village regulations should involve the community from the planning process to engage in evaluation of the village regulations.

### B. Village Government

Along with the issuance release of Law No.32 of 2004 on regional government, village or so-called other names, hereinafter referred to as villages, is a legal community unity that has jurisdictional boundaries that is authorized to regulate and manage the interests of local communities based on their origins and customs - local customs that are recognized and / or established within the National Government system and located in the District or city. The foundation of thinking in regulating the village is diversity, participation, indigenous autonomy, democratization and community empowerment.

The village administration as the lowest governing authority and directly facing the people has a heavy burden of duty, because besides having to carry out all matters coming from the higher government but also must take care of the various household affairs of the village directly responsible to the people (Misdiyanti 1993: 47).

Village Governance is the implementation of government affairs by the Village Government and *Badan Permusyawaratan Desa* (Village Consultative Body) in arranging and managing the interests of the local community based on the origin and local customs that are recognized and respected in the system of Government of the Unitary State of the Republic of Indonesia. Village government consists of village government and *BPD* (PPRI No. 72 year 2005 about village).

### III. METHODOLOGY

This research is to know and to analyze the role of *Badan Permusyawaratan Desa* or *BPD* (Village Consultative Board) after the enactment of Law No. 6 about village. This research uses descriptive research method with normative approach. In this research, the author uses the source of library materials both primary source and secondary source by data collection methods with documentation studies. The method of data analysis uses data collection, data reduction, data presentation and discussion, and conclusions.

### IV. RESULTS AND DISCUSSION

The political authority within a community called village is internally understandable by looking at the history of its development. In fact, the number of people is increasing and

also the problems that related to the public interest are increasing. This fact has certainly encouraged the emergence of an authority that is expected to overcome the problems that realize the aspirations that develop. Based on the formal juridical aspect, the development of villages in Indonesia can be traced through the implementation of various legislation products that regulate the village. It starts from the old order until the present era.

After the independence of Indonesia, the regulation of the village did not have an explicit constitutional basis, except for the unity of indigenous and tribal peoples that had grown and developed long before Indonesia became independent. The consequences are arrangement by Law Number 22 Year 1948, Law Number 1 Year 1957 and Law Number 19 Year 1965 that place the village as the third level autonomous locus. By the reason of the village and all such entities are the joints of the country, the extension and dynamism of the village is needed to promote the progress of the state in general. With the establishment of Law Number 19 Year 1965 on *Desa Praja*, all previous laws and regulations such as *IGO* and *IGO* are declared no longer valid. As for what is meant by the village is a certain legal community unit boundaries of the region, entitled to take care of the household itself has a ruler and has his own property. The village assembly is a representative body of the village community and the way in which the election and appointment of its members is determined by the Government of the First Level Regions. Although the desire to improve the village gained a sufficient foothold, the state's less stable state due to the *G-30-S/ PKI* events resulted in the effort to realize the village as an autonomous entity other than the first and second autonomous regions could not be realized. In the end, act no. 19 year 1965 revisited in connection with the Instruction of Minister of Internal Affairs No.29 7 year 1966 on Delaying Realization of *Desa Praja* Establishment.

In the New Order era established Law No. 5 year 1979 on Village Government. This law leads to the uniformity of the form and structure of village governance with a national pattern of ensuring the realization of *Pancasila* democracy by channelling public opinion in a container called *Lembaga Musyawarah Desa* (*LMD*). The weakness of this law is the absence of a separation of powers between the executive and the legislative. The Village government according to this law is composed by village head and *Lembaga Musyawarah Desa* or *LMD* (Village Deliberation Institution). In this case, the Village Head is domiciled as a tool of the Government, a tool of the Local Government, also the Village Government tool that leads the implementation of village governance, while the *LMD* as a channelling institution of community aspirations.

The reformation era brought fresh air to the implementation of regional autonomy, as decentralization and local democracy experienced resurgence, following the enactment of Law Number 22 Year 1999 on Regional Government. In this law the existence of the *Badan Permusyawaratan Desa* or *BPD* (Village Representative Body) becomes a new actor of democracy. The community hopes that the presence of *BPD* becomes a new impetus for village democracy as an articulator of aspirations and community participation, policy-makers with community participation and an effective government control tool village. The presence of *BPD* with its function and authority allows the balance and function of mutual supervision in the administration of village government, so the presence of village head that exist in the new order like "sole ruler" in the village will not happen again.

The birth of Law Number 32 Year 2004 regarding to the regional government is a correction of Law Number 22 Year 1999 on a striking change lies in the replacement of the term *Badan Perwakilan Desa* (Village Representative Body) into *Badan Permusyawaratan Desa* (Village Consultative Board), the other changes that the formation of *BPD* membership not through by direct election but through by deliberation to determine the representativeness of each region, also a change that further weakens the position of the *BPD* that the village head is no longer accountable to the *Badan Permusyawaratan Desa* (village consultative board) but only provides accountability report and does not bring direct consequences of the village head's dismissal. Changing the regulation of *BPD* in this law turned out to weaken the existence of *BPD* again. There is so many emerging stigma that *BPD* just as tool stamp of the Head of Village.

The village seemed to regain consciousness after a long sleep from 1979-1999, as well as the disarming of most of its original autonomy post-reform in 1999-2013. Law No. 6 year 2014 at least wants to address two major problems, namely to restore the original autonomy of the village as it has been seized by the new order, while at the same time developing village autonomy to limit the intervention of post-reform autonomy.

Law No. 6 year 2014 on villages answers the polemic of the existence of *BPD* in Village Government. The boundaries of village governance consist of village heads and village apparatuses without *BPD* positions. The limitations are different when compared to the previous arrangement, where village governance consists of the Village Government and *BPD*. Nevertheless, although domiciled not as a village governor, the existence of functional *BPD* still has a vital position in the administration of village government. Thus the position of *BPD* is still parallel to the Village Head because every policy decision is accompanied by the approval of *BPD*. In addition, such separation aims to create

more modern village governance, where there is a political differentiation between policy designers (*BPD*) and policy implementers (village head). The *BPD* at least represents democratically elected societies to discuss a policy before being implemented by the village government.

Village Autonomy is a necessity that can be enjoyed by all villagers, this requires to good village governance as the spirit of the birth of Law No. 6 year 2014 about village that aims to empower village communities and village government to be strong, advanced, independent, and democratic, so as to create a solid foundation in implementing governance and development towards a equitable, affluent and prosperous society. The instrument to realize the goal has been provided in the form of village meetings, authority of village wealth management independently and information system of village development. Instrument can realize village democracy that requires a motor that is none other than *BPD*, the existence of *BPD* in village government will determine the good village.

Village meetings are a means of community participation in determining the things that are strategic in the implementation of village governance facilitated by the village government and organized by *BPD*. This is what makes the existence of *BPD* as a vital institution in the administration of village government. Village meetings are an entry point for determining strategic village policies such as the preparation of village mid-term development plans (*RPJMDES*) per period of office, formulating village development work plans (*RKPDES*) annually, drafting and enforcing village regulations, adding and releasing village assets, village cooperation, investment plans entering the village, extraordinary events.

The authority of village wealth management independently will have a positive and bad impact on the growth of the village. The existence of *BPD* supervision role on the performance of the village government becomes the determinant of whether or not the village development will be leaked and whether the village wealth is received.

Village information development system is an instrument of openness of village governance. This instrument is functioned to open community participation as part of the control function of the good development process. In addition, it can be functioned as a medium of socialization of government programs and the promotion of village potential that needs to be developed. The existence of an information system becomes a necessity as a mandate of the law.

The majority of *BPD* members to become members of *BPD* mostly started with the intention of dedication, because their work routine was not as dense as Village Head and Village

Apparatus which functioned as executor of village government policy.

When confronted with a political decision-making situation it sometimes takes energy and time that disrupts the daily routine tasks. This event that ultimately becomes not comparable between what is done with what is obtained, so just let alone the current position of *BPD* which has the function and authority increased already deserved to get better facilities than before.

*BPD*'s institutional and membership rights based on income earning from the past until now only focus on the right to obtain operational expenses on the execution of duties and functions, also to obtain membership benefits. In contrast to village heads and village apparatus there is the right to receive honorariums, benefits, health care, operational duties and functions, legal protection, uniforms and other facilities. Given the provisions of existing legislation, it still excludes the right of income for *BPD*, then with the function of *BPD* as the organizer of the village consultation and participation in planning the revenue and expenditure budget of the village, if that is the opportunity that should be utilized by *BPD* in determining the operational cost and proper allowances.

## V. CONCLUSION

The active role of *BPD* in monitoring the performance of village government by building a philosophy of principle of mutual respect for equal standing, building common interests for rural development to achieve, fostering goodwill to help each other and remind each other may be avoided from conflicts of interest and survivors of corruption crimes. To prepare in the face of village autonomy, adequate education and training are needed continuously to the village government, *BPD* and related stakeholders to welcome all the surprise that will arrive in the village. In relation to the principles of good governance, everyone has the right to be involved in decision-making, either directly or through the *BPD* which is a representation of them. This is where the role of *BPD* is needed as a container, channeling the aspirations of the community and controlling the implementation of the village government.

## REFERENCES

- [1] Abdurrahmat, Fathoni, "*Metodologi Penelitian dan teknik Penyusunan Skripsi*", Rineka Cipta, Jakarta, 2005.
- [2] Ali, Madekhan, "*Orang Desa Anak Tiri Perubahan*", Averroes Press, Malang, 2007.
- [3] Bungin, M.Burhan, "*Penelitian Kualitatif*", Kencana Prenada Media Group, Jakarta, 2007.
- [4] Djuharie, Setiawan, "*Pedoman Penelitian Skripsi, Tesis, Disertasi*", Yrama Widya, Bandung, 2001.
- [5] E.B. Hurlock, "*Personality Developmen*", Tata McGraw-Hill Publishing Company ltd, New Delhi, 1979.
- [6] H. Nurcholis, "*Pertumbuhan & Penyelenggaraan Pemerintahan Desa*", Erlangga, Jakarta, 2011.
- [7] H.R. Syaukani, "*Mengolah Data Pada Mysql server*", Elex Media Komputerindo, 2005.
- [8] Huda, Ni'Matul, "*Otonomi Daerah (Filosofi, Sejarah Perkembangan dan Problematika)*", Pustaka Pelajar, Yogyakarta, 2009.
- [9] Juliantara, Dadang, "*Peningkatan Kapasitas Pemerintah Daerah dalam Pelayanan Publik*", Pembaruan, Yogyakarta, 2005.
- [10] M. Solekhan, "*Penyelenggaraan Pemerintah Desa*", Setara Pers, Malang, 2012.
- [11] Misdyanti, "*Fungsi Pemerintah Daerah Dalam Pembuatan Peraturan Daerah*", Bumi Aksara, Jakarta, 1993.
- [12] Moleong, J. Lexy, "*Metode Penelitian Kualitatif*", PT.Remaja Rosdakarya, Bandung, 2004.
- [13] Moleong, J. Lexy, "*Metode Penelitian Kualitatif*", PT.Remaja Rosdakarya, Bandung, 2005.
- [14] Poerdwadarminta, W.J.S, "*Kamus Umum Bahasa Indonesia*", Balai Pustaka, Jakarta, 1991.
- [15] Singarimbun, Masri, "*Metode Penelitian Survei*", PT.Pusaka LP3NS, Jakarta, 1995.
- [16] Singarimbun, Masri & Effendi, Sofian (Editor), "*Metode Penelitian Survei (Edisi Revisi)*", LP3ES, Jakarta, 1998.
- [17] Sudirwo, Daeng, "*Pembahasan pokok-pokok pemerintahan di daerah dan pemerintahan desa*", Angkasa, Bandung, 1991.
- [18] Sugiyono, "*Metodologi Penelitian Pendidikan*", Alfabeta, Bandung, 2007.
- [19] Sugiyono, "*Metode Penelitian Kulitatif Kuantitatif*", Alfabeta, Bandung, 2010.
- [20] Sugiyono, "*Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif dan R&D*", Alfabeta, Bandung, 2010.
- [21] Suyanto, Bagong, "*Metode Penelitian Sosial. Berbagai Alternatif Pendekatan*", Prenada Media, Jakarta, 2005.
- [22] Usman, Husaini, "*Metode Penelitian sosial (edisi Kedua)*", Bumi Aksara, Jakarta, 2009.
- [23] W. Sadu, T. Irwan, "*Prospek Pengembangan Desa*", Fokus Media, Yogyakarta, 2006.