
Analysis Of The Mechanism Of Removal And Termination Of Village Equipment By The Regency Of Gorontalo Regency

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ARTICLE INFO

Keywords :

Dismissal; Regent; Village;

How To Cite :

Muslimin.,M.,Badu,L.W
Tome., A.H (2021). *Analysis
Of The Mechanism Of Removal
And Termination Of Village
Equipment By The Regency Of
Gorontalo Regency*
Estudiante Law Journal. Vol. 3
(1): 95-100

DOI :

ABSTRACT

In carrying out its autonomy, the village is led by a village head to run the government in the village and provide services to the community. In carrying out its obligations, duties, and functions, the village head is assisted by village officials which include the village secretary, regional executive, and technical implementer. The dismissal of Village Officials that occurred in Gorontalo Regency was one of the inappropriate policy decisions by the Regent of Gorontalo Regency where in the event the dismissed Village Apparatus did not meet the requirements for the dismissal. The type of research used is empirical legal research. Empirical research is a type of research that uses empirical facts taken from human behavior, both verbal behavior obtained through interviews and real behavior made from direct observation. Dismissal of Village Apparatus carried out by the Regent of Gorontalo Regency violates existing rules, where the dismissal of Village Apparatus is the authority of the Village Head in consultation with the Camat. This problem occurs because of a lack of understanding of the rules for the appointment and dismissal of Village Apparatus and also the incompatibility of the rules governing village government and the rules governing Village Apparatus.

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1. Introduction

The birth of the Village Law is a new breakthrough with the spirit of accelerating the welfare of rural communities, which is structured in such a way as to regulate starting from village planning, village administration, village and village community rights and obligations, village regulations, village finances and village assets, village development. and rural areas, village-owned enterprises, village cooperation, village community institutions and so on.

The village also has the same autonomy as that of the district/city which is called village autonomy. Village Autonomy is genuine, complete and complete autonomy.¹ The authorities possessed by the village encourage the village to be more independent, creative and innovative in an effort to improve the welfare of its community, namely by generating initiatives and potentials of existing resources. In carrying out the wheels of government, the village is obliged to be able to improve development, public services and implement village financial management in a good, transparent, and accountable manner.

The village has the authority in the field of village administration, implementation of village development, village community development, and empowerment of village communities based on community initiatives, origin rights, and village customs as regulated in Article 33 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 43 of 2014. In carrying out its autonomy, the village is led by a village head to run the government in the village and provide services to the community. In carrying out its obligations, duties, and functions, the village head is assisted by village officials which include the village secretary, regional executive, technical implementer.²

Currently, the phenomenon of the Dismissal of Village Apparatus is on the rise. This is no exception in several villages in Gorontalo Regency, Gorontalo Province. In 2022 there will be as many as 180 Village Apparatuses in Gorontalo Regency which may be

¹HAW. Widjaja, *Otonomi Desa Merupakan Otonomi Yang Asli, Bulat dan Utuh*, Rajawali Pers, Jakarta, 2010. Hal.165

²Muhammad Fauzan Encik, *Hukum Tata Negara*.(Malang. Setara Press, 2017). hal.144

dismissed by the Regent of Gorontalo Regency based on Regent's Regulation Number 19 of 2021 concerning Implementing Regulations of Regional Regulation Number 10 of 2016 concerning Village Apparatus and Regent's Regulation Number 20 of 2021 concerning Organizational Structure and Government Work Procedures Desa. The dismissal of Village Officials that occurred in Gorontalo Regency was one of the inappropriate policies made by the Regent of Gorontalo Regency where in the event the dismissed Village Apparatus did not meet the requirements for dismissal.³

Based on the description above, the authors are interested in studying the mechanism for the appointment and dismissal of village officials in Gorontalo Regency, as well as examining the factors that cause problems in the appointment and dismissal of village officials in Gorontalo Regency.

2. Method

The type of research used is empirical legal research. empirical research is a type of research that uses empirical facts taken from human behavior, both verbal behavior obtained through interviews and real behavior made from direct observation..⁴

While the approach chosen by the researcher is qualitative, namely the research method used to examine the condition of natural objects, where the researcher is the key instrument, the data analysis is inductive, and the results of qualitative research emphasize meaning rather than generalizations..⁵

The qualitative approach also focuses on the general principles that underlie the manifestation of the units of symptoms that exist in human life, or the patterns that are analyzed by socio-cultural phenomena using the culture of the community concerned to obtain an overview of the prevailing patterns..⁶

³Hasil wawancara dengan Bapak wowiling Habibullah (Ketua APDESI Kab. Gorontalo) Pada tanggal 10 Februari 2022

⁴Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum (Normatif & Empiris)*, (Jogjakarta, Pustaka Pelajar, 2010), Hal.280

⁵ Sugiyono, *Memahami Penelitian Kualitatif*, (Bandung, Alfabeta, 2016), hal.1

⁶Burhan Ashofa, *Metode Pnenelitian Hukum*, (Jakarta, Rineka Cipta, 2010),hal.20-21

3. Analyst And Discussion

3.1 Mechanism of Appointment and Dismissal of Village Apparatus in Gorontalo Regency

The appointment of Village Apparatus in Gorontalo Regency refers to Permendagri Number 67 of 2017 and Perbub Number 19 of 2021 carried out through a mechanism the Village Head can form a Team consisting of a chairman, a secretary and a minimum of one member. Furthermore, the Village Head conducts a screening and screening of Village Apparatus candidates which is carried out by the Selection and Screening Implementation Team which is carried out no later than 2 (two) months after the position of the Village Apparatus is vacant or dismissed. by the Village Head to the Camat. Then the Camat provides a written recommendation to the candidate for Village Apparatus no later than seven working days. In the event that the Camat gives approval, the Village Head issues a Village Head Decree concerning the Appointment of Village Apparatus; and in the event that the Camat recommendation contains rejection, the Village Head conducts a screening and re-screening of Village Apparatus candidates. Meanwhile, the procedure is that the appointment must meet the initial requirements and be carried out in accordance with the existing mechanism.

Meanwhile, the process of dismissing Village Apparatus in Gorontalo Regency is also based on Permendagri Number 67 of 2017 and Perbub Number 19 of 2021 where the dismissal of Village Apparatus is carried out if it occurs for three reasons, namely death, own request and being dismissed. The dismissal of Village Apparatus is carried out by the Village Head after consulting with the Camat. categories with reasons for dismissal, which include the age of 60 (sixty) years, declared as a convict based on a court decision that has permanent legal force, permanent absence, no longer meets the requirements as a village apparatus and violates the prohibition as a village apparatus. The request itself is determined by the decision of the Village Head and submitted to the Camat or other designations no later than 14 (fourteen) days after being determined. Meanwhile, the dismissal of the village apparatus on the grounds of being dismissed must first be consulted with the sub-district head.

3.2 Factors Causing Problems in the Appointment and Dismissal of Village Apparatus by the Regent in Gorontalo Regency

Mr. Wowiling Habibulah also explained the reason for the dismissal of the Village

Apparatus by the Regent of Gorontalo Regency. as the results of the author's interview with him as follows:⁷:

“There are several reasons why the dismissal was carried out, namely the inappropriate number of Village Apparatuses in each village, as regulated in Permendagri Number 84 of 2015 concerning Organizational Structure and Work Procedures of the Village Government and Perbub Number 20 of 2021 concerning Organizational Structure and Work Procedures of the Village Government In the Gorontalo District Command, where in both regulations there is a village classification that regulates the number of village officials. In addition, there is another reason, namely the lack of the Gorontalo Regency APBD so that it has an impact on the village fund budget which is used to finance the salaries of village officials.”

In addition, Mr. Abdul Wahidin Tanaiyo S.H as an Advocate for the Limboto Legal Aid Institute who became the legal representative of the dismissed Village Apparatus. He also explained that:⁸

“What was done by the Regent of Gorontalo Regency was a form of abuse of power, what he did clearly violated the existing rules. If I see that there are several things that make this problem happen, including the lack of understanding of the local government in understanding the rules regarding the dismissal of Village Apparatus, then the synchrony of some of the rules governing this matter..

4. Conclusion

There was a problem regarding the dismissal of Village Apparatus in Gorontalo Regency where the Dismissal of Village Apparatus was carried out by the Regent of Gorontalo Regency. This violates the existing rules, where the dismissal of the village apparatus is the authority of the village head in consultation with the sub-district head. This problem occurs due to a lack of understanding of the rules for the appointment and dismissal of Village Apparatuses and also the misalignment of the rules governing village government and the rules governing Village Apparatuses.

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⁸Hasil wawancara dengan Bapak Abdul Wahidin Tanaiyo S.H selaku advokat Lembaga Bantuan Hukum Limboto

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