Estudiante Law Journal

Volume 5 Number 1, February 2023: Pp. 259-272 Faculty of Law, State University of Gorontalo, City of Gorontalo, Indonesia https://ejurnal.ung.ac.id/index.php/eslaw/index



Analysis of Factors Causing the Decline of the Oversight System of the Consultative Body of Malenge Village, Tojo Una-Una Regency

Wahyu Hidayat N. Ahmadong

Faculty of Law, State University of Gorontalo, Indonesia. E-mail: wahmadong@gmail.com

Abstract: The purpose of this research is to find out the causal factors that influence the effectiveness of the supervision system for the Malenge village government, Tojo Una-una Regency. The research method used is an empirical research method using a qualitative approach. The results of this study are that the productivity of BPD performance in Malenge Village is still less efficient in carrying out its daily tasks and functions. This can be seen from the many (input) aspirations of the people who entered the BPD, only one was produced. Against the relatively large differences between the actual use carried out. Some of the examples are the regulations implemented by the BPD, only the Perdes regarding the Village Revenue and Expenditure Budget. From the results of the discussion above, we can conclude that the productivity of the BPD in Malenge Village is not good. Because it is not able to produce products of legislation for the Village in accordance with what is expected by the community.

Keywords: Monitoring System; BPD; Malenge Village

@2023 Ahmadong, W.H.N. *Under the license CC BY-SA 4.0*

How to cite (Chicago Style) :

Ahmadong, W.H.N. "Analysis of Factors Causing the Setback of the Oversight System of the Malenge Village Consultative Body, Tojo Una-Una Regency " *Estudiante Law Journal* 5, no. 1 (February 2023): 259–272.

1. Introduction

Juridical village existence in Law No. 6 of 2014 The village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, local community interests based on community initiatives, origin rights, and or traditional rights that are recognized and respected in the government system of

the Unitary State of the Republic of Indonesia.¹ The stipulation of law No.6 of 2014 concerning Villages stipulates the existence of villages as a topic in development. This is in line with the regional economic goals which give each region the task of managing and managing all government affairs and forming self-sufficient efforts with its capabilities. The law provides motivation for the community to build and manage their own villages.² For this reason, each village is given funds through the State Revenue Expenditure Budget (APBN) in a fairly relevant amount. Article 18 of Law Number 6 of 2014 on Neighborhood Villages states that village authority includes authority in the field of administering village administration, implementing village development, developing village communities, and empowering village communities, based on community initiatives, origin rights, and village customs.³

The formation of the 1945 Constitution of the Republic of Indonesia (UUD 1945) maintains village government not in the spirit of keeping the village original in carrying out traditional government functions as a customary law community, but in order to guarantee the presence of a government that is close to the people. In addition, the village is a unit of democratic government, such as establishing the principles of deliberation, collectivity, kinship, and so on. Soepomo even stated that the State of the Republic of Indonesia as later proclaimed on August 17, 1945, then within the Republic of Indonesia (RI) the Indonesian nation was based on the theory of a 'Republic of Villages' state. The foundations of thought in village government are diversity, participation, genuine autonomy, democracy and community empowerment. The implementation of village government is a subsystem of governance, so that the village has the authority to manage and regulate its own community.⁴

The supervisory system for the Malenge village government, Tojo Una-Una Regency, is still not perfect or effective because the Malenge village government, Tojo Una-Una Regency, has undergone many significant changes, especially in terms of service and development and supervision in the village has not shown that the duties and functions of the Village Consultative Body (BPD)) is carried out responsibly. Many of the community's needs have not been met and have become a priority for the village government. The proposed community aspirations are not in accordance with the demands or needs of the community in the village. Therefore, there is a need for

¹ Nggilu, Novendri M., and Ahmad Ahmad. "Optimalisasi Jaringan Dokumentasi dan Informasi Hukum (JDIH) dalam Pembentukan Produk Hukum Desa Tabongo Timur." DAS SEIN: Jurnal Pengabdian Hukum dan Humaniora 3.1 (2023): 49-66.

² Nggilu, Novendri Mohamad, et al. "Pembentukan Peraturan Desa di Era New Normal di Kabupaten Boalemo." Jurnal Legislasi Indonesia 19.4 (2022).

³ Iqbal Mustapa, Zamroni Abdussamad, dan Mellisa Towadi, "Positive Fictional Authority Legislative Ratio in Government Administration Laws and Job Creation Laws," *Damhil Law Journal* 2, no. 1 (28 Mei 2022): 17–35, https://doi.org/10.56591/dlj.v1i1.1726.

⁴ Darmini Roza dan Laurensius Arliman, "Peran badan permusyawaratan desa di dalam pembangunan desa dan pengawasan keuangan desa," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 3 (2017): 606–24.

adequate supervision by the Village Consultative Body (BPD) against the village government in carrying out its duties and functions as a village apparatus.⁵ In achieving the goals for the welfare of the village community, the BPD has a function to supervise the performance of the village head. This is done so that there is no fraud that occurs in the administration of village governance. In addition, in Law no. 6 of 2014 letter a, the BPD has the right to supervise and request information about the implementation of village government from the village government. The BPD carries out supervision through monitoring and evaluating the implementation of the village head's duties on implementation planning, and reports on the implementation of village government.

In terms of supervision, the BPD has a strategic role in overseeing the use of village funds so that they are not diverted. The task of overseeing the finances carried out by the BPD needs to be considered after village regulations are produced so that village regulations run well. The activities of administering the government of Malenge Village, Tojo Una-una Regency, are carried out by the BPD and the village government, which consists of the Village Head and Village Apparatuses. The implementation of village government is supervised by the Village Consultative Body (BPD) which functions to accommodate community aspirations, as well as implementing Village regulations with the Village Head. function properly, so that the village community feels protected by its representatives in the BPD.

It is generally known that the success of any human endeavor is closely related to the quality of human resources who carry out the work tasks necessary for achieving goals. Talking about human resource issues is closely related to performance towards a person's work motivation in carrying out their duties and responsibilities, where a person in carrying out his work has certain motives that underlie them so they want to work. These motives must be aroused through motivation, because motivation is an encouragement to someone to act to do a job.⁶

Within an organization there is a relationship between individual performance (Individual Performance) and organizational performance (Organization Performance). A government organization, in achieving the goals that have been set must go through activities that are driven by people or groups of people who play an active role as actors, in other words the achievement of organizational goals is only possible because of the efforts made by people within the organization.

It is very important to know information about the performance of apparatus and the factors that influence the performance of the apparatus, so that the measurement of

⁵ Farah Dessy Tuasamu, "Kedudukan Dan Fungsi Badan Saniri Negeri (Badan Permusyawaratan Desa) Di Kecamatan Salahutu, Kabupaten Maluku Tengah," *Caraka Prabu: Jurnal Ilmu Pemerintahan* 1, no. 01 (2017): 37–57.

⁶ Ahmad Sukri, "Implementasi Kewenangan Badan Permusyawaratan Desa Terhadap Pengawasan Badan Usaha Milik Desa Berdasarkan Permendagri Nomor 39 tahun 2010 tentang Badan Usaha Milik Desa (Desa Teratak Kecamatan Rumbio Jaya Kabupaten Kampar)" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2022).

apparatus performance should be interpreted as an evaluation activity to assess or see the success or failure of the implementation of the duties and functions assigned to it. Therefore performance evaluation is an analysis of interpretation and failure to achieve performance.

Performance is a condition that must be known and informed to certain parties to determine the level of achievement of results or agencies related to the vision carried out by an organization and to know the positive and negative impacts of an operational policy. Mink (1993:27), put forward his opinion that individuals who have high performance have characteristics, namely: a) achievement-oriented, b) have self-confidence, c) self-control, d) competence. This Village Regulation was developed as introduced in Article 3 of the Tojo Una-Una District Regulation Number 4 of 2006, which states: "The Village Consultative Body shall have the function of establishing Village regulations together with the Village Head, accommodating and channeling community aspirations".

Observing the function of the BPD, especially in village legislation, it can be said that the BPD has a very important and strategic role in the village governance process. BPD can directly influence the dynamics of village community life. Thus the implementation of village government, including village government in Malenge Village, Tojo Una-Una Regency, must refer to village government regulations, it is hoped that it will actually carry out its duties and functions as stipulated.

In carrying out its legislative functions, the Village Consultative Body must have human resources that are professional, competitive, and have knowledge and understanding of legal issues that exist within the working environment of the Village Consultative Body concerned, so as to provide a sense of trust for the community represented by translating decisions based on community needs. The community's expectations are quite high for pro-people decisions made by the Village Consultative Body.

The facts seen in the field based on observations show that the legislative function of the Village Consultative Body is not running optimally, this can be seen from the village regulation products that are not produced by Malenge Village, Tojo Una-una Regency, and the still low role of the Village Consultative Body in Malenge Village in responding to community complaints related to the implementation of village government programs in Malenge Village. Another observation that researchers get in the field is that there is still a lack of services provided by the Village Consultative Body in relation to legislation. Likewise with the lack of openness of the Village Consultative Body in Malenge Village in the legislative process so that the community feels less involved in the legislative process. In addition, village regulations that are

made are sometimes made just like that without accommodating the opinions of the community as a whole.⁷

Research on monitoring the performance of the Village Consultative Body in the implementation of legislative functions in Malenge Village in Tojo Una-Una Regency. The main instrument is the researcher himself, with the aid of interviews, namely a number of structured questions. Apart from that, unstructured or open interview techniques were also used to find more in-depth information about BPD performance from informants.

Productivity is the efficiency of the Village Consultative Body (BPD) in carrying out legislative functions in Malenge Village. The quality of BPD performance in Malenge Village is seen in terms of the number of village regulatory products produced by the Village Consultative Body (BPD).

The productivity of BPD performance in Malenge Village is still not efficient in carrying out its daily tasks and functions. This can be seen from the many (input) aspirations of the people who entered the BPD, only one was produced. Against the relatively large differences between the actual use carried out. Some of the examples are the regulations implemented by the BPD, only the Perdes regarding the Village Revenue and Expenditure Budget. From the results of the discussion above, we can conclude that the productivity of the BPD in Malenge Village is not good. Because it is not able to produce products of legislation for the Village in accordance with what is expected by the community.

Service quality tends to be very important in carrying out the legislative functions of the BPD in Malenge Village. Many negative views were formed regarding the performance of the Village Consultative Body (BPD) which arose due to community dissatisfaction in decision making. Whether or not the services provided will affect the performance of the BPD in Malenge Village, Tojo Una-una Regency. Thus, community decisions related to service quality issues can be used as BPD performance indicators.

Therefore, to find out what the quality of BPD services in Malenge Village is like, the researchers certainly interviewed several informants regarding the problem of community satisfaction with the decisions produced by the BPD in Malenge Village. As stated by Mansur Ambo Lolo as a Community of Malenge Village who stated the following:

"The quality of BPD services is not good, because BPD only accommodates our aspirations but has not been realized (Discourse 12 June 2023)

-

⁷ Zubaidah Zubaidah dan Kustiawan Kustiawan, "Analisis Peran Badan Permusyawaratan Desa Dalam Demokratisasi Pemerintahan Desa Penaga Kecamatan Teluk Bintan Kabupaten Bintan Tahun 2014," *KEMUDI: Jurnal Ilmu Pemerintahan* 1, no. 2 (2017): 118–52.

Seeing the results of the interview above, the BPD in Malenge Village has homework to get a positive value from community satisfaction in Malenge Village. So that in carrying out the duties and functions of the BPD in Malenge Village it will go well in providing services to the community. Therefore, the quality of service must be improved so that the BPD's performance in implementing the legislative function can run as expected. One of the factors influencing the performance of BPD in producing service quality is the relatively low educational status.

Composition of BPD Members in Malenge Village, Tojo Una-Una District by Education Level

Composition of BPD Members in Malenge Village, Tojo Una-Una District by Education Level

No	Village	Level of education						Amount
		SD	JUNIOR	SENIOR	DIPLOM	S1	S2	
			HIGH	HIGH	A			
			SCHOOL	SCHOOL				
1	Malenge			5				5

Data source: Malenge Village Government

The table above shows that the members of the BPD in Malenge Village still do not meet sufficient standards from the level of education of BPD members and other factors due to limited human resources. As a result, the performance of the BPD in carrying out its duties and functions does not go well. related parties will plan trainings on the function of legislation for the BPD in Malenge Village, Tojo Una-Una Regency. This is in accordance with the statement of Zulyadin Basir as Secretary who stated as follows:

"Based on the statement put forward by the general secretary of Malenge village that the performance of the Malenge Village Consultative Body (BPD) is still ineffective because village regulations that need to be regulated that have a principle of benefit for the village are no longer included in village regulations so that many become one of the village's income. but not regulated in Malenge village regulations (Discourse 7 June 2023 at 09.00).

Understanding of AAUPB is not only seen from a linguistic point of view but also from a historical perspective, because this principle also arises from history as well. By relying on these two contexts, AAUPB can be understood as general principles that form the basis and procedures for administering proper government, in which way governance becomes good, polite, fair, honorable, free from tyranny, violations of regulations, acts of abuse of authority, and arbitrary.

Law Number 30 of 2014 concerning Government Administration is a source of material law for the administration of government. It is the responsibility of the state and government to ensure the provision of government administration that is very

fast, comfortable and cheap. Guarantee of certainty of Government Administration must be regulated in the legal product of the Act. This can consist of the main law which regulates general provisions concerning Government Administration and other laws which regulate in detail managerial technical matters in the provision of Government Administration. , deadlines, administrative deeds and administrative contracts in Government Administration. The Law on Government Administration thus contains the principles of the relationship between government agencies as organizers of public administration and individuals or communities receiving public services.⁸

2. Research Method

The research method used by researchers is an empirical research method. Empirical legal research is a legal research method by looking at reality and examining how regulations apply in society. This research is commonly called sociological juridical legal research, whose object of study is community behavior that arises as a result of interaction with the system of norms and is based on community habits as a reaction to the application of a statutory provision.⁹

3. The Role of the Village Consultative Body in Village Governance

Article 1 point 1 of the Village Law states:

"Villages are villages and traditional villages or what are referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that are authorized to regulate and manage government affairs, the interests of the local community based on community initiatives, origin rights, and/or rights recognized and respected in the system of government of the Unitary State of the Republic of Indonesia.

Furthermore, number 2 states: "Village government is the implementation of government affairs and the interests of the local community within the NKRI government system". 10 As for what is called village government, it is regulated in Article 3, namely "The village head or what is called by another name, assisted by village officials as an element of village administration". 11 One of the implementing elements is the BPD which is described in Article 1 number 4 of the Village Law. At

⁸ SPI152204 Darmulus, Muhammad Zaki, dan Yudi Armansyah, "Analisis Yuridis Hubungan Pemerintah Desadengan Badan Permusyawaratan Desa (BPD) Dalam Pembangunan Desamenurutundang-Undang Nomor 6 Tahun 2014 Tentang Desa" (UIN Sulthan Thaha Saifuddin, 2019).

⁹ S. H. I. Jonaedi Efendi, S. H. Johnny Ibrahim, dan M. M. Se, *Metode Penelitian Hukum: Normatif dan Empiris* (Prenada Media, 2018).

¹⁰ Ismail, Dian Ekawaty. "Model For Legal Settlement On Damage To The Tanjung Panjang Nature Reserve In Pohuwato Regency." Russian Law Journal 11.3s (2023).

¹¹ Tawi Jaya, Rahmi Hidayati, dan Sigit Hartono, "Peranan Badan Permusyawaratan Desa (BPD) Dalam Demokratisasi Pemrintahan Di Desa Napallicin Kecamatan Ulu Rawas Kabupaten Musi Rawas Utara" (UIN Sulthan Thaha Saifuddin Jambi, 2021).

least the BPD in the Village Law is mentioned 41 times. This indicates how important the role of the BPD is in managing village administration.¹²

Furthermore, Article 24 of the Village Law states: "The administration of village governance is based on the principles of:

- a) legal certainty;
- b) orderly administration of government;
- c) orderly public interest;
- d) openness;
- e) proportionality;
- f) professionality;
- g) accountability;
- h) effectiveness and efficiency;
- i) local wisdom;
- j) diversity; And
- k) participatory".

Even in Article 32 it is explained how the role of the BPD is in administering village administration, especially in the election of village heads, who will later become leaders of village administration. In that article it is stated that:

- 1. The Village Consultative Body notifies the Village Head regarding the expiration of the Village Head's term of office in writing 6 months before the end of his term of office.
- 2. The Village Consultative Body forms an election committee
- 3. Village head.

4. The Village Head selection committee as referred to in paragraph (2) is independent and impartial.

5. the Village Head election committee as referred to in paragraph (3), consists of elements of Village apparatus, social institutions, and Village community leaders."

BPD membership itself is regulated in Article 56 which states:

- 1. Members of the Village Consultative Council are representatives of Village residents based on regional representation whose filling is carried out democratically.
- 2. The membership period of the Village Consultative Council is 6 years from the date of taking the oath/pledge.
- 3. Members of the Village Consultative Council as referred to in paragraph (1) may be elected for a maximum membership period of 3 times in a row or not in a row."¹³

¹² Sofyan Malik, "Peran Badan Permusyawaratan Desa Dalam Penyelenggaraan Pemerintahan Desa," *Jurnal Ius Constituendum* 5, no. 2 (2020): 325–43.

¹³ ivan Setiawan Amazihono, "Kewenangan Badan Permusyawaratan Desa Dalam Membentuk Peraturan Desa Berdasarkan Undang-Undang No. 6 Tahun 2014 Tentang Desa Di Desa Sinar Baru Daro-Daro, Kecamatan Lahusa, Kabupaten Nias Selatan," 2022.

The requirements for becoming a member of the BPD are also determined specifically, with the aim of getting members of the BPD who are proportional and willing to move actively to supervise the village government to create a prosperous village as aspired by the community.

The requirements for becoming a member of the BPD are contained in Article 57 which States that:

- 1. fear God Almighty;
- 2. adhere to and practice Pancasila, implement the 1945 Constitution, and defend and maintain the integrity of the Unitary State of the Republic of Indonesia and Bhinneka Tunggal Ika;
- 3. aged at least 20 years or already/has been married;
- 4. education at least graduated from junior high school or equivalent;
- 5. not as a village government apparatus;
- 6. willing to be nominated as members of BPD; And
- 7. democratically elected village representatives.¹⁴

Furthermore, Article 60 states that the BPD draws up rules of conduct BPD. Article 61 regulates the rights of BPD namely:

- 1) supervising and requesting information regarding the administration of village administration to the village government;
- 2) express opinions on the implementation of village government, implementation of village development, village community development, and village community empowerment; And
- 3) obtain operational costs for carrying out their duties and functions from the regional budget.¹⁵

In addition, Article 62 also states that the BPD has the right to: 1) propose draft village regulations; 2) asking questions; 3) submit suggestions and/or opinions; 4) choose and be chosen; and 5) receive allowances from the APBD. Regarding the BPD's obligations, it is stated in Article 63 which states that BPD members are required to:

- 1) uphold and practice Pancasila, implement the 1945 Constitution, and maintain and maintain the integrity of the Republic of Indonesia and Bhinneka Tunggal Ika;
- 2) carry out a gender-just democratic life in the administration of village governance;

¹⁵ Agista Ayu Setya NINGRUM, "Peran Pengawasan oleh Badan Permusyawaratan Desa (BPD) dalam Mengefektifkan Pembangunan Infrastruktur Pedesaan di Desa Mangaran Kecamatan Ajung Kabupaten Jember," t.t.

¹⁴ Munif Rochmawanto, "Kedudukan Badan Permusyawaratan Desa Dalam Pemerintahan Desa (Studi di Desa Deket Wetan Kecamatan Deket Kabupaten Lamongan)," *Jurnal Independent* 5, no. 1 (2017): 33–38

- 3) absorb, accommodate, collect, and follow up on the aspirations of the village community;
- 4) prioritizing public interests over personal, group and/or group interests;
- 5) respect the socio-cultural values and customs of the village community; And
- 6) maintaining norms and ethics in working relationships with village social institutions.

Even to maximize BPD members in their participation in building an open and efficient village government, BPD members have several restrictions. This is to explain the neutrality of BPD members in their work and not to give benefits only to themselves. This is stated in Article 64 of the Village Law which states that BPD members are prohibited from:

This is to make the village community believe that the BPD is an institution that is concerned with the interests of the village administration and the interests of the village community.¹⁶

BPD is not a new institution. In the last 15 years, the duties, functions and positions of BPD have continued to change. This change was made to lead to a better BPD. Changes to the BPD are also inseparable from changes in regulations governing village affairs. This change in the duties and functions of the BPD has had an impact on the ups and downs of democracy in the village. The village as a small republic presupposes that every citizen has the right to be involved in governance and development. Therefore, the BPD institution becomes a representative democratic institution at the village level. The term Village Representative Body itself was introduced by the 1999 Regional Government Law as a village legislative body, and this is regulated in Article 104 of the 1999 Regional Government Law. The role of the BPD as a strong legislative body at the village level was further regulated by the 2004 Regional Government Law. village government, with the consequence of being authorized and participating in managing and managing the village.

These institutional changes not only have a positive impact on the implementation of village governance, but also on village monitoring. In addition, it also has a negative effect on inter-agency relations in the village and even on society in general. The level of understanding of village apparatus and BPD members in carrying out democratic mechanisms at the village level is also the cause for the emergence of various conflicts in inter-agency relations in the village. As an autonomous region, the village has broad authority and great responsibility to carry out the interests of the community based on the principles of openness, community participation and accountability to the community.

In an equal position with the village government, the BPD becomes a partner of the village government and can carry out its functions as an institution that oversees the

¹⁶ Ajis Adang Djaha, "Kontrol Publik Dan Badan Permusyawaratan Desa Terhadap Akuntabilitas Pengelolaan Dan Pantai Beringin Kabupaten Kupang," *Jurnal Administrasi Publik* 18, no. 1 (2022): 1–17.

running of village government. Based on this position, the BPD basically has the main tasks of: 1) formulating regulations (*legislating function*) required by the village, which will be ratified by a Village Head Decree; 2) together with the village head, make the Village Finance Revenue and Expenditure Budget (*budgeting function*); and 3) supervising the village executive (village head and his apparatus) in the daily administration (*controlling function*).¹⁷

Even though the BPD as an institution is an embodiment of democracy in the administration of village governance as an element of village administration. The BPD has the function of establishing village regulations with the village head, accommodating and channeling community aspirations. Administration in the village is inseparable from the involvement of village institutions in the form of BPD. However, the BPD still has weaknesses in its participation in village governance, including: 1) The condition of the BPD in villages still requires institutional strengthening, especially in carrying out legislation ranging from drafting to supervising village regulations; 2) There is still a need to increase the supervisory role of the BPD in making village government policies, this is due to the increasingly widespread and complex problems and demands faced by the community, especially the lower-level community in the village; 3) In other parts, such as in the relationship between village institutions such as the BPD and the village head, the relationship is sometimes not harmonious, therefore there must be an efficient approach that must be taken by the government, to settle this matter. This will certainly make the BPD's role in village government even better.

4. Factors Inhibiting the Effectiveness of the Village Consultative Body's Performance

An autonomous region really requires the existence of an autonomous society as well. Autonomous communities are empowered communities, which are marked by their high participation in development activities. For this reason, in the era of regional autonomy that is now being implemented, increasing community participation in development activities and governance in general is very important. It is also intended as a forum for getting to know each other. So it can be understood that a government/ruler who upholds justice means that he has carried out the position given to him as well as possible. Every power that is exercised fairly for everyone including the ruler/government itself.

Conversely, if that power is applied unjustly (tyrant, dictator, authoritarian or absolute) then that power will boomerang in the form of disaster, catastrophe whose consequences will not be separated from the ruler/government itself18. Research conducted by Sri Nurhayati, Agus

¹⁷ Fauzan Abdul Roib, "Fungsi Pengawasan Badan Permusyawaratan Desa Dalam Penyaluran Dana Covid_19 Di Desa Mulya Subur Kecamatan Pangkalan Lesung Kabupaten Pelalawan" (Universitas Islam Riau, 2021).

¹⁸ Ahmad, Ahmad, and Nadya Lonely Bifirli Polii. "Mencari Jiwa Asas Pacta Sunt Servanda dalam Pelanggaran General Agreement Of Tariff And Trade." Jurnal Pendidikan Tambusai 7.1 (2023): 1623-1631.

Riwanto and Isharyanto (2018) explains that one of the obstacles to the task of the BPD is that village institutions authorized to run and form village regulations, namely the village head and the BPD have not been able to formulate draft village regulations (Raperdes) that can be accepted from the technical side of the drafting of legislation (legal drafting). In fact, most of them don't even know exactly what a Village Regulation is and its forms.¹⁹

While research conducted by Al Mukri, Alfiandra, Sri Artati Waluyati there are several factors that hinder the performance of the BPD, namely the human resource factor from the BPD who does not master the ability to draw up village regulations, innovation factors which include no new ways from the BPD in exploring community aspirations that are carried out creatively and attractively to the community. The third factor is the organizational adaptation factor which includes the lack of socialization of BPD management to the community at every stage of drafting village regulations. The social condition of the people who still do not believe in the existence of the BPD, the community still feels that the BPD has not really carried out its duties in accordance with the expectations of the community and the relatively low and limited resources of BPD members.²⁰

the amount of the budget from the government, Human Resources (HR) for the village apparatus of Laburan, Namrole District, South Buru Regency, is still low, and some village officials and members of the BPD have not actively socialized a village regulation. This research also found that the village office was not functioning properly, there was no BPD workspace and a lack of human resources. Based on the results of the study, this study provides recommendations, among others:

- (a) Improving the performance of the BPD in carrying out its duties and functions, especially those related to the control and supervisory functions of the village government in accordance with the wishes and aspirations of the community;
- (b) It is necessary to develop more intensive healthy communication, both horizontally and vertically and communication that prioritizes the interests of society above personal or group interests;
- (c) There is a need for input from institutions that are constructive and improve BPD performance in order to achieve progress, welfare and prosperity of the community;
- (d) It is necessary to maintain togetherness between the BPD, Pemdes, LPMD and the community in responding to the programs expected by the government and the wishes of the people in accordance with the progress of the times; And

²⁰ Siti Istiqomah, "Efektivitas Kinerja Badan Permusyawaratan Desa dalam Meningkatkan Akuntabilitas Pengelolaan Keuangan Desa," *Jurnal Unair* 3, no. 1 (2015): 1–18.

¹⁹ Deliana Novia Rahmah, "Pengaruh Koordinasi Pemerintah Desa Dengan Badan Permusyawaratan Desa Terhadap Efektivitas Pembangunan Di Desa Danasari Kecamatan Cisaga Kabupaten Ciamis," *MODERAT: Jurnal Ilmiah Ilmu Pemerintahan* 7, no. 1 (2021): 139–50.

(e) The community must be more active and critical in responding to the various policies and legal products produced by the BPD, as well as in the policy formulation process.²¹

5. Conclusion

The Village Consultative Body (BPD) in Malenge Village, Tojo Una-una Regency has not been able to carry out its role optimally due to the low human resources of BPD members, especially in the field of education so that in carrying out its roles and functions BPD does not understand what to do related to the control function and supervisory function which is its authority in controlling and supervising the performance of the village government / village head. Factors that hinder the role of the Village Consultative Body (BPD) in governance in Malenge village, among others: the role of BPD is not effective due to the BPD's very minimal operational budget, BPD facilities and infrastructure are very inadequate and do not have their own offices so that in carrying out their duties they only ride in the village office, BPD members who do not actively socialize a village regulation, the lack of human resources of BPD members.

References

Ahmad, Ahmad, and Nadya Lonely Bifirli Polii. "Mencari Jiwa Asas Pacta Sunt Servanda dalam Pelanggaran General Agreement Of Tariff And Trade." Jurnal Pendidikan Tambusai 7.1 (2023): 1623-1631.

Amazihono, ivan setiawan. "kewenangan badan permusyawaratan desa dalam membentuk peraturan desa berdasarkan undang-undang no. 6 tahun 2014 tentang desa di desa sinar baru daro-daro, kecamatan lahusa, kabupaten nias selatan," 2022.

Darmulus, spi152204, Muhammad Zaki, dan Yudi Armansyah. "Analisis Yuridis Hubungan Pemerintah Desadengan Badan Permusyawaratan Desa (BPD) Dalam Pembangunan Desa menurutundang-Undang Nomor 6 tahun 2014 tentang desa." UIN Sulthan Thaha Saifuddin, 2019.

Djaha, Ajis Adang. "Kontrol Publik Dan Badan Permusyawaratan Desa Terhadap Akuntabilitas Pengelolaan Dan Pantai Beringin Kabupaten Kupang." *Jurnal Administrasi Publik* 18, no. 1 (2022): 1–17.

Ismail, Dian Ekawaty. "Model For Legal Settlement On Damage To The Tanjung Panjang Nature Reserve In Pohuwato Regency." Russian Law Journal 11.3s (2023).

Istiqomah, Siti. "Efektivitas Kinerja Badan Permusyawaratan Desa dalam Meningkatkan Akuntabilitas Pengelolaan Keuangan Desa." *Jurnal Unair* 3, no. 1 (2015): 1–18.

²¹ Arifin Sihombing dan Madin Silalahi, "Efektivitas Pelaksanaan Tugas Dan Fungsi Badan Permusyawaratan Desa (Bpd) Dalam Menunjang Pembangunan Infrastruktur Desa (Studi Pada Desa Sisarahili Ewo Kecamatan Ulu Idanotae Kabupaten Nias Selatan)," *Jurnal Ilmiah METADATA* 3, no. 3 (2021): 1260–73.

- Jaya, Tawi, Rahmi Hidayati, dan Sigit Hartono. "Peranan Badan Permusyawaratan Desa (BPD) Dalam Demokratisasi Pemrintahan Di Desa Napallicin Kecamatan Ulu Rawas Kabupaten Musi Rawas Utara." UIN Sulthan Thaha Saifuddin Jambi, 2021.
- Jonaedi Efendi, S. H. I., S. H. Johnny Ibrahim, dan M. M. Se. *Metode Penelitian Hukum: Normatif dan Empiris*. Prenada Media, 2018.
- Malik, Sofyan. "Peran Badan Permusyawaratan Desa Dalam Penyelenggaraan Pemerintahan Desa." *Jurnal Ius Constituendum* 5, no. 2 (2020): 325–43.
- Mustapa, Iqbal, Zamroni Abdussamad, dan Mellisa Towadi. "Positive Fictional Authority Legislative Ratio in Government Administration Laws and Job Creation Laws." *Damhil Law Journal* 2, no. 1 (28 Mei 2022): 17–35. https://doi.org/10.56591/dlj.v1i1.1726.
- Ningrum, Agista Ayu Setya. "Peran Pengawasan oleh Badan Permusyawaratan Desa (BPD) dalam Mengefektifkan Pembangunan Infrastruktur Pedesaan di Desa Mangaran Kecamatan Ajung Kabupaten Jember," t.t.
- Nggilu, Novendri M., and Ahmad Ahmad. "Optimalisasi Jaringan Dokumentasi dan Informasi Hukum (JDIH) dalam Pembentukan Produk Hukum Desa Tabongo Timur." DAS SEIN: Jurnal Pengabdian Hukum dan Humaniora 3.1 (2023): 49-66.
- Nggilu, Novendri Mohamad, et al. "Pembentukan Peraturan Desa di Era New Normal di Kabupaten Boalemo." Jurnal Legislasi Indonesia 19.4 (2022).
- Rahmah, Deliana Novia. "Pengaruh Koordinasi Pemerintah Desa Dengan Badan Permusyawaratan Desa Terhadap Efektivitas Pembangunan Di Desa Danasari Kecamatan Cisaga Kabupaten Ciamis." MODERAT: Jurnal Ilmiah Ilmu Pemerintahan 7, no. 1 (2021): 139–50.
- Rochmawanto, Munif. "Kedudukan Badan Permusyawaratan Desa Dalam Pemerintahan Desa (Studi di Desa Deket Wetan Kecamatan Deket Kabupaten Lamongan)." *Jurnal Independent* 5, no. 1 (2017): 33–38.
- Roib, Fauzan Abdul. "Fungsi Pengawasan Badan Permusyawaratan Desa Dalam Penyaluran Dana Covid_19 Di Desa Mulya Subur Kecamatan Pangkalan Lesung Kabupaten Pelalawan." Universitas Islam Riau, 2021.
- Roza, Darmini, dan Laurensius Arliman. "Peran badan permusyawaratan desa di dalam pembangunan desa dan pengawasan keuangan desa." *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 3 (2017): 606–24.
- Sihombing, Arifin, dan Madin Silalahi. "Efektivitas Pelaksanaan Tugas Dan Fungsi Badan Permusyawaratan Desa (BPD) Dalam Menunjang Pembangunan Infrastruktur Desa (Studi Pada Desa Sisarahili Ewo Kecamatan Ulu Idanotae Kabupaten Nias Selatan)." *Jurnal Ilmiah METADATA* 3, no. 3 (2021): 1260–73.
- Sukri, Ahmad. "Implementasi Kewenangan Badan Permusyawaratan Desa Terhadap Pengawasan Badan Usaha Milik Desa Berdasarkan Permendagri Nomor 39 Tahun 2010 Tentang Badan Usaha Milik Desa (Desa Teratak Kecamatan Rumbio Jaya Kabupaten Kampar)." Universitas islam negeri sultan syarif kasim riau, 2022.
- Tuasamu, Farah Dessy. "Kedudukan Dan Fungsi Badan Saniri Negeri (Badan Permusyawaratan Desa) Di Kecamatan Salahutu, Kabupaten Maluku Tengah." *Caraka Prabu: Jurnal Ilmu Pemerintahan* 1, no. 01 (2017): 37–57.

Zubaidah, Zubaidah, dan Kustiawan Kustiawan. "Analisis Peran Badan Permusyawaratan Desa Dalam Demokratisasi Pemerintahan Desa Penaga Kecamatan Teluk Bintan Kabupaten Bintan Tahun 2014." *KEMUDI: Jurnal Ilmu Pemerintahan* 1, no. 2 (2017): 118–52.