



DINAMIKA GOVERNANCE JURNAL ILMU ADMINISTRASI NEGARA

ISSN 2303-0089
e-ISSN 2656-9949

DOI : <http://ejournal.upnj.atim.ac.id/index.php/jdg/article/view/4039>

PERFORMANCE ANALYSIS OF VILLAGE CONSULTANCY BOARDS (BPD) IN PREPARATION OF VILLAGE REGULATIONS IN BAMBANGIN VILLAGE, BALAWANG DISTRICT, BARITO KUALA

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ARTICLE INFORMATION

Article history:

Received date: 22 Agustus 2023

Revised date: 09 September 2023

Accepted date: 23 Januari 2023

ABSTRACT

The Village Publications Body is a legislative body and a container that serves to accommodate and channel the aspirations of the community. BPD is a working partner of the Government of the Village which has an equal position in organizing the affairs of government, development, and empowerment of the community. Bambang Village is one of the villages located in Belawang Prefecture, Barito Kuala District, Southern Kalimantan Province. This article is compiled to dig into how the Performance of the Village Public Service in carrying out its functions establishes the village rules, oversees the implementation of the village regulations and the heads of villages regulations. This type of research uses Qualitative with a descriptive approach that describes phenomena occurring in society concerning social problems and performance of BPD in the drafting of the Village Regulations. The results found that the role of Bambang Village BPD is still weak and not optimal in drawing up the Village Rules, BPD has always been present but tends to agree that just never make a record and initiate other innovative perdes based on the needs of the community, this weakness is due to the capacity of resources I have never received special training about BPD.

Keywords: Performance, The Village Public Service, Village Government

ABSTRAKSI

Badan Permusyawaratan Desa merupakan suatu lembaga legislasi dan wadah yang berfungsi untuk menampung dan menyalurkan aspirasi masyarakat. BPD merupakan mitra kerja Pemerintah Desa yang memiliki kedudukan sejajar dalam menyelenggarakan urusan pemerintahan, pembangunan, dan pemberdayaan masyarakat. Desa Bambang adalah salah satu Desa yang terletak di Kecamatan Belawang, Kabupaten Barito Kuala, Provinsi Kalimantan Selatan. Artikel ini disusun untuk menggali bagaimana Kinerja Badan Permusyawaratan Desa dalam melaksanakan fungsinya menetapkan peraturan desa, mengawasi pelaksanaan peraturan desa dan peraturan kepala desa. Jenis penelitian ini menggunakan Kualitatif dengan pendekatan deskriptif yang menggambarkan fenomena yang terjadi dalam masyarakat mengenai permasalahan sosial dan Kinerja BPD dalam penyusunan Peraturan Desa. Hasilnya menemukan bahwa peran BPD Desa Bambang masih lemah dan belum optimal dalam penyusunan Peraturan Desa, BPD memang selalu hadir tapi cenderung menyepakati begitu saja tidak pernah membuat catatan dan menginisiasi perdes inovatif lainnya berdasarkan kebutuhan masyarakat, kelemahan ini dikarenakan kapasitas sumberdaya belum pernah mendapat pelatihan khusus tentang BPD.

Kata Kunci: Kinerja, Badan Permusyawaratan Desa, Peraturan Desa

INTRODUCTION

According to the village (Widjaja, 2002) in its book entitled "Autonomy of the village" states that, the village is as a legal community unit that has an original order based on rights of origin of a special nature. The course of thought about village governance is diversity, participation, genuine autonomy, democratisation and empowerment of society.

According to the Act No. 32 of 2004 on Regional Government, section 200, paragraph 1, it is known that in the maintenance of the village Government there are two important elements of government that play a role in it, namely the Village Government and the Village Publications body. The village government is the governmental activity carried out by the village government and the village authority. The village can perform legal acts, both

public and private law, possess property, property and buildings and can be sued and prosecuted in court. For this purpose, the chief of the village, with the consent of the council, has the authority to act in law and to conclude a mutually beneficial agreement (Putra, 2009).

The Village Publications Body is a legislative body and a container that serves to accommodate and channel the aspirations of the community. As the legislative body of the village, the BPD is tasked with making the village regulations (PERDES) in which BPD participates in formulating and establishing the villages regulations that will be established and executed by the village government.

The BPD is a village level government agency that discusses and agrees on various policies in the maintenance of the village government. The objective is to improve institutional performance at the village level, enhance cohesion, and increase community participation and empowerment. The Village Government and/or the BPD facilitated the maintenance of the Village Assembly (Yuliastina & Andiriyanto, 2019).

The role and functions of the BPD in discussing the planning and establishment of the Village Rules together with the Village Chief is a policy and legal framework for the maintenance of the governance and development of the village. The drafting of the village regulations is an explanation of the various powers that the village has, of course based on the needs and conditions of the local village, as well as referring to the rules of higher laws. As a legal product, village regulations must not conflict with higher regulations and must not be detrimental to the public interest. As a political product, the village regulations are organized democratically and participatively, i.e. the process of their formulation involves the participation of the public.

In the process of creating the Village Rules, both from the initiative of the BPD and those put forward by the Village Government, there is the most important thing that must truly reflect the aspirations of the village people from the various layers of society. The BPD must earnestly seek or receive input from all walks of life in order to find out to what extent the level of awareness and standard of life of the villagers is (Zulkarnain, 2015). Based on the functions of the Village Public Service above, it can be seen that the existence of

the village public service to carry out its various functions in the community is very necessary, for example, in the creation of village regulations.

Bambangin Village is one of the villages located in Belawang Prefecture, Barito Kuala District, Southern Kalimantan Province. However, in terms of the maintenance of the village government, the Village Ministry Agency (BPD) is not fully involved, as can be seen from the BPD secretariat and the readiness of each BPD member in carrying out its duties and functions. There are some indications of the weaknesses of BPD in performing its functions, which can be described as follows:

1. The functions of the BPD in making/implementing the village regulations have not been implemented effectively.
2. The BPD functions in monitoring the implementation of the village regulations are not implemented as effectively as in the case of implementing the APB-Desa and the RPJM of the village.
3. The BPD functions to accommodate and channel the aspirations of the people in the village also have indications that they have not yet been effectively implemented.

Based on some indications of the problems that have been described above, it is possible to formulate this research problem as follows: "How does the Village Public Prosecutor's Office (BPD) perform its functions in establishing the village regulations, overseeing the implementation of the villages regulations and the villagers' regulations?"

LITERATURE REVIEW

Performance

Performance is the willingness of a person or group of people to carry out an activity and to perfect it according to their responsibilities with the results as expected (Nursam, 2017). Performance is defined as the achievement of the results of the work of someone in relation to the task and responsibility to the goals of the organization at a certain time and on a certain scale (Saefudin et al., 2021). Performance can be classified into several types. According to (Sudarto, 1999) there are several types of performance:

- a. Organizational performance is a concrete result of work that can be measured by the organization and can be influenced by the performance of processes and individual performance, which requires a performance

standard as a measure, so that the measurement of performance can be quantitative or qualitative and does not necessarily reflect the potential of the organization.

- b. Process performance is a concrete and measurable result of the workings of organizational mechanisms, is influenced by individual performance and requires performance standards as a measure, so performance measurements are more qualitative and do not always reflect the potential of the organization.
- c. Individual performance is a concrete and measurable output of individual work (work productivity) influenced by various factors within the individual that require the standard of work as a measure so that the measure of work is qualitative and does not always reflect the individual's potential. If we look at some of the above-mentioned types of performance, the organization's performance is the result of individual performance and process performance or it can be said that either the poor performance of the organization is affected by both the bad performance of individuals and the process performance within the organization.

BPD performance is an appearance or demonstration of work or achievement. Performance on the result obtained after a job or activity is run over a certain period of time (Istiqomah, 2015). Thus, performance only refers to a series of results obtained by an employee during a certain period. Results or achievements can be judged by the actors, that is, those produced by individuals (individual performance), by groups (group performance), and by institutions. (kinerja institusi). Individual performance describes to what extent a person has performed a task (Nurcholis, 2011).

The Village Public Service

According to the Act No. 6 of 2014 on the Village, the Village Assembly is an institution that performs the functions of government whose members are representatives of the population of the village on the basis of the representation of the territory and are democratically established.

The BPD is a village representative body that performs supervisory, legislative and enforcement functions. With a political setting like

this, this village parliament will be able to create a mechanism of check and balance in the political order that will continuously nourish the democracy of the village (Effendy, 2017). The history of development, BPD has undergone several changes in roles, functions and positions. Starting from merely a complementary institution of democracy due to its position under the control of the village chief. The Institution called the Institution of the Village Hall was affirmed in the Act No. 5/1979. Significant changes then occurred in the Law No. 22/1922. The name of the agency has changed from a public agency to a representative with a strategic political position as the organizer of the village government so that its position is equal to the head of village. The roles and functions are also expanded to include not only the role of representation but also legislation, supervision, and enforcement.

Village Government

The village regulations are the regulations of the laws established by the Head of the village after discussed and agreed with the Village Legislative Authority (Permendesa, 2016). The villages regulations were formed in the framework of the maintenance of the Village Government, therefore, the village government should be a further drafting of the higher legislative regulations and should not conflict with the general interest and / or the regulation of higher legislation and should take into account the social and cultural conditions of local villagers in the endeavour to the goals of government, development and service to the community in the long, medium and short term. It can be said that the community has the most important role in the process of policymaking or village regulation. A village regulation policy must work without the support and participation of the public (Sampe et al., 2019).

The village regulations that are compulsory to be formed according to Article 83 Section One of Government Regulations No. 43 Year 2014 concerning the Village Regulations are as follows: (1) The Village regulations are initiated by the Village Government. (2) The Village Regulation Body may propose the Village regulation draft to the village government. (3) The Village rules draft as referred to in paragraph (1) and paragraph (2) must be consulted with the village community to obtain input. (4) The Town regulation plan as mentioned in paragraph (2) is established by the Head of the Village after discussed and agreed upon with the

Village Organization.

METHODS

Type of Research

The aim of this study is to describe the performance of the Village Public Information Agency (BPD) in the planning of village regulations (Perdes) using the type of Qualitative Research with a descriptive approach that describes the phenomena occurring in society regarding social problems and the Performance of the village publication agency in the drafting of Village Regulations.

Focus Research

The focus of this research is the Village Secretariat, which includes:

1. Input of performance of the Department of Rural Development is seen from
 - a. Position of the BPD in the Government of the Village
 - b. Institutional Capacity
2. Process of Performance of the Rural Development Authority and the Village Chief in compiling the Village Regulations
 - a. Proposal for the formation of the village regulations
 - b. Planning for the establishment of the Town Regulations
 - c. Discussion and Agreement
 - d. Provision of the town regulations
 - e. Legislation for the Village regulations
 - f. Extension
3. Factors that hinder the Village Development Authorities in the Preparation of the Municipal Regulations
 - a. Human Resources
 - b. Portrait of the Institutional Declaration of the Rural Development Authority
 - c. Patterns of Institutional Relationship of the BPD with the Head of the village

RESULT AND DISCUSSION

Performance Inputs Deliberative Village

1. Position of BPD in Village Government

Based on the Village Law and Permendagri No. 110/2016, BPD is not an element of village government but has a government function. Any aspirations or complaints from villagers can be absorbed and managed by the BPD to be channeled or

followed up with the village government through village meetings held by the BPD. This means that the position of the BPD is very strategic because it is on a par with the village government. The BPD is a deliberative body at the village level that participates in discussing and agreeing on various policies in the administration of village governance.

2. Institutional Capacity

The BPD still does not fully understand the roles and functions of the BPD. In general, the BPD has three (3) main functions, namely 1) to discuss and agree on the Draft Village Regulations (Ranperdes) with the Village Head; 2) accommodate and channel the aspirations of the village community; and 3) supervise the performance of the Village Head.

In general, there are at least four weaknesses of the BPD. First, in the drafting of the Village Rules (Perdes) about the RJM Village, the RKP Village, and the APB Village, for example, BPD is always present but tends to agree to the Perdes Plan. The BPD rarely discusses and never makes an internal record of the village regulations. This indicates that the BPD function has not been fully utilized. The same is true of the other innovative processes in the preparation of Perdes. Meanwhile, Article 62 letter (a) of the Village Act and Article 83 para. 2 of Government Regulations of the Republic of Indonesia No. 11 of 2019 on the Second Amendment to Government Regulation No. 43 of 2014 on the Regulations for the Implementation of the Law No. 6 of 2014 concerning the Village states that members of the BPD have the right to submit proposals for the Perdes Plan.

Secondly, in its function as a host and distributor of citizens' aspirations, the BPD is still weak. The villagers usually forward their proposals or complaints directly to the village chief, the head of the village, and other villages. The BPD has not developed a mechanism to absorb independent aspirations beyond the formal process of planning development through the Dusun (Musdus) Plan, the Village Plan (Musdes), or the Village Development Plan. (Musrenbangdes). The BPD also has no secretariat or office that allows citizens to convey their aspirations or complaints.

Third, it relates to the function of monitoring the performance of the village chief.

In a number of villages where the BPD chief was once a competitor to the elected village chief, the controls the BPD carried out tended to be too strict, uncompromising, and likely unstructured. In other villages, BPD surveillance is relatively loose. The practice under Article 61 of the Village Act, which states that the BPD has the right to request evidence of the maintenance of the village government (LKPJ) to the village head has not been performed to the maximum. Many villages have not implemented the LKPJ Declaration. Even if it is implemented, the tendency remains formal, while Article 51 Paragraph 3 of PP No. 11/2019 affirms that LkPJ is used by the BPD to carry out surveillance functions.

The fourth weakness is the low support of the district/city, province, and central government (supradesa). The MPD and the DPRD have not seriously strengthened the BPD. The Socialization of the Village Act is still dedicated to the Village Chief and the Village Equipment. The BPD is only used as a supplement because it involves only its representatives—usually the Chairman of the BPD. Besides, the Deputy has not provided a special budget allocation for the strengthening of BPD in the APBD.

Performance Process in Discussing and Agreeing on Village Regulation Drafts

1. Proposal for the Establishment of a Village Regulation

The ideas for making Village Regulations came from either the BPD initiative or from the Village Head with a note that all Village Regulations must meet the needs of the Village community. However, in the process of making the Village Regulations, the Village Head has the dominant contribution in it. The most widely issued Perdes are regular Perdes, namely Perdes issued every year, for example Perdes on RPJMDes (revised RPJMDesa), Perdes on RKPDesa and APBDesa. Meanwhile, the BPD rarely proposes or issues innovative Perdes to respond to strategic issues facing villages (including optional Perdes), for example Perdes regarding the participation of vulnerable groups in village development to respond to the low participation of women, people with disabilities, the elderly, children, etc. ; Perdes on the protection of women and children to respond to

the high number of cases of violence against women and children, or the high number of children in conflict with the law, etc.; Perdes regarding the age limit for marriage to respond to the high number of child marriages (under 18 years).

2. Planning for Formation of Village Regulations

As referred to in the Regulation of the Minister of Home Affairs Number 110 of 2014 concerning technical guidelines for village regulations, village plans that have been prepared must be consulted with the Camat to obtain input, in addition to input from the Camat also prioritizing the community or community groups that are directly related to the substance of the regulatory material. In general, Bambang Village has followed the flow in planning the formation of village regulations. The intended draft which has been consulted with the sub-district head and the general public is submitted by the village head to the Village Consultative Body (BPD).

3. Discussion and Agreement

In the process of discussing the draft village regulation, the BPD invites the village head to discuss and agree on the draft village regulation, the draft village regulation is initiated by the village government and the BPD's proposal regarding the same matter to be discussed in the same discussion period, so the draft village regulation is prioritized on the BPD's proposal, while the draft village regulation proposed by the village head is used as material for comparison. However, based on the data obtained, in the discussion process the village government is more dominant, where the BPD invites the village head to hold a discussion meeting, but it is carried out by the village government. This is due to the lack of harmonization and communication between the two parties, as well as the BPD which has not actively carried out its roles and functions.

4. The Settlement of the Village's Rules

The draft village regulations that have been jointly agreed are submitted by the head of the village authority to the village chief to be established as the village regulation (perdes) no later than 7 days after making the agreement. Based on the observations produced as follows:

- a. All the BPD meetings are at least two-thirds of its members.
- b. The validation process as far as possible

develops and prioritizes the discretion to take decisions without going through a vote.

- c. Always presenting the supra party of the village.

However, in the drafting of the Village Regulations (Perdes) on the Village RPJM, RKP Village, and APB Village, the BPD is always present but tends to agree on the Perdes Plan. The BPD rarely discusses and never makes an internal record of the village regulations. This indicates that the BPD function has not been fully utilized. The same goes for the other innovative Perdes preparation processes.

5. Legislation of the village regulations

After being set aside, the village chief ordered the village secretary to deliberate in the village sheet. The village regulations declared to come into force and have a binding legal force since they were passed.

6. Dissemination

Dissemination was carried out by the Village Government and the BPD from the establishment of plans for drafting Village Regulations, preparation of Draft Village Regulations, Discussion of Draft Village Regulations, to promulgation of Village Regulations. The dissemination was carried out to obtain input from the public and stakeholders. At the dissemination stage, the village of Bambang did not disseminate village regulations as stipulated in the Minister of Home Affairs Regulation No. 111 of 2014 concerning technical guidelines for village regulations. Village government tends to run alone.

Factors that Impede the Village Consultative Body in the Formation of Village Regulations

1. Human Resources

The human resource factor is an important pillar in the concept of comprehensive law enforcement (Meme et al., 2023). Actually the law (Regional Regulation Act and Village Regulation) is made with the intention that it can be implemented for the realization of an orderly society, so that the law cannot be called law if it cannot be implemented. If the rules formulated in a law must be able to be implemented through law enforcement carried out by humans (Sinaga, 2020).

The capacity of the Village Consultative Body in Bambang Village is low, as seen from

the involvement of the BPD in carrying out its duties and functions which is still low. For example, attending meetings to discuss village problems, rarely initiating activities that should be under the authority of the BPD, to expedite work processes in the village government, it is often taken over by the village government, this gives the impression that the village government is more dominant in planning implementation of village regulations or in other activities.

The strengthening of human resources for the BPD still lacks support from the supra-village government, the socialization of the Village Law is still focused on the village head and his apparatus. Capacity building for BPD in particular has never been received by BPD.

2. Portrait of the Institutional Arrangement of the Village Consultative Body

The institutional practices of BPD Desa Bambang have not been implemented optimally. The BPD's role has not been carried out actively, such as holding deliberations both within the BPD's internal scope and village meetings, for example, the BPD is always present but tends to just agree, in this case the BPD rarely discusses and never makes internal notes on draft village regulations. At least there are a number of weaknesses in institutional arrangements such as not having rules and regulations as stipulated in Permendagri 110 of 2016 concerning the Village Consultative Body, the BPD must have rules and work plans, so that the BPD can actively carry out activities in institutional arrangements. In addition, there is no special secretariat for the BPD, which hinders the BPD from carrying out activities due to inadequate facilities to support the BPD, for example in holding BPD internal meetings.

3. Pattern of BPD Institutional Relations with the Village Head

The relationship pattern between the Village Consultative Body (BPD) and the village head is as partners in their position between the Legislature and the Village Executive. Where the partnership relationship is in accordance with Law Number 6 of 2014 manifested in the form of the position of the BPD which is equal to the Village Head, through the making of Village Regulations, Supervision and Accountability of the Village Head. In practice, the BPD's relationship pattern with the village head is not yet harmonious, the

BPD is considered a rival of the village head, so that the communication and coordination patterns that are formed do not work well, for example in designing village regulations.

CONCLUSION

The Village Consultative Body is an institution that has a strategic position to promote social accountability, democratization and welfare of villagers. Because it has functions, namely 1) Discussing and agreeing on the Draft Village Regulations (Perdes) with the Village Head; 2) Accommodate and channel the aspirations of the village community; and 3) Supervise the performance of the Village Head as stated in article 55 of the Village Law. However, in practice BPD still does not optimally carry out these functions. Especially in discussing and agreeing on the Draft Village Regulations (Perdes), the BPD is always present but tends to just agree on the existing drafts, the BPD never takes notes and even takes the initiative to propose draft Perdes based on the needs of the community.

Proposed establishment of village regulations. The ideas for making Village Regulations came from either the BPD initiative or from the Village Head with a note that all Village Regulations must meet the needs of the Village community. However, in the process of making the Village Regulations, the Village Head has the dominant contribution in it. The BPD has never initiated an innovative village regulation based on the needs of the community, because the BPD's function of absorbing and channeling aspirations has not been implemented optimally. Discussion and Agreement on Village Regulations. Based on the data obtained, in the discussion process the village government is more dominant, where the BPD invites the village head to hold a discussion meeting, but it is carried out by the village government. This is due to the lack of harmonization and communication between the two parties, as well as the BPD which has not actively carried out its roles and functions. Dissemination. At the dissemination stage, the village of Bambang did not disseminate village regulations as stipulated in the Minister of Home Affairs Regulation No. 111 of 2014 concerning technical guidelines for village regulations. Village government tends to run alone.

Human Resources. The capacity of the Village Consultative Body in Bambang Village is

low, as seen from the involvement of the BPD in carrying out its duties and functions which is still low. As in attending meetings to discuss village issues, it is rare to initiate activities that should be under the authority of the BPD. In addition, there is a lack of support from the supra-village government in the form of increasing the capacity of the BPD or training which causes BPD human resources to be low, in this case they have not carried out their duties and functions optimally. BPD Institutional Relations Pattern with the Village Head. The BPD is often seen as a rival to the village head, so the communication and coordination patterns that are formed do not work well, for example in designing village regulations. In addition, the supervisory process carried out by the BPD tends to be too tight and inflexible, even though the supervisory function carried out by the BPD is only monitoring and evaluation in nature. This makes the pattern of relations between the village head and the BPD disharmonious.

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