

The Role of Village Heads and Village Consultative Bodies in the Formation of Village Legal Products Based on Justice Values(Case Study in Surokidul Village, Pagerbarang District, Tegal Regency)

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Abstract. *The role of the village head and village consultative body is very important, in the preparation, discussion and formation of legal products, namely discussing and approving draft village regulations meaning that if one of them does not play the role that should, in accordance with the applicable regulations. Then the resulting legal product will be far from the aim of establishing legal products in the village. Namely those based on Pancasila the values justice, justice can be seen as a demand and a norm as a demand, justice demands that everyone's right be respected and that all humans be treated equally. his study aims to analyze and describe the Role of the Village Head and Village Consultative Body in the formation of legal products in the Village in Surokidul Village, Pager barang District, Tegal Regency and the Obstacles and solutions.*

Keywords: *Comparison; Legal; System.*

1. Introduction

The constitutional system basically contains two aspects, namely aspects concerning the power of state institutions and their relationships with each other between state institutions and the relationships between state institutions and citizens. Both aspects can be seen in the constitution of a country.¹ "The state recognizes and respects the customary law community units and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law" Article 18 B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Good governance in a country is an unavoidable need. and what is meant by government is all activities that are the duties and carried out by State Administrative Agencies and Officials that are not regulation makers and judges. State Administrative Agencies or Officials are the main and largest

¹Nanang Sri Darmadi, Position and authority of the Constitutional Court in the Indonesian constitutional law system, Jurnal Hukum Vol XXVI, No. 2, August 2011 p. 668

elements of the authorities among the many administrations of government affairs. Those who are called authorities are mainly located and come from the executive environment at the center and in the regions, from the president to the lowest village apparatus.²In line with the vision, mission and objectives in the Village Law, the State also strives to empower and protect villages to be more democratic, independent and strong in order to create a just, prosperous and prosperous society.³The village is a government that is in the lowest hierarchy in the government structure in Indonesia. With the enactment of the Village Law, the authority for village development which was previously the responsibility of the regional government is now transferred to the village government. This has an important meaning for the village because it gives the village, as legal community unity, returning the right to determine the direction of its own development, in accordance with Article 18 of the Village Law which states: "Village authority includes authority in the field of organizing village government, implementing village development, fostering village communities, and empowering village communities based on community initiatives, original rights, and village customs". In addition, the Village Law also brings many important changes to the village⁴.

2. Research Methods

Before the author explains the type of research that will be used, it is first necessary to briefly describe the method, as well as the research method according to Setiono.⁵is a tool to find answers to problem solving, therefore a method or tool must first be clear about what will be sought. The research in this writing includes sociological or non-doctrinal legal research. and is supported by secondary data in the form of reports obtained at the research location and other library materials.

3. Results and Discussion

3.1. The role of the Village Head and Village Consultative Body in the formation of justice-based village legal products in Surokidul Village, Pagerbarang District, Tegal Regency

3.1.1. General description of Surokidul Village, Pagerbarang District, Tegal Regency

Surokidul village is a village categorized as the oldest village which was once called Surolapang, it is said that before it became Suro Lapangan, this village was called Suro whose territory included Suro Lor (Pesarean) and the southern part of Suro which is now Surokidul, in the past the Suro village area was part of the Brebes

²Denny Suwondo and Ika Saputra, The role and responsibilities of land deed officials in implementing land registration activities, *Unissula Law Journal* Vol 35 No 2 (2019) p. 192

³Chabib Sholeh, *Village Financial Management* (Bandung:Fokusmedia, 2015), p.1

⁴Ira Alia Maerani, Muhammad Ulil Absor, Law Enforcement against Perpetrators of Corruption of Village Funds in Kudus Regency (Case Study at Kudus Police), *Sultan Agung Scientific Journal*, Sultan Agung Islamic University Semarang, June 15, 2024 ISSN: 2963-2730 p. 227

⁵Setiono, *Understanding of Legal Research Methods*, (Diktad), UNS Postgraduate, Surakarta, 2002. p. 1

area, as evidenced by the first Kanjeng Brebes regent, namely Arya Pranata Gama, his grave is in Suro (Pesarean) and the powerful Plekatik, namely KI JAGAPOLENG, the site of his statue is at the Sinangka Surokidul tomb, In the past, Tegal Wangi residents opened up forests to be used as settlements and for the first time for settlements, the lives of the people at that time were very harmonious and full of peace with good and fertile natural potential and the desire to progress so that in its development, precisely in 1912 a village was formed called Surokidul and was first led by IBRAHIM, government activities at that time were still centered in the village head's house because the condition of the country was still not independent, still under Dutch colonialism, After the independence of the Surokidul village community, they were classified as hard workers, proven to be able to process natural resources nature especially agriculture although rice fields use rainfed rice fields can cultivate rice fields well even though there are still many obstacles. So in 1977 the natural conditions were less friendly to drought which caused crop failure and poor economy because it relied on nature. Since then the district government has not provided assistance in the form of a dam, namely the Kali Krupak Dam whose workers at that time were political prisoners of the G30 September PKI. Since then the people of Surokidul village have been able to enjoy the results of the Kali Krupak Dam Construction, and our village's agricultural sector has advanced and can harvest 2 times in one season. Along with the progress of the village era. That is a glimpse of the history of Surokidul village which until now is known for several prominent advances.⁶

3.2. The Role of Village Heads in the Formation of Legal Products in Surokidul Village, Pagerbarang District, Tegal Regency.

In article 26 of Law Number 6 of 2014 concerning Villages, it is explained that a Village Head has the authority to determine Village Regulations. In the role of Village Regulations today, it plays an important role as a basic reference for the movement of a Village Government.⁷and Based on Article 4 paragraph (1) of Tegal Regent Regulation Number 23 of 2019 concerning the procedures for compiling Village Regulations, which relates to this, the Village Head has an important role in the development, growth and progress of the Village. In Surokidul Village, within a period of 2 years from 2022-2023, several regulations have been formed and ratified, namely the Village Regulations concerning the Village Government Work Plan (RKPDes), Village Budget and Income and Expenditure (APBDes), Changes to the Village Income and Expenditure Budget (Changes to APBDesa) and Realization of the Village APBDes. for more details and details of the legal products of the Village Regulations that have been formed and ratified, see the table below:

NO	NO VILLAGE	ABOUT	DETERMINATION DATE
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⁶Surokidul Village RPJMDes Document for the 2019-2025 Period, H 5

⁷Muhammad Fadli Efendi, The Role of Village Heads in the Formation of Village Regulations, Legal Studies Program, Islamic University of Malang, p. 3

1	1 Year 2022	Realization of Village Revenue and Expenditure Budget (APBDes) 2021	January 11, 2022
2	2 Years 2022	Village Revenue and Expenditure Budget (APBDes) 2022	April 17, 2022
3	3 Years 2022	Village Government Work Plan (RKPDDes) 2022 for Preparation of Village Budget 2023	September 30, 2022
3	4 Years 2022	Changes to the Village Revenue and Expenditure Budget APBDes 2022	October 27, 2022
4	1 Year 2023	Realization of Village Revenue and Expenditure Budget (APBDes) 2022	January 30, 2021
5	2 Years 2023	Village Revenue and Expenditure Budget (APBDes) 2022	March 16, 2023
6	3 Years 2023	Village Government Work Plan (RKPDDes) 2023 for Preparation of Village Budget 2024	September 29, 2023
7	4 Years 2023	Changes to the Village Revenue and Expenditure Budget APBDes 2022	October 27, 2023

Surokidul Village, Pagerbarang District, Tegal Regency,⁸that in the formation of legal products in the village, he admitted that he did not really understand in detail the stages in the preparation of legal products in the village that were in accordance with applicable regulations, but the preparation of his legal products as the Village Head always involved the participation of the community and the BPD. The process of preparing Village regulations began with the formation of a Village Regulation drafting team, the Village Head invited the community and BPD but only limited community representatives were invited. In the team formation meeting, the community and BPD have the right to propose members of the Village Regulation drafting Team, then in the team formation meeting the BPD and the community are also allowed to propose activities or input to be included in the draft Village Regulation to be discussed. After the team formation meeting produced a Village Regulation drafting team consisting of 7 people, the Village

⁸Interview with Mr. Rosikin, Head of Surokidul Village, Thursday, September 4, 2024

Head as the Supervisor and the Village Secretary as the chairman, then the Village Head ordered the Team Leader to invite team members to prepare a draft Village Regulation to be discussed with the BPD. After the draft was completed by the drafting team, the Village Head invited the BPD to discuss the draft Village Regulation that had been drafted by the team, according to the Village Head that so far the one who was active in drafting Legal products and submitting draft Village Regulations was the Village Government, the BPD never submitted a draft Village Regulation. In fact, according to Tegal Regent Regulation Number 23 of 2019, Article 5 concerning the procedures for drafting Regulations in the Village, the Village Government and BPD can submit a Draft Village Regulation, in this case only the role of the village head has been carried out in submitting a draft Village Regulation, the BPD has never submitted a draft Village Regulation to the Village Government. The next stage after the draft Village Regulation is made by the Drafting Team, the Village Head invites the BPD to discuss the Draft Village Regulation, in the discussion of this draft Village Regulation the Village Head only invites the BPD, it is not carried out in the official forum for the Village Development Plan Deliberation (Musrenbangdes), because according to the Regulation of the Minister of Villages, Disadvantaged Regions and Transmigration of the Republic of Indonesia Number 21 of 2020 concerning General Guidelines for Village Development and Village Community Empowerment Article 34 Preparation of the Village Government Work Plan through the Stages:

- a. Formation of the Village RKP drafting team.
- b. Review and alignment of Village Development Activity and financing plans;
- c. Re-examination of the RPJMDesa;
- d. Preparation of the Draft Village RKP and list of proposed Village RKP;
- e. Village Musrenbang discusses the draft Village RKP and a list of proposed Village RKP; and
- f. Village Deliberation for discussion and ratification of the Village RKP and list of proposed Village RKP;⁹

The draft that has been made by the drafting team is then held for a Village Musrenbang, but this stage is not passed by the Village Government and BPD even though this stage is very important for the community and BPD where in this forum the community and BPD can correct the Draft Village Regulation on the Village RKP that has been prepared by the drafting team and the community can propose activities if they are not yet included in the draft Village regulations.

Furthermore, if the BPD has approved the draft Village Regulation, then the draft Village Regulation is stipulated as a Village Regulation, for the Village Regulation APBDes before being stipulated, the draft Village Regulation is sent to the sub-

⁹Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration of the Republic of Indonesia Number 21 of 2020 concerning General Guidelines for Village Development and Village Community Empowerment Paragrah 3 Article 34

district to be evaluated by the Regent through the sub-district head. After being evaluated by the sub-district head, and the sub-district head has approved the draft Village Regulation, then the draft Village Regulation is ratified as a Village Regulation.

Based on the results of an interview with the Head of Surokidul Village¹⁰ The author considers that the role of the village head in forming legal products has been carried out, although not optimally, the village head admits that in forming legal products he does not really know in detail the stages of product preparation. The author sees that there are several problems with stages that have not been passed in the formation of village legal products by the Surokidul Village government, including:

- The preparation of the Draft Village Regulation is only carried out by the Team Leader and Village Officials who are members, the team that has been formed is never invited to a meeting to prepare the Village Regulation.
- After the draft village regulation is made by the drafting team, the Village Head formally invites the BPD to the Village Development Plan Deliberation Forum (Musrenbangdesa) by inviting all levels of the Village community to provide input. This stage is not implemented by the Village Government.
- After the village musrenbang, the draft village regulation made by the drafting team was submitted to the BPD to be studied and discussed internally by the BPD, but was not implemented by the village government, the draft village regulation was submitted to the BPD during a meeting with the village government so there was no opportunity for the BPD to study the draft Village Regulation.

The Village Deliberation regarding the discussion and agreement of the Draft Village Regulation was not carried out, the Village government only invited the BPD for this discussion even though the chairman and members of the BPD were not present based on the statement from the interview with Mr. Dul Alim as the Village Secretary and Chair of the Village Regulation Drafting Team,¹¹the drafting team will approach the BPD Chairperson and Members one by one to ask for signatures, there is no discussion at all. In the author's opinion, this stage is a very important stage where the community can monitor and ensure whether the proposals from the community have been included in the Draft Village Regulation or not, in the formation of village legal products it should be based on the values of Pancasila justice in accordance with the foundation of our country, namely the fourth principle of Pancasila, the people led by the wisdom of deliberation in representation. The fourth principle expresses the concept of people's sovereignty. People's sovereignty itself is a demand for justice. Democracy as the operationalization of the people, is a demand for justice. Every citizen has the right to participate in the deliberation of the entire nation about what they want

¹⁰Interview with Mr. Rosikin, Head of Surokidul Village, Date, September 9, 2024

¹¹Interview with Mr. Dul Alim, Secretary of Surokidul Village, September 9, 2024

together. Therefore, the village regulations made by the village government will be far from the values of Pancasila justice for its people. And if this stage is not carried out, the Village regulations made by the Village government may not accommodate the aspirations of the community and the BPD, so that the benefits of law through this Village regulation cannot be achieved, because there is no control from the community in the preparation of legal products. According to Jeremy Bentham as the first figure to develop the Theory of Utilitarianism. The law referred to by Jeremy Bentham is based on the principle of utility. The purpose of law according to Jeremy Bentham is to provide full benefit and happiness to society based on a social philosophy that states that every society wants happiness and law as a tool to realize that happiness.

3.3. The Role of the Village Consultative Body in the Formation of Legal Products in Surokidul Village, Pagerbarang District, Tegal Regency.

The Village Consultative Body (BPD) is an institution that plays a role in accommodating community aspirations and is responsible for organizing village deliberations. This responsibility includes the preparation, implementation and post-Village Deliberation (Musdes) stages:

- a. In the preparation stage, the BPD is responsible for ensuring that community groups carry out participatory mapping of community needs. Results This needs mapping will be the material in determining village spending. BPD together with the community also conducts an assessment of the development results which are used as material for village deliberations.
- b. Implementation Stage, BPD leads the implementation of Village deliberations.
- c. The stage after the village deliberation, the BPD ensures that the spending priorities set by the village deliberation and recommendations for activities from the previous year are implemented by the village government.¹² So it can be concluded that the role of the BPD is very much needed by the community. The role of the Village Consultative Body in the formation of Village Legal Products is very important. The Village Consultative Body as a supervisory body, one of whose tasks is to supervise the performance of the Village Head and form Village legal products, of course the role of both is very vital in the formation of legal products in the Village, to produce good Legal Products that are in accordance with the needs and aspirations of the community. The Village Government functions to implement policies made by the village head together with the BPD. In accordance with the principles of democracy, the BPD together with the Village Head have an obligation to provide a report on the implementation of the village government to the Regent/Mayor.¹³ According to Tegal Regency Regent Regulation Number 23 of 2019 Article 5 concerning the procedures for drafting Village regulations, it

¹²Ahmad Erani Yustika, Village Community Development and Empowerment (South Jakarta: Ministry of Villages, 2015) p. 31-32

¹³Hanif Nurcholis, 2011, Growth & Implementation of Village Government, Erlangga, Jakarta, p. l6.

explains that the planning for drafting Village regulations is determined by the Village Head and BPD, BPD functions to determine village regulations together with the Village Head, accommodate and channel community aspirations. In carrying out its role as an extension of community aspirations, BPD has the task of exploring, accommodating and channeling community aspirations as regulated in exploring, accommodating and channeling community aspirations is carried out by:

1. Conducting visits to the community in the village area; Collecting aspirations from community face to face both individually and collectively;
2. Accepting proposals, both written and oral, as long as the proposal does not conflict with applicable laws and regulations or local customs.
3. Aspiration public asas referred to in number 1, number 2 and number 3 must be discussed by members to become input in village community development.

In the implementation of even the smallest government, it is necessary to have an institution that is able to create Check and Balance in village community development, namely an institution that has the right to supervise the implementation of village government by the Village Head, namely the BPD as stated in Law Number 6 of 2014 concerning Villages in Article 55 paragraph (c), namely supervising the performance of the Village Head. The supervision carried out by the BPD aims to determine whether the implementation of the village head's performance is in accordance with the plan that has been set or not, and to determine the difficulties.any difficulties encountered by the implementers so that corrective measures can be taken.¹⁴

With supervision, the task of implementing the village head's duties can be lightened, because the implementers cannot possibly see the possible mistakes they make in their daily activities. Supervision is not to find mistakes but to correct mistakes,¹⁵Village regulations are a form of regulation issued by the village government as the district makes regional regulations. Village regulations are determined by the village head together with the BPD. Village regulations are formed in the context of organizing village governance which is a further elaboration of higher laws and regulations by taking into account the socio-cultural conditions of the local village community.¹⁶ In a democratic country, the formation of legislation has a very important element in its formation.¹⁷

In establishing village regulations, the BPD and the village head both have very important roles, including the following:

¹⁴YWSunindhia, 1996, *Practice of Implementation Government in the Region*, Rineka Cipta, Jakarta, p.103.

¹⁵Riwu Kaho, 1982, *Analysis of Government Relations Center and Region in Indonesia*, Jakarta: Bima Aksara, Jakarta, p.194

¹⁶Hanif Nurcholis, *Op.Cit*, p.113

¹⁷Hans Antlov, 2002, *The Country in the Village*, LAPPERA, Yogyakarta, p..25.

- a. BPD approved its release Village Regulations;
- b. The Village Head signs the Village Regulation;
- c. The BPD makes minutes regarding the newly established Village Regulations;
and
- d. BPD socializes the Regulation The village has been approved by the community through the Head of the Neighborhood Association (RT) to be known and obeyed and the start date of implementation is also determined.

However, in the implementation in the field, the compiler carefully conducted interviews with the Chairperson and Members of the BPD in Surokidul Village.¹⁸ that only the Head of the Village Consultative Body carries out his role, namely visiting the community to accommodate aspirations, even though it is only face-to-face, it has never been done formally, for example, deliberation, and the Surokidul BPD has no initiative for Village Deliberation and Hamlet Deliberation in order to explore community aspirations, even the submission of internal meetings in discussing the formation of legal products in Surokidul Village is very rarely done by the BPD meeting when there is an invitation from the village government, which causes the BPD to never submit a draft village regulation, it is only passive. So it can be concluded that the collection of community aspirations is not running optimally comprehensively, so that the distribution of community aspirations that will be stated in village regulations does not fully become aspirations and proposals that represent the needs of the entire community. By social justice is meant the condition of the whole society enjoying justice, or not receiving injustice. Social justice means that the structures of the process of community life in the political, economic, social, cultural and ideological fields are arranged in such a way that justice is achieved.¹⁹

From the results of the interview conducted by the author with Mr. Dul Alim as the secretary of Surokidul Village²⁰, said that related to the BPD as a working partner of the village government, in carrying out its duties, the BPD and the village government are required to respect each other, help each other, complement each other in order to achieve efficient, effective village government administration and achieve village prosperity, in the formation of village legal products. From observations and interview results from the author, the one who actively submits draft village regulations is the village government, while the BPD is only passively waiting for the village government, so that until now in 2024 there have been no village regulations made other than the Village Revenue and Expenditure Budget (APBDes), APBDes Realization, and Village Government Work Plan (RKPDDes) where the Perdes is a routine village regulation that the village government and BPD must form in the implementation of Village Government. As

¹⁸Interview with Mr. Dahuri, Chairman of BPD Surokidul, September 9, 2024

¹⁹Franz Magnis Suseno, (1992), *Philosophy of Political Culture: Critical Thinking Points*, Jakarta: Gramedia p. 27

²⁰Interview with Mr. Dul Alim Secretary of Surokidul Village, Tagaal September 11, 2024

the author examined from data and interviews that in the implementation of the 2023 government carried out by the Village Head. In relation to the village regulations that have been made that the optimal role of the BPD as a function of controlling the performance of the Village Head and legislation has not provided good performance. The reason is that the village regulations made are only routine village regulations such as the Village Budget, Village Work Plan and Village Regulation on the Realization of the Village Budget in the context of organizing the Village government, which is a reference for the Village Head in implementing the implementation of Village Government in 2022 and the period thereafter, basically as explained in Article 13 of the Tegal Regent Regulation Number 23 of 2019 concerning Village Government that the village government led by the Village Head who carries out his duties and obligations is responsible to the Regent through the Sub-district Head and submits accountability information to the BPD and informs the community. In the Village Regulation which should involve the village community in designing village regulations as explained in Article 13 paragraph 2 of the Tegal Regent Regulation Number 23 of 2019 concerning the procedures for preparing regulations in the Village, it explains that the community has the right to provide input verbally or in writing in the context of preparing or discussing draft village regulations. In fact, it is appropriate that the problems in the village are outlined in the formation of village regulations which will later be discussed by the BPD together with the village government to implement the Implementation of Good Governance at the lowest level of government in the Indonesian state system, in this case Surokidul Village.²¹

Based on the results of the author's research in Surokidul Village, Pagerbarang District, Tegal Regency, the position of the BPD as a working partner of the village government has not been realized in the implementation of the BPD's duties in order to carry out the legislative function, namely formulating and determining Village Regulations together with the village government but has not reached a satisfactory stage as an institution that channels community aspirations and protects the community. The reason is that the regulations that have been made are Village Revenue and Expenditure Regulations (APBDes), Village Government Work Plan (RKPDDes) and Realization of APBDes implementation, these are Village regulations that must be routinely made by the village in order to organize the village government, so that they do not reflect the needs of the community as a whole, namely a good social order and overall welfare. In accordance with Article 12 of Tegal Regent Regulation Number 23 of 2019 concerning the procedures for drafting regulations in the Village, that village regulations are determined by consensus and must reflect the needs of the village community concerned and must not conflict with public interests, regional regulations and other laws and regulations, The author analyzes that there are no Village regulations that have

²¹AAGNAiDwipayana,2003,*BuildingGoodGovernance in the Village*, IRE Press, Yogyakarta, p..52

been formed except for the APBDes, the Realization of the APBDes and RKPDes is a manifestation of the role of the Village Consultative Body which is less synergistic with the interests of the village community, the ability of the Village Consultative Body in creating Village Regulations is not optimal to fight for problems in the Village, in this case accommodating and channeling community aspirations which are then stated in Village Regulations. So the legal regulations that will be produced will be far from the values of justice for its people. Justice can be seen as a demand and a norm. As a demand, justice demands that everyone's rights be respected and all humans be treated equally. Justice is the main norm for resolving conflicts fairly, a norm that supports peace and stability in community life. Justice is a basic moral principle that is essential to maintaining human dignity as a human being.²².

3.4 Obstacles and solutions related to the role of the Village Head and Village Consultative Body in the formation of Legal Products in Surokidul Village, Pagerbarang District, Tegal Regency

3.4.1 Obstacles and solutions faced by the Village Head

From the results of the interview with the Village Head²³ and Village Secretary²⁴ and from the author's observations, there are several inhibiting factors faced by the Village Head in the formation of village legal products, including:

- a. Resource Factors (HR), lack of knowledge and understanding from the Village government, both the Village Head and Village Apparatus, regarding knowledge about the formation of Village legal products in accordance with regulations, because the Village Head and Village Apparatus come from various previous work backgrounds, most of which are not in contact with bureaucracy or government, so it is necessary to adjust and learn about government bureaucracy.
- b. Community Awareness Factor Not all village communities have awareness and commitment to this village because the resources (HR) are of middle to upper class, but there are still many resources (HR) who are of middle to lower class in terms of economy and education, which results in a lack of understanding of the duties and functions of the Village Head, especially in the formation of village legal products, so that control from the community is almost non-existent.
- c. Guidance and sanctions factors related to the preparation of Village Regulations, lack of guidance and sanctions if the process of drafting legal products is not followed according to the correct stages.
- d. The factor of lack of commitment in implementing good village governance, lack of commitment from the village government, especially the village head, in the formation of legal products so that in the preparation of legal products, the

²²Surajiyo, Justice in the Pancasila legal system, IKHRAIT-Humaniora Vol 2 No.3 November 2018, Indraporsta PGRI University. p. 25

²³Interview with Mr. Rosikin, Head of Surokidul Dea, September 19, 2024

²⁴Interview with Mr. Dul Alim, Secretary of Surokidul Village, September 19, 2024

stages in accordance with the regulations are not followed.

e. For the solution needed is coaching, training and even sanctions if necessary, must be carried out routinely and specifically to the Village Head, Village Apparatus, BPD and the community related to the preparation of legal products in the Village because there is still very little training, monitoring from the Regency Government, Even according to Mr. Rosikin, the Head of Surokidul Village before becoming the Village Head, there must be mandatory training carried out by prospective Village Heads as a registration requirement so that later after becoming the Village Head they already have provisions in organizing Village Government, because most of what happens is that the Village Head who has been inaugurated in carrying out government will experience difficulties because they do not have provisions in government.

f. It requires a joint commitment and awareness from the Village Government, including the Village Head, Village Apparatus and BPD and the community that the preparation of legal products in this village is very important, especially for the benefit of the community.

3.4.2 Obstacles and solutions faced by the Village Consultative Body (BPD)

From the results of research and interviews with the Chairperson and Members of the Village Consultative Body (BPD)²⁵ which consists of 5 people and the author's observation is that the obstacles faced by the BPD in the formation of village legal products include several factors that influence the BPD in implementing its functions, namely:

a. Communication Factors

According to the chairman of the Surokidul Village BPD, Mr. Dahuri, he stated that we within the BPD itself have communicated with each other, but it is not optimal, because of the work of each BPD member, because the BPD members in Surokidul Village are already busy with...routine work so that work or responsibilities as a BPD member are sometimes neglected, so internal communication and meetings are very rarely carried out, in the early period when the BPD was formed, the BPD surokidul was always present at the implementation of the Village Deliberation or invitations from the Village, regarding the formation of legal products, namely the drafting process village regulations have not been implemented properly. Likewise, the BPD and the Village Government for more intensive meetings to discuss the formation of village regulations and communication that has been built, especially as the BPD chairman, we always communicate with the Village Head, but it is recognized that only the chairman always communicates for other BPD members, it is indeed rare to communicate directly with the Village Head or the Village Government.

b. Resource Factors

²⁵Interview with Mr. Dahuri, Chairman of BPD Surokidul, September 9, 2024

In carrying out our duties and functions as BPD, there are two resources that need to be considered, namely:

- Financial issupporting factors in running the program or the success of the programmed program, for supporting factors, suggestions and infrastructure are also absent, such as computers and printers and especially the BPD's operational capacity to hold aspiration gathering and hamlet deliberations is absent so that we BPD members have never carried out formal community aspiration gathering or collecting, but informally.
- Human resources are a supporting factor in designing programs to be implemented, namely the adequacy of both quality and quantity of implementers. BPD in Surokidul Village, we admit that our understanding, especially in the formation of legal products, is very lacking, it can even be said that we do not know the stages.²⁶

From the results of the interview, the author found out that in terms of the role of the BPD as a receptacle and channeling community aspirations has not reached maximum awareness, Moreover, with the budget factor being an obstacle, BPD members are reluctant to carry out their duties and roles in their assumption that every meeting or deliberation must produce rupiah, as stated by one of the members of the Surokidul Village BPD, Mr. Muhammad Yunus, who stated that how can meetings and the formation of village regulations run effectively, there is no budget for meeting consumption while we hold meetings wasting our work time which we should have gone home to bring results for the family. And sometimes my opinion, especially in meetings with the Village government, is sometimes not heard or used, this is what causes me to no longer be enthusiastic about attending Village meetings with the Village Government, apart from other reasons for being busy with other work.²⁷ There is even one BPD member who does not know at all the duties and functions of the BPD, as conveyed to us through an interview with Mrs. Nur Mahmudah, a BPD member who stated that she did not know what the duties and functions of the BPD were, so far, she has only followed the flow when there is an invitation to go if there are no obstacles and has never been invited to an internal BPD meeting.²⁸

b. Disposition factors

Disposition is also one of the obstacles in the members of the Surokidul BPD in the formation of Village Regulations, namely the low commitment within the BPD itself so that it cannot last long in running programs when obstacles are encountered. Village programs or interests, for example, discuss budget portions more intensively, community aspirations and including formulating other village regulations. The same thing was conveyed by members of the Surokidul BPD and others, namely Mr. Dian Eko Pratikno, who said that the BPD was very lacking in

²⁶Results of the interview with Mr. Muhammad Yunus, . 12 September 2024

²⁷Results of the interview with Mr. Muhammad Yunus, . 12 September 2024

²⁸Interview Results with Mrs. Nur Mahmudah, September 12, 2024

discussing all village programs or interests, even routine meetings and internal meetings were rarely held, even if they were at the level of discussions related to the formation of village regulations. So far it has not been implemented properly and comprehensively.²⁹

In this issue, the author sees the possible constraining factors that could occur, namely the lack of understanding and commitment to responsibility which makes BPD members inconsistent in implementing the process of forming village regulations and carrying out other functions.

c. Bureaucratic Structure Factors

The bureaucratic structure also becomes one of the obstacles for BPD Surokidul in implementing policies is that the process and mechanisms are not included in the BPD program framework. This also occurs because the level of understanding and insight of BPD is still minimal so that everything is not arranged systematically, even though this is a reference for each BPD member in implementing BPD programs. While related to the implementing structure, it does not provide a guarantee for the implementation of the program in this case the role of BPD Surokidul in the formation of village regulations both in formulating and designing village regulations and the weakness of human resources of the Village Government apparatus who master laws and regulations and legal drafting techniques as expressed by one of the members of BPD Surokidul by Mr. Muhammad Yunus stated that for the mechanism and implementing structure in carrying out our functions as BPD, we admit that there are still many shortcomings due to our lack of understanding so that we do not have a guide in the framework and reference in carrying out our duties and functions as BPD members, while for the formation of village regulations we are indeed still waiting for the village government because it is measured from the understanding and insight of each member within the BPD which is still low or let's say not optimal. This is our obstacle in BPD.³⁰ It is not only a matter of human resources that are less competent, the author sees that the institutions or bodies of the village government administration do not have a reference in implementing programs or technical work so that the village regulations created by the Village Consultative Body in Surokidul Village do not reflect the needs of the community and the role of the BPD in the implementation of village government is less than optimal.

Based on Article 9 paragraph (f) of Tegal Regent Regulation Number 23 of 2019 concerning the Village Consultative Body, that the authority of the BPD is to prepare the BPD's rules of procedure, the fact that the Author got from the interview stated that the Village Consultative Body in Surokidul Village did not

²⁹Interview results with Mr. Deputy Chairman of BPD Dian Eko Pratikno, Tegal. September 13, 2024

³⁰Results of the interview with Mr. Mumammad Yunus, Secretary of BPD, 1 September 3, 2024.

have a reference in carrying out its obligations as a partner of the Village Head. In fact, the role of the BPD is very fundamental as an institution that plays a role in accommodating community aspirations and is responsible for organizing village deliberations. This responsibility includes the preparation, implementation and post-Village Deliberation stages.

d. For the solution from the BPD, it is necessary to carry out training and coaching together with the village head so that the BPD and the village head know their respective roles in the formation of legal products, so that when the BPD conveys opinions or even criticism, it is not interpreted as hindering village development by the village head.

e. There is a need to improve BPD facilities and infrastructure to support BPD activities and BPD operational funds, especially to collect aspirations from the community so that BPD performance is increasingly optimal.

From the results of the study that the obstacles faced by the village head and BPD and the solutions needed mostly come from the quality of individuals and the commitment of policy makers, then village regulations based on justice will be difficult to realize as the demands of Pancasila justice, the first principle, the Almighty God is that as humans acknowledge that we must be in accordance with our conscience, believe and be pious towards the Almighty God. According to the beliefs of all religions, God's basic demands on us in our relationships with others is for us to be fair. And in accordance with the second principle, just and civilized humanity because justice demands that we respect the dignity of all human beings. Justice applies to all of us equally, without distinguishing between gender, ethnicity, religion, social class, race and other differences.³¹ In compiling Village legal products must be with awareness and piety to God Almighty and. Therefore, the quality of policy makers is very important in compiling legal products in order to produce good decisions and legal products as stated by Sudikno Mertikusumo, in the theory of legal certainty that; legal certainty is a guarantee that the law must be implemented in a good way, legal certainty requires efforts to regulate law and legislation made by authorized and responsible parties, so that these rules have a legal aspect that can guarantee the certainty that the law functions as a rule that must be obeyed.³²

4. Conclusion

Based on the results of research that has been conducted, interesting writer conclusion that: 1. The role of the Village Head and Village Consultative Body (BPD) in the formation of village legal products, in Surokidul Village, Pagerbarang District, Tegal Regency a. The role of the Village Head in the formation of legal products is very important, because the legal products produced will be a reference in organizing

³¹Franz Magnis Suseno, (1992), *Philosophy of Political Culture: Critical Thinking Points*, Jakarta: Gramedia p. 27

³²Sumiarti Dwipayanti, *Legal analysis of criminal liability for perpetrators of the crime of falsifying diplomas based on legal certainty*, Thesis of the Master of Law Program, Unissula, 2023 p. 18

village governance and providing services to the community, the role of the Village Head in Surokidul Village, Pagerbarang District, Tegal has been implemented but has not been maximized in the stages of forming legal products, especially related to discussions, in village deliberations and community involvement is very minimal. b. While the role of the Village Consultative Body (BPD) is to establish village regulations together with the Village Head, accommodate and channel community aspirations, and supervise the performance of the Village Head, the role of the BPD in Surokidul Village, Pagerbarang District, Tegal Regency has not been optimal and has not been running well, as an extension of the village community because the village regulations that have been formed in the last two years are only routine regulations and the BPD has never submitted a draft Village Regulation, so it does not reflect the needs of the community and the hopes of the community in building equitable prosperity.² Obstacles and solutions faced by the Village Head and Village Consultative Body (BPD) in the formation of village legal products in Surokidul Village, Pagerbarang District, Tegal Regency.

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