

## ABUSE OF THE AUTHORITY OF VILLAGE CONSULTANCY BOARDS IN THE VILLAGE GOVERNMENT SYSTEM WORKSHOP PERBAUNGAN, SERDANG DIFFERENT REGENCY

Dawn Indra<sup>1</sup>, Syahrul Bakti Harahap<sup>2</sup>

Faculty of Law, Nusantara Muslim University Al Washliyah Medan

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<b>Keywords</b>	Abstract BPD is a democratic institution in the administration of village administration which functions to accommodate and channel community aspirations to plan and establish policies implementing village government and development. This research was conducted using normative juridical research methods. The data collection method used by the author is literature/ documentation study, namely data processing is carried out by systematizing written legal materials using a statutory and case approach. The results of this study indicate that the Village Consultative Body (BPD) has a role as a village-level legislature in accommodating, sorting, and channeling community aspirations to the Village Government as input for Village development. However, in carrying out its obligations as a Village Consultative Body (BPD), a Village Consultative Body (BPD) can be dismissed at any time for committing an offense outside of its authority, as happened to members of the Village Consultative Council (BPD) Village Workshop
Abuse Authority BPD	

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Email :  
[indrafajar@umnaw.ac.id](mailto:indrafajar@umnaw.ac.id)  
[syahrulbakti@umnaw.ac.id](mailto:syahrulbakti@umnaw.ac.id)

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### 1. INTRODUCTION

In Article 1 paragraph (3) of the 1945 Constitution it is stated that "Indonesia is a constitutional state". As an element in the village government, the BPD has the authority to participate in and regulate the running of the village government so that it can run according to the duties, principals and functions as well as the aspirations and expectations of the village community. In this Law the Village Consultative Body (LMD) was replaced with a village representative body. The regulation regarding the BPD is contained in Articles 104 and 105 which read "Village Consultative Body or what is referred to by other names functions to protect customs, make village regulations, accommodate and channeling the aspirations of the community, as well as supervising the implementation of village government. From this article it is clear that the BPD has four main functions as a village legislature, namely first to protect customs, second to make village regulations, third to accommodate and channel community aspirations, fourth to supervise the implementation of village government. The BPD has the right to supervise and obtain information regarding the implementation of Village Administration from the Village Head. The starting point for development carried out at the village government level must be based on the leadership of the Village Head with all the potential and developments in the existing community, accompanied by real supervision and work, work together, and work together.

work so that the success and achievements of village development can be felt and enjoyed by the community together. According to HAW Widjaja, village regulations are regulations whose

formulation and stipulation are carried out by the Village Head through deliberations and agreements with the Village Consultative Body (BPD) as a village-level legislature whose function and authority is in forming village regulations, as well as involving village communities to be able to produce regulations. a good village and in accordance with the social conditions of the village community. Based on these phenomena, the author is interested in examining these problems by connecting how the BPD Desa Bengkel regarding the implementation of its functions is viewed from the State Administrative Law, and whether it is possible for a BPD member who is proven to have committed a criminal act to be dismissed as a BPD. Therefore the author proposes a research title, namely *"Abuse of Authority of the Village Consultative Body in the Government System of Bengkulu Village, Perbaungan District, Serdang Bedagai Regency"*.

## 2. METHOD

This research was conducted using normative juridical research methods, where in this thesis, in terms of the nature of the research, it is descriptive in nature. In descriptive research, the aim is to accurately describe humans, conditions or other symptoms. Where has the intention to reinforce the hypotheses in order to assist in strengthening old theories or in terms of compiling new theories. Normative legal research is research whose data sources come from legal norms contained in laws and regulations, court decisions, as well as legal norms that exist in society. As for the study subjects and the types of problems that exist, then of the three types of grand methods that have been mentioned, in this study the library research method will be used. Regarding this kind of research it is usually also called "Legal Research" or "Legal Research Instruction".

In written research that uses a normative approach, the data sources used are obtained by searching the literature on primary, secondary, and tertiary data sources.

1. Primary Data
2. Secondary Data
3. Tertiary Data

### Data Collection Techniques/Legal Materials

Based on the description above, the data collection method used by the author is literature study/documentation, namely data processing is carried out by systematizing written legal materials. Systematization means classifying legal materials to facilitate analysis and construction work.

### Data Analysis/Legal Materials

The data analysis method that the writer uses is qualitative analysis. Legal analysis in the sense of Legal Dogmatics is an activity of the mind which basically aims to break down legal norms so that the content of the norms contained in a rule of law can be known. The tools (scientific thinking tools) that can be used to analyze legal norms are logic and language. Therefore, in Legal Dogmatics it is not customary to recognize the terms qualitative and quantitative analysis. So, the purpose of conducting a legal analysis is to be able to reveal the content of legal norms so that it can be known:

- a. Legal principles containing orders (gebod)
- b. Legal rules that contain prohibitions (verbods)
- c. Legal principles that contain ability (mogen)

The legal norms analyzed are then systematized or arranged systematically.

Fox Justi is licensed under a Creative Commons Attribution-NonCommercial 4.0 International Legal systematization means arranging legal norms in a coherent (mutually mutually reinforcing) and systematic order or network.

## 3. RESULTS AND DISCUSSION

In this chapter the author will explain the profile of the research area and the results and discussion of the research. The profile of the research area will present an overview of Bengkulu

Village, Perbaungan District, Serdang Bedagai Regency. The general description of Bengkel Village includes geographical conditions, population, and the vision and mission of Bengkel Village.

The results of this study will present a discussion regarding the Implementation of the Functions of the Village Consultative Body (BPD) in Bengkel Village, Perbaungan District, Serdang Bedagai Regency and BPD Members who hinder the implementation of the functions of the Village Consultative Body (BPD) and commit a crime can be honorably dismissed from the Village Consultative Body according to statutory regulations.

### **Implementation of the Functions of the Village Consultative Body (BPD)**

Implementation of the functions of the Village Consultative Body (BPD) in Bengkel Village, Perbaungan District, Serdang Bedagai Regency as one of the elements of implementing Village Government, the Village Consultative Body (BPD) has and plays an important role in supporting the realization of good village governance. So far the Village Consultative Body (BPD) in Bengkel Village has shown a clear paradigm of adhering to the constitution and being independent in carrying out its duties and functions. To understand the existing functions of the Village Consultative Body (BPD) as mandated in PERMENDAGRI No. 110 of 2016, the following will be explained clearly:

#### **1. Legislative Function**

The legislative function referred to here is the function of the Village Consultative Body (BPD) relating to the formulation and stipulation of Village Regulations. The function of the Village Consultative Body (BPD) in discussing and agreeing on the Draft Village Regulations with the Village Head is regulated in Minister of Home Affairs Regulation (PERMENDAGRI) No. 110 of 2016 concerning the Village Consultative Body (BPD) Article 31 point (a) which reads: "Discuss and agree on the Draft Village Regulations with the Village Head".

#### **2. Protector Function**

The function of the protector referred to here is to accommodate and channel the aspirations of the people. The Village Consultative Body (BPD) as one of the elements in the Village Government has the responsibility for implementing activities to accommodate community aspirations. As explained in Article 36 Paragraphs (1) and (2), the distribution of community aspirations is carried out in oral or written form, what is meant by delivery in oral form is the submission of community aspirations by the Village Consultative Body (BPD) in a Village Consultative Council meeting (BPD) attended by the Village Head, while in written form, namely conveying aspirations by letter in the framework of submitting input for the implementation of Village Government.

Accommodating community aspirations, namely receiving and channeling aspirations received from the community which is carried out at the secretariat of the Village Consultative Body (BPD) which is then administered and conveyed in Village meetings (Article 34 Paragraph (1) and (2)).

#### **3. Oversight Function**

Supervision is one of the functions of the Village Consultative Body (BPD), the supervision in question is supervision carried out by the BPD related to the implementation of Village Regulations, the use of regional budgets and expenditures and decisions of the Village Head. Related to the function of the Village Consultative Body (BPD) as supervisor of the position of the Village Consultative Body (BPD) with the Village Government is more of a coordination nature, Fox Justi is licensed under a Creative Commons Attribution-NonCommercial 4.0 International as stipulated in Article 46 PERMENDAGRI No.110 of 2016 concerning Consultative Body

### **Factors influencing the effectiveness of the Village Consultative Body (BPD)**

Based on the data obtained in the field, there are several factors that affect the effectiveness of the implementation of the functions of the Village Consultative Body (BPD), namely:

#### **1. Supporting Factors**

- a. Public
- b. The pattern of cooperative relations with the Village Government
- c. Income/Incentives
- d. BPD Member Recruitment/Selection System

## 2. Inhibiting Factors

- a. Communication Patterns
- b. Do not understand the function as BPD
- c. The community does not understand the function of the BPD

## 4. CONCLUSION

Based on the previous descriptions the authors draw the following conclusions: Description of the implementation of the functions of the Village Consultative Body (BPD) based on PERMENDAGRI No. 110 of 2016 in Bengkel Village, Perbaungan District, Serdang Bedagai District, on the Legislative Function according to the author in establishing Village Regulations together with the Village Head, starting from the design, formulation, and drafting stages of Village Regulations which have been carried out properly and also involve the full participation of community representatives . This proves that the function of the Village Consultative Body (BPD) in discussing and agreeing on draft Village Regulations has been carried out well, but in the Guardian Function the implementation of conveying community aspirations is still not optimal in its implementation. This happens because the Village Consultative Body (BPD) rarely carries out activities in the village that are deliberative in nature as is the case in conveying aspirations either through community forums or directly down to the community to listen to the aspirations and innovations of the community. In the Oversight Function According to the author, the Supervision carried out by the Village Consultative Body in the Bengkel Village is very maximal and creates checks and balances between the Village Consultative Body (BPD) and the Village Government so that work and development as well as equity in the Village will be much more optimal in accordance with community aspirations and goals together in the Village. Based on the results of field research the authors conclude that there are several factors that support the effectiveness of the BPD function in the Workshop Village, namely the Supporting Factors which include (1) Communities, (2) Patterns of cooperative relations with the Village Government, (3) Income/Incentives, (4) Recruitment/Selection System for BPD Members, while the inhibiting factors of the effectiveness of the BPD function are (1) Communication patterns, (2) BPD members do not understand the function of the BPD, (3) The community does not understand the function of the BPD.

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