



Journal Homepage: [-www.journalijar.com](http://www.journalijar.com)

## INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)

Article DOI:10.21474/IJAR01/16530

DOI URL: <http://dx.doi.org/10.21474/IJAR01/16530>



### RESEARCH ARTICLE

#### STRATEGY FOR IMPLEMENTING THE FUNCTIONS OF VILLAGE CONSULTANCY AGENCY IN DISTRIBUTING COMMUNITY ASPIRATIONS

**Mukhammad Soleh**

Assistant Professor, Faculty of Law, Wisnuwardhana University.

#### Manuscript Info

##### Manuscript History

Received: 28 January 2023

Final Accepted: 28 February 2023

Published: March 2023

##### Key words:-

Village Consultative Body, Community Aspirations, Asrikaton Village

#### Abstract

The Village Consultative Body is an institution that carries out government functions whose members are representatives of the Village people based on regional representation and are determined democratically. The purpose of this research is to: First: Find a model accommodate and channel the aspirations of the village community. Second: Find the factors that hinder accommodating and channeling the aspirations of the village community. Third: Find a strategy to overcome the inhibiting factors in accommodating and channeling the aspirations of the village community. The research method used is empirical legal research with studies in Asrikaton Village, Pakis District, Malang Regency. The results of the study found that legally the implementation of the functions of the Village Consultative Body in accommodating and channeling the aspirations of the village community has been running according to regulations, but has not been optimal in carrying out the mandate of statutory regulations. The inhibiting factor is the lack of coordination and communication between the village government and the village consultative body, the human resources of the members of the village consultative body are still not professional. This strategy increases quality and professionalism as well as improves facilities and infrastructure.

*Copy Right, IJAR, 2023,. All rights reserved.*

#### Introduction:-

Article 18 of Act Number 6 of 2014 about Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495) which is referred to as the **Law on Villages**, the Village has authority in the field of **Village Administration, implementation of Village Development, fostering Village community, and Village community empowerment** based on community initiatives, origin rights, and Village customs.

H. A. W. Widjaja stated that village autonomy is original, real, and complete autonomy and is not a gift from the government. On the other hand, the government is obliged to respect the original autonomy of the village. As a legal community unit that has an original structure based on privileges, the village can carry out legal actions, both public law and civil law, own wealth, property and can be prosecuted and sued in court.

**Corresponding Author:- Mukhammad Soleh**

Address:- Mancilan / road . KH. Ahmad Dahlan, Pasaringin alley, Number. 99, Rt.07, Rw.04, Pohjentrek Village, Purworejo District, Pasuruan City.

Village autonomy is the right, authority and obligation to regulate and manage government affairs and the interests of the community on their own based on the rights of origin and socio-cultural values that exist in the community to grow and develop following the development of the village. Government affairs based on the origin of the village, affairs that are the authority of the Regency or City government are handed over to the village. Therefore, in the implementation of rights, authorities and freedoms in implementing village autonomy, it is necessary to uphold the values of responsibility towards the Unitary State of the Republic of Indonesia by emphasizing that the village is an inseparable part of the Indonesian nation and state.

The Village Council or what is called by another name is an institution that carries out government functions whose members are representatives of the Village population based on regional representation and are determined democratically. Thus, the position of the Village Council is identical to that of the people's representative institution at the village level, considering that the members of the Village Council are democratically elected from regional representatives in the village.

Article 55 of Act Number 6 of 2014 about Villages states that the Village Council has a function to; discuss and agree on the Village Regulation draft with the Headman; accommodate and distribute the aspirations of the Village community; and supervise the performance of the Headman.

Based on the grammatical interpretation, Article 55 of Act Number 6 of 2014 about Villages above is a legal code that regulates the functions and roles of the Village Council as a democratic institution in the village, whose function is to discuss and agree on the Village Regulation Draft with the Headman; accommodate and follow up on community aspirations and has the function of supervising the performance of Headmans. Thus, it can be concluded that the Village Council has the functions of legislation, representation and control.

The Village Council has the right to: a) supervise and **request information** on the administration of the Village Government to the Village Government; b) **express opinions** on the implementation of Village Government, implementation of Village Development, Village community development, and Village community empowerment; and c) obtain operational costs for the implementation of its duties and functions from the Village Revenue and Expenditure Budget.

Members of the Village Council have the right to: a) propose a Village Regulation Draft; b). asking question; c). submit proposals and/or opinions; d) choose and be elected; and e) receive allowances from the Village Revenue and Expenditure Budget.

Minister of Home Affairs Regulation Number 110 of 2016 about the Village Council, states that the Village Council has functions, duties and authorities as well as rights. **Functions of the Village Council:** discuss and agree on the Village Regulation Draft with the Headman; accommodate and distribute the aspirations of the Village community; and supervise the performance of the Headman.

**The duties of the Village Council (BPD) are:** to explore the aspirations of the community; accommodate the aspirations of the community; manage community aspirations; distribute the aspirations of the community; holding a Village Council deliberation; holding Village deliberations; establish a Headman election committee; holding a special Village meeting for the interim Headman election; discuss and agree on the Village Regulation Draft with the Headman; carry out supervision of the performance of the Headman; evaluate the report on the implementation of the Village Government; create a harmonious working relationship with the Village Government and other Village institutions; and carry out other tasks regulated in the provisions of the legislation.

The legal implementation of the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community in Asrikaton Village, Pakis District, Malang Regency, is interesting for research, because Asrikaton Village is a village that is passed by the Surabaya Malang toll road access and there are village regulations regarding the disposal of village assets. based on the background mentioned above, the purpose of this research is to find: Model of legal implementation of the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community. Finding the factors that hinder the legal implementation model of the function of the Village Consultative Body in accommodating and channeling the aspirations of village communities. Find a strategy to overcome the inhibiting factors of the law implementation

model for the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community.

### **Method:-**

The type of research which is conducted by the researcher is empirical legal research or non-doctrinal legal research. That is, examining the enactment or effectiveness of the law in the midst of society. The data in this study are primary data and secondary data. Primary data is a direct data in the form of words and human actions, in this case the Headman, Village Secretary, Hamlet/Territory Head and the leaders of the Village Council. While secondary data is indirect data in the form of legal materials. Both are primary legal materials, secondary legal materials and tertiary legal materials. Primary data collection by conducting in-depth interviews with predetermined informants, observations/observations and documentation on sites visited by researchers. Interviews will be conducted with the Headman, Village Secretary, Hamlet/Territory Head, Chairperson and Secretary of the Village Council. Secondary and tertiary data collection, namely by studying literature in public libraries, as well as campus libraries and literature owned by the Asrikaton Village government along with other written documents. Data analysis was carried out using socio-logical juridical analysis, which is done by: Data obtained from research results, both primary and secondary data were collected and then classified and categorized based on the main issues to be disclosed through research. Secondary data were analyzed using legal interpretation, while the primary data obtained were analyzed descriptively qualitatively through three stages, namely reducing data, presenting data, and drawing conclusions. These activities are continuously carried out so as to form a cycle that allows conclusions that provide answers to problems, so that the cycle process can be systematically interconnected.

This research only examines and analyzes the legal implementation of the functions of the Village Consultative Council in accommodating and channeling the aspirations of the Village community, the inhibiting factors analyzing the implementation of the legal functions of the Village Consultative Body in accommodating and channeling the aspirations of the Village community and strategies for overcoming the inhibiting factors analyzing the implementation of the legal functions of the Village Consultative Body Village Deliberations in accommodating and channeling the aspirations of the Village community. This research was conducted in Asrikaton Village, Pakis District, Malang Regency.

### **Result and Discussion:-**

#### **1. Implementation of the functions of the Village Consultative Body (BPD) in accommodating and channeling the aspirations of the village community.**

Article 55 of Act Number 6 of 2014 about Villages states that the Village Council has a function; discuss and agree on the Village Regulation Draft with the Headman; accommodate and distribute the aspirations of the Village community; and supervise the performance of the Headman.

Based on the grammatical interpretation, Article 55 of Act Number 6 of 2014 concerning Villages which mentioned above is a legal code that regulates the functions and roles of the Village Council as a democratic institution in the village, whose function is to discuss and agree on the Village Regulation Draft with the Headman; accommodate and follow up on community aspirations and has the function of supervising the performance of Headmans. Thus, it can be concluded that the Village Council has the functions of legislation, representation and control.

Minister of Home Affairs Regulation Number 110 of 2016 about the Village Council states that the Village Council has functions, duties and authorities as well as rights. Functions of the Village Council: discuss and agree on the Village Regulation Draft with the Headman; accommodate and distribute the aspirations of the Village community; and supervise the performance of the Headman.

**Village Council (BPD) Duties** are to: explore the aspirations of the community; accommodate the aspirations of the community; manage community aspirations; distribute the aspirations of the community; holding a Village Council deliberation; holding Village deliberations; establish a Headman election committee; holding a special Village meeting for the interim Headman election; discuss and agree on the Village Regulation Draft with the Headman; carry out supervision of the performance of the Headman; evaluate the report on the implementation of the Village Government; create a harmonious working relationship with the Village Government and other Village institutions; and carry out other tasks regulated in the provisions of the legislation.

Digging up information, accommodating and following up on information is not only the obligation of the Village Council, but also the obligation of the village community in realizing a democratic government system. In a democratic system of government, the public must be involved in planning government policies, setting government policies, implementing government policies and even overseeing government policies.

**Mukhammad Soleh, states :**

“community participation in the formation of laws and regulations, not least in the formation of village regulations is the community's rights and obligations, therefore besides the community must be active to be involved in every determination of government policy, then the government is obliged to facilitate so that the rights and obligations of the community to participate in any government policy can be carried out smoothly and well, without the elements of intimidation and coercion to the community”.

Community participation in the formation of laws and regulations, not least in the formation of village regulations is a necessity, is the right and obligation of the community, therefore, the community must be active to be involved in every determination of government policy, as mention as Soleh, the government especially the village government are obliged to facilitate so that the rights and obligations of the community to participate in each of these government policies can be carried out smoothly and well, without any elements of intimidation and coercion on the community.

The Village Council has the authority to evaluate the Village Government Implementation Information Report: The evaluation of the report as referred to in paragraph (1) is an evaluation of the performance of the Headman for 1 (one) fiscal year. The evaluation as referred to in paragraph (1) shall be carried out based on the principles of democracy, responsiveness, transparency, accountability and objectives. The evaluation of the implementation of the duties of the Headman as referred to in paragraph (1) includes: a. Achievements in implementing the Village RPJM, Village RKP and APBDesa (Village Budgeting); b. Achievement in the implementation of assignments from the Government, Provincial Government and Regency/City Government; c. Achievement of compliance with the implementation of duties in accordance with the laws and regulations; and D. Headman Achievements.

The Village Council has the authority to explore community aspirations: Excavation of aspirations as referred to can be carried out directly to institutions and Village communities including groups of the poor, people with special needs, women, and marginalized groups. The exploration of aspirations is carried out based on the decision of the Village Council deliberation as outlined in the work agenda of the Village Council. Implementation of aspiration excavation as using activity guidelines which are at least contain the aims, objectives, targets, time and description of activities. The results of extracting the aspirations of the Village community are conveyed in the Village Council deliberation.

The Village Council **Accommodates Community Aspirations, in the following ways:** The implementation of activities to accommodate the aspirations of the community is carried out at the secretariat of the Village Council. The aspirations of the community as intended are administered and conveyed in the Village Council deliberation.

Management of Community Aspirations by the Village Council: Village through administration and formulation of aspirations. The administration of aspirations as referred to in paragraph (1) shall be based on the fields of government, development, community development and empowerment of the Village community. The formulation of aspirations is carried out by analyzing and formulating the aspirations of the Village community to be submitted to the Headman in the context of realizing good governance and the welfare of the Village community.

Village Council for Distributing Community Aspirations by means of: orally and or in writing. The distribution of community aspirations in oral form as referred to as the submission of community aspirations by the Village Council in the Village Council deliberation which is attended by the Headman. Distributing community aspirations in written form, such as submitting aspirations through letters in the context of submitting input for the administration of the Village Government, requesting information to the Headman, or submitting Village Regulation Drafts originating from the proposal of the Village Council.

MrSupadi. SE, Head of Asrikaton Village. December 8, 2021, states:

- The model for accommodating community aspirations is through the activities of congregation yasin and tahlil, as well as through the implementation of musdus which are held on a lesehan basis.

- Administering community aspirations, namely by recording them and following up to be submitted when there are hamlet meetings and village meetings.
- Barriers to channeling community aspirations, namely the lack of quality of existing human resources. And the solution to overcome this obstacle is to conduct deliberations to find a solution.
- A strategy for accommodating and channeling community aspirations in an efficient and effective manner by first accommodating community input, then deliberating it.

Moch. Khotib, Secretary of Asrikaton Village, December 8, 2021, states:

- A model for conveying community aspirations and proposals in discussing draft village regulations through collecting community proposals both orally and in writing, through community organizations and religious organizations.
- The administration of community aspirations in discussing draft village regulations (perdes) is recorded and used as a reference in discussing draft village regulations.
- Stages of channeling community aspirations, starting with exploring community aspirations, then discussing them with the Village Consultative Body to determine the priority scale.
- Obstacles in channeling community aspirations in discussing draft village regulations is the low knowledge of the community and the solutions are always and often maybe hold socialization about the importance of the community providing input in the draft village regulations.
- Strategies for accommodating and channeling the aspirations of the people in an efficient and effective manner in discussing draft village regulations by capturing aspirationsthe community at every meeting opportunity is then followed up with discussions in village development planning meetings(musrenbangdes).

Sucipto, Chairman of the Village Consultative Council. interview on 8, December 2021, states:

- A model for conveying community aspirations and proposals through gathering community aspirations both orally and in writing.
- Administration of people's aspirations is supported by bookkeeping. So there is a book about people's aspirations as material for preparing work programs.
- Stages of channeling community aspirations starting from exploring community aspirations, accommodating community aspirations, managing community aspirations, as wellchannel the aspirations of the people.
- Barriers to channeling community aspirations include low community human resources, low level of community welfare, members of the Consultative CouncilThe village has another job.
- The strategy for accommodating and channeling the aspirations of the people in an efficient and effective manner is through capturing community aspirations, recorded in the aspiration network bookcommunity, then submitted directly to the Village Head for follow-up or discussion with the Village Consultative Body.

Sultoni. S.Pd, Secretary of the Village Consultative Body, December 8, 2021. states:

- The model for conveying the aspirations and proposals of the community in discussing the draft village regulations is carried out orally or in writing directly to both the Village Consultative Body and the Village Government.
- Administration of community aspirations by making a book for collecting community aspirations with format, number, day/date, name of institution/organization conveying aspirations, aspirations conveyed and actions takenhe continued.
- Stages of channeling community aspirations through gathering information from the community, accommodate community aspirations and follow up on community aspirations.
- Obstacles to channeling community aspirations in discussing draft village regulations are the relatively low quality of Village Consultative Council Human Resources, lack of performance training for members of the Village Consultative Council and each member of the Village Consultative Council has its own job.
- The solution is to hold continuous and sustainable coaching or training on the duties and authorities of the Village Consultative Council for members of the Village Consultative Council in order to improve the performance of the Village Consultative Council ,Village deliberations that are professional, accountable, honest and pro-people.
- Strategies for accommodating and channeling the aspirations of the people in an efficient and effective manner in discussing draft village regulations, namely direct community inputsubmitted to the Village Government, namely to the Village Head and Hamlet Head to be followed up and discussed together with the Village Consultative Body.

Suryawan, Head of Bunut Village, Asrikaton Village, December 8, 2021. states:

- A model for conveying community aspirations and proposals through gathering community aspirations both orally and in writing.
- Administration of people's aspirations is supported by bookkeeping. So there is a book about people's aspirations as material for preparing work programs.
- The stages of channeling community aspirations start from exploring community aspirations, accommodating community aspirations, managing community aspirations, and channeling community aspirations.
- Barriers to channeling community aspirations include low community human resources, low level of community welfare, members of the Village Consultative Council having other jobs.
- The strategy for accommodating and channeling community aspirations in an efficient and effective way is through collecting community aspirations, recording them in the community aspirations network book, then submitting them directly to the Village Head so that they are followed up or discussed with the Village Consultative Body.

Henry B. Mayo requires that democracy is said to be a democracy if: there is a representative institution, policies are taken based on the majority vote of the people's representatives, there are elections that are free from pressure, and there are multi parties.

**Mukhammad Soleh, states :**

Based on teleological or sociological interpretation of the law, the purpose of the legislators is that the Village Regulation Draft of the Village Budget and Expenditure Budget prepared by the Village Government, before being discussed with the Badan Permusyawaratan Desa should be consulted with the community to get opinion, suggestions and responses, is a form of democratic law formation, because it involves the public at large to provide opinion, feedback and suggestions.

This means, Mukhammad Soleh, is of the opinion that whichever democratic government is inferior, the government before establishing the policy invites the public to provide input or feedback and opinions on the policy plan that will be determined.

**Meuwissen**, Distinguishes three forms of behaviors which are interrelated.

1. **Social applicability or factual applicability** (with regard to the effectiveness or "Wirksamkeit" of legal rules. What is meant is that legal rules are actually complied with or, compliance with legal rules is enforced with the help of sanctions. Also sanctions for non-compliance are included in this atmosphere).
2. **Juridical validity**. A legal rule is formed in accordance with the rules of procedural law in force by the competent authority, and substantially does not conflict with other rules (especially higher rules).
3. **Normative applicability / moral applicability**. A legal law whose contents are in accordance with the will of the people's heart, ethically the substance of the law makes sense / rational (for example the law that guarantees human rights).

**Normative enforcement / moral enforcement**, according to **Meuwissen**, is the most perfect application of the rule of law, considering that the rule of law is governed by the community, because the legal rules made are in accordance with the will of the people's hearts or in other words are legal rules that are rational and desired by the community.

According to **Herbert C. Kelman**, There are three kinds of people who obey the law or obedience to the law, such as:

1. **Compliance**: someone obeys the law or obeys the law, not because the law is in accordance with the will of his heart, but someone obeys the law for fear of sanctions that violate the law.
2. **Identification**: a person obeys the law or obeys the law, because he maintains good relations with others who are the object of the law. So obeying the law is merely maintaining a harmonious relationship with fellow people who are the object of the law.
3. **Internalization**: someone obeys the law or obeys the law, because the law is in accordance with the values desired by the person and the law is in accordance with the person's needs.

In line with Muwissen, what was conveyed by Herbert C. Kelman that internalization of legal obedience is the most perfect legal obedience of society. Remember, someone obeys the law or obeys the law because the law is in accordance with the values desired by the person and the law is in accordance with the person's needs.

Furthermore, **Achmad Ali**, states that a person's obedience to the law is influenced by factors:

1. Economic factors. That is, economic factors greatly affect a person's obedience to the law, including a person's decisions related to the "cost" or "sacrifice" factor, as well as the "profit" if he obeys the law.
2. The assumptions, perceptions, and various other subjective factors of the person himself.
3. The factors of the processes by which a person decides whether he will obey a rule of law or not obey the law.

According to Achmad Ali, that a person's compliance with the law is determined by the person's perceptions, among others, if obeying the law, the perception is how much it costs to be incurred (economic factors or profit and loss factors), as well as process factors. How long a goal will be achieved and if it does not comply with the law whether the goal will be achieved sooner.

SoerjonoSoekanto, stated that there are three important elements that influence the working mechanism of the law according to:

1. **law enforcement institutions** with various supporting facilities and infrastructures and their institutional working mechanisms;
2. **work culture which related to the apparatus**, include regarding the welfare of the apparatus; and
3. **the set of regulations** that support both the institutional performance and those that regulate the legal materials used as work standards, both the material law and the procedural law.

Referring to the expert opinion above, in my opinion, the obedience of a person or group of people to the law is determined by **the content of the law (justice), law enforcement (which is carried out by non-discriminatory officials), law enforcement infrastructure (both tools and budget), the community (supports the existence of the law), and legal culture (the law does contain values according to the culture of the community)**, as well as continuous and sustainable legal socialization, so that public understanding of the law continues to increase which in turn obeys the law. It is getting more and higher, and furthermore **the example of law makers and law enforcers**, law makers and law enforcers must be equally highly committed to setting a good example for their behavior that obeys the law, is consistent with law implementation and law enforcement (non-discriminatory and socially justice), the example of lawmakers and law enforcers, will create enthusiasm and good examples for public awareness to obey the law. This requires supervision and transparency on the performance of law enforcement and law makers.

**Burns** stated: "There are six functions of the House of Representatives, which include: (a) representation, (b) lawmaking, (c) consensus building, (d) overseeing, (e) policy clarification, and (f) legitimizing.

**PaiminNapitupulu**, explained that: Representative / representation, expressing diverse views from various regional, economic, social, racial, religious and other interests that exist in a country. Making laws / lawmaking, is making regulations to help solve substantive problems. Consensus building / consensus building, is a negotiation process between the government and people's representative institutions to adjust interests. Overseeing the bureaucracy/overseeing, ensuring whether the policies set by the council have been implemented according to their objectives. Policy clarification is the disclosure of information on policies carried out by the government. Providing legitimacy is the acknowledgment and approval of policies set by the government.

**Calvin Mackenzie** states that: The People's Representative Council has three significant main functions: (a) legislation, (b) representation, and (c) administrative oversight. PaiminNapitupulu explained that: The function of legislation, namely the role of legislators, is carried out by deliberation, which is a process that includes comprehensive information gathering, long discussions. Negotiations are complex and often difficult, and political bargaining between very strong opponents. Most laws are the product of compromise between interested parties. Function representation / representation. That is the same as democracy, in which democratic people surrender their personal freedom to the government. In a democratic government, participation occurs through a representative process. Most people are represented by members of people's representative institutions whose job is to articulate their concerns, in other words, accommodate and follow up on what the people they represent want. Administrative oversight function/ administrative oversight. That is a process by which the legislature reviews and if necessary stops and changes the policies carried out by the executive. Administrative oversight is a major component of the responsibilities of people's representative institutions.

Based on the income mentioned above, the Village Consultative Body as a democratic institution in the village, must maximize its efforts in accommodating and channeling community aspirations, this must be done in the context of carrying out the mandate and public trust in the institution.

Based on the results of interviews conducted with the Asrikaton Headman, Asrikato Village Secretary, Head of the Village Council and Secretary of the Asrikaton Village Council, the functions of the Asrikaton Village Council are: **First** to discuss and agree on the Village Regulation Draft with the Headman; **Second**: accommodate and distribute the aspirations of the Village community; and **Third**; supervise the performance of the Headman. It has been carried out according to the stages regulated in the legislation, but it has not been maximized between the Village Government and the Village Council.

Stages of planning, discussing and determining as well as promulgation of Village Regulation Drafts concerning the Village medium-term development plan, Village Regulation Drafts concerning Village Government work plans, Village Regulation Drafts concerning Village Budgets and Village Regulation Drafts concerning accountability reports on the realization of Village Budget implementation which are under the authority of the Headman .

In carrying out the function of the Village Council to discuss and agree on Village Regulation Drafts with the Headman, it begins with accommodating and absorbing the aspirations of the community, both individually to members of the Village Council or submitted in the hamlet deliberation forum, in the context of gathering community aspirations and also accommodating community aspirations. .

The inputs of community aspirations in the hamlet deliberations are recorded and made materials in the village deliberations called village development planning deliberations. The results of the agreement in the village development planning deliberation are determined as the Village Regulation Draft on the Village Revenue and Expenditure Budget, the Village Regulation Draft that has been stipulated in the Village Development Planning Deliberation forum is called the Village Regulation Draft on the Village Revenue and Expenditure Budget or the Draft Perdes on the Village Budget. The Village Regulation Draft concerning the Village Revenue and Expenditure Budget is discussed between the village government and the Village Council to be stipulated as a Village Regulation concerning the Asrikaton Village Revenue and Expenditure Budget.

With the existence of a forum to accommodate the aspirations of the community carried out by the Village Council, this shows that the function of the Village Council to accommodate and follow up on community aspirations has been running and the village government system democratically has also been running.

The stages of planning, discussing and stipulating as well as promulgation of Village Regulation Drafts concerning other than medium-term development plans for the Village, Village Regulation Drafts concerning Village Government work plans, Village Regulation Drafts concerning Village Budgets and Village Regulation Drafts concerning accountability reports on realization of Village APB implementation which are under the authority of the Head village.

The Village Council in carrying out the function of accommodating and distributing the aspirations of the community. Based on the results of interviews with informants; Mr. Supadi SE as the Head of Asrikaton Village, Mr. Moch. Khotib as Secretary of Asrikaton Village, Mr. Sucipto as Chairman of the Village Council, Mr. Sultoni, S.Pd. as the Secretary of the Asrikaton Village Council and Mr. Suryawan as the Head of Bunut Village of Asrikaton, then. The process of accommodating and distributing community aspirations is carried out directly orally or in writing and recorded in the community aspiration network book provided by the Village Council. The results of screening community aspirations as well as extracting community aspirations in community meetings as well as with groups of community organizations and religious organizations are followed up by submitting to the Headman directly or in village deliberation forums and monitoring the performance of the Headman.

## **2. Factors hindering the legal implementation of the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community.**

Henry B. Mayo requires that democracy is said to be a democracy if: there is a representative institution, policies are taken based on the majority vote of the people's representatives, there are elections that are free from pressure, and there are multi parties.



**Mukhammad Soleh, states :**

Based on teleological or sociological interpretation of the law, the purpose of the legislators is that the Village Regulation Draft of the Village Budget and Expenditure Budget prepared by the Village Government, before being discussed with the Badan Permusyawaratan Desa should be consulted with the community to get opinion, suggestions and responses, is a form of democratic law formation, because it involves the public at large to provide opinion, feedback and suggestions.

This means, Mukhammad Soleh, is of the opinion that whichever democratic government is inferior, the government before establishing the policy invites the public to provide input or feedback and opinions on the policy plan that will be determined.

**PaiminNapitupulu**, explained that: Representative / representation, expressing diverse views from various regional, economic, social, racial, religious and other interests that exist in a country. Making laws / lawmaking, is making regulations to help solve substantive problems. Consensus building / consensus building, is a negotiation process between the government and people's representative institutions to adjust interests. Overseeing the bureaucracy/overseeing, ensuring whether the policies set by the council have been implemented according to their objectives. Policy clarification is the disclosure of information on policies carried out by the government. Providing legitimacy is the acknowledgment and approval of policies set by the government.

Based on the results of an interview with; Mr. Supadi SE as the Head of Asrikaton Village, Mr. Moch. Khotib as Secretary of Asrikaton Village, Mr. Sucipto as Chairman of the Village Council, Mr. Sultoni, S.Pd. as the Secretary of the Asrikaton Village Council and Mr. Suryawan as the Head of Bunut Village of Asrikaton Village. So the factors that hinder the legal implementation model of the Village Council (BPD) function in discussing and agreeing on the Village Regulation Draft, accommodating and distributing the aspirations of the village community and monitoring the performance of the Headman are:

1. Coordination and communication between the Village Government and the Village Council are not smooth, there is a tendency to ego groups or groups of their own or feel that one group is more powerful than the other.
2. Human Resources for members of the Village Council who are less professional, especially regarding the supervision of the implementation of the Village Revenue and Expenditure Budget. And Supervision of the Performance of the Headman.
3. Members of the Village Council who have their own busy life in their work so that as a member of the Village Council the implementation of their functions, duties and obligations as a member of the Village Council in the village of Asrikaton is often technically constrained.
4. Operational budget support and infrastructure facilities provided by the Village Government for the inadequate implementation of the functions of the Village Council.

### **3. Strategy for implementing the legal function of the Village Consultative Body in accommodating and channeling village community aspirations effectively.**

**Burns** stated: "There are six functions of the House of Representatives, which include: (a) representation, (b) lawmaking, (c) consensus building, (d) overseeing, (e) policy clarification, and (f) legitimizing.

**Calvin Mackenzie** states that: The People's Representative Council has three significant main functions: (a) legislation, (b) representation, and (c) administrative oversight. PaiminNapitupulu explained that: The function of legislation, namely the role of legislators, is carried out by deliberation, which is a process that includes comprehensive information gathering, long discussions. Negotiations are complex and often difficult, and political bargaining between very strong opponents. Most laws are the product of compromise between interested parties. Function representation / representation. That is the same as democracy, in which democratic people surrender their personal freedom to the government. In a democratic government, participation occurs through a representative process. Most people are represented by members of people's representative institutions whose job is to articulate their concerns, in other words, accommodate and follow up on what the people they represent want. Administrative oversight function/ administrative oversight. That is a process by which the legislature reviews and if necessary stops and changes the policies carried out by the executive. Administrative oversight is a major component of the responsibilities of people's representative institutions.

Based on the income mentioned above, the Village Consultative Body as a democratic institution in the village, must maximize its efforts in accommodating and channeling community aspirations, this must be done in the context of carrying out the mandate and public trust in the institution.

Based on the results of an interview with; Mr. Supadi SE as the Head of Asrikaton Village, Mr. Moch. Khotib as Secretary of Asrikaton Village, Mr. Sucipto as Chairman of the Village Council, Mr. Sultoni, S.Pd. as the Secretary of the Asrikaton Village Council and Mr. Suryawan as the Head of Bunut Village of Asrikaton Village. So the strategy to overcome the factors that hinder the model of implementing the function of the Village Council (BPD) in discussing and agreeing on the Village Regulation Draft, accommodating and distributing the aspirations of the village community and monitoring the performance of the Headman, are :

1. Improved communication and coordination between the Village Government and the Village Council continuously and sustainably in discussion forums or informal deliberation.
2. Improved communication and coordination among members of the Village Council to harmonize their vision and mission, especially related to their functions, duties and authorities.
3. Increasing the Human Resources (HR) of the Village Council members through coaching and training on the implementation of the functions, duties and authorities of the Village Council.
4. Additional budget and infrastructure for the Village Council provided in the Village Revenue and Expenditure Budget in order to carry out its functions, duties and authorities.

### **Conclusion:-**

The legal implementation of the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community has been carried out in accordance with laws and regulations, however it has not been maximized because there are still differences of opinion between the Village Government and the Village Consultative Body. Factors hindering the legal implementation model for the function of the Village Consultative Body in accommodating and channeling the aspirations of the village community; are the lack of coordination and communication, the Human Resources of the Village Consultative Body which are less professional, and the lack of budget support and infrastructure suggestions. The strategy for implementing the functions of the Village Consultative Council in accommodating and channeling the aspirations of the village community effectively are: Improving coordination and communication between the Village Consultative Council and the Village Government and between members of the Village Consultative Council itself, increasing the Human Resources of members of the Village Consultative Council through increased education and training as well as increasing support for infrastructure and budget from the village government.

### **References:-**

1. Ahmad Ali, 2009. Revealing Legal Theory (Legal Theory) and Judicial Theory (Judicialprudence) Including Interpretation of Laws (Legisprudence), KencanaPrenada Media Group, Jakarta.
2. Herbert. C. Kelman 1958;. Compliance, identification, and internalization: Three processes of attitude change. Journal of Conflict Resolution. Vol. 2 . Number 1 .
3. HAW, Widjaja. 2003 Village or Marga Administration Based on Law Number 22 of 1999 concerning Regional Government. PT RajaGrafindoPersada Jakarta.
4. Lexy.J.Moleong, 2000. Qualitative Research Methodology, RosdaKarya, Bandung.
5. MEUWISSEN, 2007, Concerning Legal Development, Legal Studies, Legal Theory and Legal Philosophy, (translation by B. Arief Sidharta), Refika Aditama, Bandung.
6. PaiminNapitupulu, 2005, Role and Accountability of the DPR, Studies in the Provincial DPRD DKI Jakarta, Alumni, Bandung,
7. SoerjonoSoekanto, 1983 Introduction to Legal Research, UI. press. Jakarta.
8. SoerjonoSoekanto, 2000, Theory of Effectiveness in Law, Sinar Graphic, Semarang.
9. Sondang P Siagian. 2016. Administration Philosophy. Earth Script, Jakarta .
10. Law
11. Number 6 of 2014 Act. concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495).
12. Regulation of the Minister of Home Affairs Number. 110 of 2016 concerning the Village Consultative Body (State Gazette of the Republic of Indonesia of 2017 Number 89)
13. Regulation of the Minister of Home Affairs No. 111 of 2014 concerning Technical Guidelines for Rules in the Village (Berita Negara Republik Indonesia of 2014 Number 2091)

14. Mukhammad Soleh, 2020. FACTORS CAUSING LEGAL INEFFECTIVE RULE MAKING PROCEDURES, Int. J. Adv. Res. 8(02), 298-311. International Journal Of Advanced Research (IJAR) [www.journalijar.com/article/31334/factors-causing-legal-ineffective-rule-making-procedures/](http://www.journalijar.com/article/31334/factors-causing-legal-ineffective-rule-making-procedures/)  
Mukhammad Soleh, 2020, LEGAL IMPLEMENTATION OF DEMOCRATIC VILLAGE REGULATION. Int. J. of Adv. Res. 8 (Feb). 264-275] (ISSN 2320-5407). International Journal Of Advanced Research (IJAR). [www.journalijar.com](http://www.journalijar.com).