

Conference Paper

The Actualization of the Autonomous Norms of Village Regulations in Sekaran Lamongan Sub-District in Accommodating Village Needs in the Unitary State of the Republic of Indonesia

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Abstract

Research on village regulations is important for the smooth functioning of village governments in carrying out their government functions. The legal norm, in this case, is *regaling*, which is an important village regulation to be compiled as a benchmark for the village government in carrying out its government functions. Village regulations are drawn up by village officials and villagers are expected to cover all the aspirations needed by the community and the government to develop the village concerned. However, if the lack of knowledge and socialization can cause things that are not expected to be achieved, then this research is needed to ensure that their implementation is following the norms in the law. This research was conducted with social-legal research with respondents who process secondary data and then conclude. The results of his research include that village regulation already exists in every village except that there are still many village regulations which are village regulations on annual village activities. For example about the village budget and village regulations related to village head reporting. Village regulations other than annual activities are only carried out by a few villages. Also, other provisions that can be stated in village regulations are still limited to verbal regulations or socialization, for example regarding the natural handling of village pests, one of which is by installing owl nests. This has not been stated in village regulations.

Keywords: village regulations, norms, government

Introduction

Countries generally have different states from one another, the population, sovereign government, and a recognized state. The State of Indonesia is a state of law, all government affairs are based on law. Likewise, not in a country, one of which is the government. The government in carrying out its government between conducting law or compilation of making legal products (*regeling* and *best hiking*) must be following applicable laws and regulations. The government has two meanings, namely having an obligation to obey the law or carry out the law and the government can also help as a *legislator*. The government in making legal products consists of jurisdiction over the authority granted by the law by the government for making the law must be following the procedures stated in the legislation. The government in carrying out its government has gradually become ineffective because it is increasingly extensive and complicated that must be done by the government. Therefore, the government requires a smaller government is the regional government and there is even a so-called village government. The government in a country that has broader and broader interests with all the governments carried out by

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just one government therefore the government in carrying out its government functions are designed to be smaller governments. This understanding is following Article 18 of the constitution, namely The Constitution of the Republic of Indonesia of 1945 that the territory of Indonesia is divided into smaller territories with its government as well as in its administration which contains several governments that manage governments with those connecting with the same with the Republic of Indonesia. contained in Paragraph IV of The Constitution of the Republic of Indonesia of 1945. The government which was split into several smaller governments has implications for the implementation of government so that there is harmony in government, so there needs to be a government-related to one government with another government. It also has a definition following the law set by the government that requires a harmonious government for state purposes that remain the same goal or goal. The Indonesian government is divided from the central government, regional government to the smallest one is the Village Government. Likewise, at the village level government, the laws established by the village government should be in harmony with other legal products and include not only government authority but also community aspirations according to village needs. After being passed, enacted, and enacted Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, the Village has the right to make village regulations. This does not formally approve the village, that is, by making a special law on the village, it is also authorized to make village regulations. Previously, before the enactment of the Law of the Republic of Indonesia, Number 6 of 2014 concerning Villages, namely the Law of the Republic of Indonesia Number 32 of 2004 concerning Regional Government, village or village government, included in governmental arrangements, village regulations, in villages - laws regarding regional government is not regulated in laws - laws that govern village or village government only. The authority granted to the village government is a village regulation by the village is a reflection of the existence of the authority to regulate and regulate his government. This, of course, has a positive impact if it can be implemented properly, namely, the village government buys freely to include non-local or village characteristics requiring the village in the village regulations that it makes and can be used for village development, government or village communities. However, some villages are still debating in terms of their authority so that it encourages the governance process in village governance. If so, the purpose of the laws and regulations cannot be realized because of the ignorance of the village government or the village community in developing village regulations.

Previous exposure also applies to villages in Sekaran Subdistrict, Lamongan Regency, East Java Province. The villages within Sekaran Subdistrict also have a government that represents a government that is protected by the state government that manages the village. The villages in Sekaran Subdistrict have a lot of potential including those related to village assets. Activities concerning loading are carried out in the village government so that an embodied state of the law is carried out, activities that include the village government should be regulated by law so that government activities related to loan work carried out in the village are regulated following the requirements requested. Village regulations also guarantee activities related to the requirements that represent the aspirations of the village government or village community which in the end will reveal the potentials and characteristics of the relevant villages. The problem is that there are several activities in the village government relating to loading that do not have regulations on making village regulations related to aid funds that are related to costs and allow it to be indicated about aspirations that are not desired village aspirations.

Regulations on making village regulations on products *regulated* by Law of the Republic of Indonesia Number 6 of 2014 concerning Villages which contain laws and regulations made by the village government and village communities. With village and village officials differing from one village to another, this affects the quality of village settings that make and quality village regulations following the nature of village regulation-making will certainly ensure harmony between one regulation with another.

A good law must be made by quality resources then the government or the village community must know how to make legal products. Likewise what happens in the village can be a legal problem regarding village governance or village community which ends in a legal case. This is because it understands the government and society who do not consider the impact on the misinterpretation of law that is not

following the purpose of the law made. Also, there are provisions regarding ministerial regulations based on the Republic of Indonesia Law Number 6 of 2014 concerning Villages that do not yet provide legal products that are more relevant to district regulations that contain instructions and technical instructions needed to make village laws and regulations. Therefore, researchers are interested in implementing the rules regarding village regulations that can be done, then the implementation factors. It is hoped that this research will enable the village government and the community to make village regulations that are in line with village needs. The results of the research formulation of this study the authors discuss in this article. The formulation of the problems that can be drawn from the above problems includes the first related to legal issues in a special village in Sekaran Subdistrict, Lamongan Regency, secondly the conductor and the effectiveness of the norms for regulating village regulations in the Sekaran Subdistrict of Lamongan Regency, which can be guaranteed by the people's aspirations and government in the formation of village regulations.

Research Method

The study entitled Actualization of the Autonomous Norms of Village Regulations in Sekaran Subdistrict, Lamongan in Accommodating Village Needs in the Unitary State of the Republic of Indonesia is a type of socio research, legal research conducted using empirical methods. Research by taking primary data obtained in the field then completed with secondary data consisting of primary legal materials and secondary legal materials. Primary data collection techniques were carried out by interviewing several informants and questionnaires for sampling. The technique of collecting secondary data using library research. Secondary data consists of primary legal materials, secondary legal materials, and even tertiary legal materials. The data sources used are legislation - laws and regulations starting from the constitution as the legal basis of the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia Number 6 of 2014 concerning Villages and other laws and regulations related to this field of research. (Specifically concerning the hierarchy of laws and regulations). Secondary legal materials are books, journals, media news, and others. Tertiary legal material is a common material that gives an understanding of the two previous materials, including the legal dictionary, the Large Indonesian Dictionary. This research was carried out at the location in the Sekaran Subdistrict, Lamongan Regency by involving villages in the Sekaran Subdistrict.

The socio-juridical model data analysis technique used in this research is a qualitative analysis. Qualitative analysis is done by collecting data then classifying, then related to regulations and theories that are relevant or related to then drawn conclusions to see the results obtained from previous data. Data analysis was performed with a sociological juridical model that analyzed data from observations and interviews or through questionnaires and field data. The data is then recorded, described and the truth is drawn up and conclusions are drawn. The analysis model used is an interactive analysis that consists of three main components, namely First, Data Reduction, a process of selection, focusing, simplification and abstraction, data from *field notes*, which continue to continue research. Before the process begins before conducting research. Second, the Data Presentation is information assembled by the organization, description in narrative form which allows the conclusions of research can be done. The data presentation is arranged logically and systematically. Third, drawing conclusions and verification, conclusions need verification so that they are sufficiently reliable and truly accountable. Verification can be done with a wider effort by replicating in other data units. The validity of the data must be approved so that the conclusions of research become more robust and reliable (HB Sutopo, 2002: 91). The three components of the analysis, activities can be carried out by way of interaction, both between components and in the process of data collection.

Result and Discussion

The success of the beef cattle business, both breeding, and fattening, is very dependent on the health of livestock. So handling, controlling and preventing diseases must be a top priority. Animal health is a major factor in beef cattle farming, both on a small scale and large scale. Control and prevention of beef cattle, especially brucellosis, requires consideration in various aspects, both in terms of disease and economic aspects (Dinas Peternakan dan Kesehatan Hewan Kabupaten Subang, 2016).

Article 18B paragraph (2) of The Constitution of the Republic of Indonesia of 1945 concerning the state recognizes and respects the unity of indigenous and tribal peoples related to their traditional rights throughout life and following the development of the community and state of the Republic of Indonesia which regulates in the law. Mashuri Maschab, questioning villages in Indonesia will at least invite three kinds of interpretation or understanding. First, understanding relating to the form of society or communities that live and settle in an environment, where they know each other well and their lifestyle is relatively homogeneous, and also more beneficial for those who support the wild. (Mashab, 2013) The second understanding of the economy, the village as a community of society, Yag must meet the daily needs of what is provided by the surrounding nature. Third, political definition, where the village as a government organization or political ruling organization has a certain authority because it is part of the state government. The position of the Village in Article 18 of The Constitution of the Republic of Indonesia of 1945 is an agreement but not following the constitution it is not following the village diction, but in Article 18 the diction of the customary law community association requires traditional rights. The conception of the village problem is included in the diction. Where the village has the characteristics of origin and customs concerning the State in the system of the Unitary State of the Republic of Indonesia. This explanation complements explaining that the State accepts villages as part of the Unitary State of the Republic of Indonesia which is indeed preserved.

The village government has genuine authority for the household itself (autonomy/self-government). The village government is a governmental permit by the Village Government and the Village Consultative Body in the form of approval and approval of the local community based on local origins and customs obtained and supported in the system of the Unitary State of the Republic of Indonesia. (Sujadi: 2014)

The village head is the head of the village administration. The village head exercises the rights, authority, and leads the village administration, as follows:

1. Conducting his household (governing his village government) who is responsible and responsible in the field of government, development, and community in the field of village government.
2. About government affairs including the fostering of peace and order following applicable laws and regulations.
3. Growing and developing the spirit of community cooperation as the main joint implementation of the village government.

Elucidation of Article 10 paragraph (1) regulates ... the responsibility of the Village Head for the Regent / Mayor After the village head gives accountability to the Regent / Mayor, the Head of the Second Level Region, then provides account information to the LMD.

The drafting of village regulations is the elaboration of various authorities held by the village, requirements based on village needs and requirements as well as approval of village laws and regulations, which are not following higher laws and regulations, and are also not following general needs. (Sukriono: 2010) Soetardjo Kartohadokoesoemo, the village is a legal entity to understand abstracts that are based on the sovereignty of the people and have the right to determine their dead people, the big people there, their people and those responsible for their finances including rights to land and water. , the mountain, and the gap. (Kartohadikoesoemo, 1984)

Article 7 paragraph (1) of Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation concerning the hierarchy of laws and regulations made from (sequentially) The

Constitution of the Republic of Indonesia of 1945, Provisions People's Consultative Assembly, Government Acts / Regulations instead of Laws, Government Regulations, Presidential Regulations, Provincial Regulations, Regency / City Regulations.

Moh Mahfud, in the presence of wide-ranging autonomy which only left five conditions for the central government (diplomatic, security, diplomatic, judicial, and religious), encouraged autonomy which was then also transferred to the village level (depending on the village according to Article 99 limited to original rights proposals and other matters that have not been taken care of by the Regions and the Center) (Mahfud, 2000).

Factor of Legal Considerations in the Village

Factors affecting the legal considerations in the village can occur because there are provisions regarding requirements in the village that are not following applicable legal provisions. There are no regulations about what is written in legal products such as village regulations that will affect the violation of the principles of the law, one of which is the principle of legal certainty. The rules and regulations provide more real legal certainty because the rules are easy to understand and easy to find again. (Manan, 1992). The requested legal product is village regulation. Anyway, if there are, collect, move, move, move, move, hold, separate, separate, separate, separate, separate, separate, separate, separate, separate, separate, separate, separate, separate with spring, spring, spring, separate spring, and spring. Sanctions from the previous provisions need to be applied then there must be regulations or legal products that are regulated first. This relates to the doctrine of the principle of legality. However, most of the villages in this village only receive a portion of tax payments. This also happened in villages in Sekaran Subdistrict, Lamongan Regency, for example, plant pests by installing houses for owls in rice fields, prohibiting fishing for auctioned land, village markets, and others. The applicable provisions concerning violators must have binding power as possessed by the ties that have been poured on legal products such as village regulations. Village regulations are only limited to annual agendas such as village budgets and village head financial reports. Many village potentials as mentioned above reflect village characteristics that can be regulated in village regulations (governed by village government affairs as stipulated in the Law of the Republic of Indonesia Number 6 of 2014 concerning Villages) not only annual village agendas. This is because the ignorance of the village government causes a lack of socialization related to the formation of village regulations.

Power of Practive Norms Formation of Village Regulations in Villages in Sekaran Subdistrict of Lamongan Regency Daya Behavior of Norms of Formation of Village Regulations

In Sekaran District of Lamongan Regency, Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation does not take the form of technical format for village regulations. Likewise, in villages in Sekaran Subdistrict, Lamongan Regency, the legal product of village regulation provisions is only the level of the 2014 Village Regulation on Village Revenue and Expenditure Budget (APBDes) issued by the Lamongan District Secretariat in 2014. This uses the meaning of regulations or norms related to village regulations are only about village regulations regarding Village Budget and not general provisions regarding village regulations. Therefore, norm enforcers (norms that are applied) regulate general regulations only at the Law level (formal regulations) and regulations for village formation up to the district level (Instructions for Compilation) only related to the Village Revenue and Expenditure Budget. Article 8 paragraph (2) Legislation that is approved in paragraph (1). Its existence and having binding legal force are ordered by the Regulation. Higher legislation or authority can be found. In paragraph 1 there are regulations made by the Village Head and Village Regulations made by the Village Head.

Guarantess Reflection of the Aspirations of the Community and Government in the Formation of Village Regulations

Guarantees the Reflection of the Aspirations of the Community and the Government in the formation of village regulations. Guarantees for the fulfillment of community aspirations and village needs are only needed which are then signed by the management and members of the Village Consultative Body. Only in the norms of making no diction to include community aspirations in village regulations. Also, it is expected to be seen in villages in Sekaran Subdistrict, Lamongan Regency does have several village regulations related to the agenda related to several villages, indeed related to village regulations related to the annual agenda. Terms and Conditions in the village are not following the provisions in the village and are not following the existing provisions. D'Anjaou, (law), it is a long process of individual needs and desires, then becomes the desire of the group, then captured by political forces, carried on by problems that must be contacted by the government and only finally must enter the agenda for making regulations. (Rahardjo, 2006).

Conclusion

The results of this study can be concluded that:

1. The inhibiting factors in the formation of village regulations related to the socialization related to the formation of village regulations and legal products related to technical reference to the format of formation of village regulations in general.
2. Normality of the formation of village regulations in Law of the Republic of Indonesia Number 12 of 2011 concerning Formation of Legislation but not specifically in the format of mentioning village regulations and related legal products at the regency level regulated in the format of village regulations related to the Village Budget and Revenue.
3. Guarantees for the entry of aspirations and needs of the village are limited to those requested by the Village Consultative Body and signatures but do not contain provisions concerning aspirations for entry into norms in village regulations. So, there is no need for legal certainty about guaranteeing the existence or inclusion of village aspirations and needs from the community as outlined in the provisions in village regulations.

Suggestion

First, there needs to be socialization related to village regulations. Second, there is a need for regulations related to village regulation including the generally accepted village regulation format not only regarding the Village Budget. Third, there needs to be a form of legal certainty related to community aspirations as well as village needs in the form of norms so that entry of aspirations is provided.

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