

**LEGAL RECONSTRUCTION OF VILLAGE FUND
SUPERVISION MODEL IN VILLAGE GOVERNMENT BASED
ON THE PRINCIPLE OF TRANSPARENCY****Rizky Darmawansyah Sihombing**

Faculty Of Sharia, Universitas Islam Negeri Maulana Malik Ibrahim Malang

E-mail: Rizkydarmawansyahhombing00@gmail.com

ABSTRACT

The state revenue and expenditure budget (APBD) is part of village income sources that are included in village finances. The state revenue and expenditure budget (APBD) that is given is usually called village funds. Village funds are funds originating from the State Revenue and Expenditure Budget earmarked for Villages which are transferred through the district/city Regional Revenue and Expenditure Budget and are used to finance government administration, development implementation, community development, and community empowerment. The large amount of the budget given to each village certainly needs to be monitored to avoid abuse of power. In addition to the need for supervision, the village government also needs to always be principled and adhere to the principle of openness so that the community knows and is involved in controlling the implementation of village governance. So that the high level of corruption that occurs in the village government environment requires us to evaluate and reconstruct the monitoring system that must be carried out.

Keywords: Reconstruction, Supervision, Village Fund, Openness Principle.

Journal History

Received : May 23, 2023;
Reviewed : May 26, 2023;
Accepted : May 30, 2023;
Published : May 30, 2023.

Copyright @2022 NLR. All right reserved.

INTRODUCTION

Indonesia is a unitary state in the form of a republic. ¹In administering its government, Indonesia consists of several districts/cities. Furthermore, within each district/city area there are the lowest administrative units called villages and sub-

¹Article 1 paragraph (3) of the 1945 Constitution

districts. Thus, villages and sub-districts are the lowest administrative unit under the district/city government.²

A village is an area inhabited by a number of residents who know each other on the basis of kinship and/or political, social, economic and security interests which in its growth becomes a legal community unit based on custom so as to create physical and spiritual bonds between its respective citizens, generally its citizens live from agriculture, have the right to manage their own household, and are administratively under the regency/municipality government.³

Law No. 6 of 2014 concerning villages is a form of embodiment or as a "spearhead" for giving authority to each village in carrying out development to manage its own resources independently in accordance with the interests of the community. The central government budgets funds from the APBN directly for villages through the Village Fund program. Village Funds are used to finance government administration, development implementation, community development, and community empowerment.⁴

The budgeting of village funds disbursed by the central government is an implication of Article 72 paragraph 1 letter (b) of Law No. 6 of 2014 concerning Villages which states that village income comes from the allocation of the State Revenue and Expenditure Budget (APBN).⁵ So that the APBN is a right that will be obtained by every village in order to improve services in government administration, as well as accelerate development and create prosperity in village communities.

However, the large budget given by the central government to each village raises concerns that there will be budget abuse and vulnerability to corruption. Based on the results of monitoring conducted by *Indonesia Corruption Watch (ICW)* it shows that acts of corruption (tipikor) in villages, from 2015 to 2017 have increased. In 2015, there were 17 corruption cases and in 2016 it increased to 41 cases. Then in 2017 it doubled to 96 cases. Thus, a total of 154 cases have been found by ICW. Furthermore, *the Indonesia Corruption Watch (ICW)* recorded corruption cases in the village budget sector as the most cases prosecuted by law enforcement officials during 2019 when compared to other sectors. ICW data shows that there were 46 cases of corruption in the village budget sector out of 271

²Hanif Nurcholis, *Pertumbuhan & Penyelenggaraan Pemerintahan Desa*, Jakarta: Erlangga 2011.

³ Hasyim Adnan, "PENGAWASAN ALOKASI DANA DESA DALAM PEMERINTAHAN DESA (Supervision of Allocation Village's Fund in The Village Administration)," *Al'Adl VIII*, no. 2 (2016): 1–19.

⁴ Rachma Aprilia and Elvia Rosantina Shauki, "Peran Masyarakat Dalam Pengawasan Dana Desa," *Indonesian Treasury Review Jurnal Perbendaharaan Keuangan Negara dan Kebijakan Publik* 5, no. 1 (2020): 61–75.

⁵Article 72 paragraph 1 letter (b) Law No. 6 of 2014 concerning Villages.

corruption cases during 2019. Village budget corruption was recorded as causing state losses of up to IDR 32.3 billion.⁶

The high level of village fund corruption that has occurred in Indonesia certainly shows that there is still an ineffective system in terms of managing and supervising village funds. According to Egi Primayogha as an ICW researcher, the factors that influence village fund corruption are due to the lack of competence of village government officials, and there is no transparency, accountability, and openness.⁷ Even though Article 24 of Law No. 6 of 2014 explains that in the administration of village government one must adhere to several principles, one of which is the principle of openness. The point of explanation states that openness is the principle that opens oneself up to the right of the community to obtain correct, honest and non-discriminatory information about the administration of Village Administration while still paying attention to the provisions of laws and regulations.⁸

Based on the records and results of monitoring carried out by *the Indonesia Corruption Watch (ICW)*, it is certainly contrary to the purpose and essence of providing village funds from the central government. In addition, the number of cases that occurred above shows that there is still weak supervision of the management of village funds within the government and within the community itself. So that raises a question of course about how the law actually regulates the existence and management of village funds and the need for a legal reconstruction regarding the monitoring system for village funds so that budget abuse does not occur.

Based on the background above, it will be further explained how the legal position of village funds is and how the monitoring system is effective enough to prevent budget misuse which leads to criminal acts of corruption.

METHOD

The research to be used is normative legal research. The point is the activity of identifying legal problems, analyzing legal problems, doing legal reasoning, analyzing the problems encountered then providing solutions to these problems, where the problems examined in normative legal research are caused by problematic norms or rules either because of conflicts in these norms, there is a blurring of meaning in these norms, there are contradictions in these norms or there

⁶ Tri Novita Manihuruk and Keywords, "Problematika Penegakan Hukum Tindak Pidana Korupsi Dana Desa Di Provinsi Riau," *Jurnal Wawasan Yuridika* 5, no. 2 (2021): 290–314, <http://ejournal.sthb.ac.id/index.php/jwy>.

⁷ Adi Fauzanto, "Problematika Korupsi Dana Desa Pada Pelaporan Dan Pertanggungjawaban Keuangan Desa Berdasarkan Prinsip Transparansi, Akuntabilitas, Dan Partisipatif," *Widya Yuridika: Jurnal Hukum* 3, no. 1 (2020): 43–52.

⁸Explanation of Law No. 6 of 2014 concerning Villages

is a legal vacuum.⁹

The approach method used in this research is a statute approach. This statute approach is an approach taken by examining all laws and regulations that are related to the legal issues being handled.¹⁰

DISCUSSION

Village Funds in the Perspective of Laws and Regulations.

The village is part of the scope of government in Indonesia on a small scale. Prof Drs. HAW. Widjaja in his book entitled "Village Autonomy" gives the understanding that, the Village is a legal community unit that has an original structure based on special origin rights. The basic ideas regarding village governance are diversity, participation, genuine autonomy, democratization and community empowerment.¹¹

In addition, Article 1 number 1 of Law No. 6 of 2014 concerning Villages states that a village is a village and a traditional village or what is referred to by another name, hereinafter referred to as a village, is a legal community unit that has regional boundaries that are authorized to regulate and manage government affairs. local community interests based on community initiatives, origin rights, and/or traditional rights that are recognized and respected within the system of government of the Unitary State of the Republic of Indonesia.¹²

In administering village governance, there is a source of income as a form of income for village finances. Article 1 number (10) of Law Number 6 of 2014 concerning Villages which states that village finances are all village rights and obligations that can be valued in money and everything in the form of money and goods related to the implementation of village rights and obligations. One of the sources of village finance is village funds. Juridically, Law No. 6 of 2014 is the basis for giving each village the right to receive a share of the Central Government's budget through the village fund program. Article 1 number (2) PP No. 8 of 2016 Village Funds Sourced from the State Revenue and Expenditure Budget provides the understanding that Village Funds are funds originating from the State Revenue and Expenditure Budget intended for Villages that are transferred through the regency/municipality Regional Revenue and Expenditure Budget. city and used to

⁹Peter Mahmud Marzuki, *"Penelitian Hukum"* (Jakarta Timur: Prenadamedia Group, 2019), 60

¹⁰Ibid

¹¹Widjaja, HAW. (2005). *Penyelenggaraan Otonomi di Indonesia*. Jakarta: PT Raja Grafindo Persada. p. 154

¹²Article 1 number (1) Law No. 6 of 2014 concerning Villages.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.14941

finance government administration, implementation of development, community development, and community empowerment.¹³

Jimly Asshidiqie stated that the laws that have been enacted and promulgated must have gone through a very long process until they were finally passed into public property which are open, binding to the public. If a law that has been prepared, discussed and debated in such a way is finally enacted and promulgated accordingly.¹⁴

It is further explained and emphasized in Article 72 paragraph (1) of Law No. 6 of 2014 concerning Villages which states that village income can come from:¹⁵

- a. Village original income consists of business results, asset results, self-help and participation, mutual cooperation, and other Village original income;
- b. State Revenue and Expenditure Budget Allocation;
- c. Share of the results of regional taxes and regional levies Regency/City;
- d. Allocation of Village funds which are part of the balancing funds received by the Regency/City;
- e. Financial assistance from the Provincial Revenue and Expenditure Budget and the Regency/City Regional Revenue and Expenditure Budget;
- f. Non-binding grants and donations from third parties; And
- g. Other legitimate village income.

Furthermore, the allocation of village funds for each village becomes the authority of the Regent/Mayor to determine the amount of village funds for each village in their area. Furthermore, in determining the amount of village funds for each village it is explained in Article 12 paragraph (2) PP No. 60 of 2014 Village Funds Sourced from the State Revenue and Expenditure Budget which states that the Amount of Village Funds for each Village is calculated based on the number of Village residents, area Village, Village poverty rate, and level of geographical difficulty.¹⁶

¹³Article 1 point (2) Government Regulation of the Republic of Indonesia Number 8 of 2016 concerning the Second Amendment to Government Regulation Number 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget

¹⁴ Jimly Asshidiqie In Eka NAM Sihombing, Dani Sintara, Cynthia Hadita, "Limitations Of Revision The Legislations In The Process Of Formulating The Legislations In INDONESIA", *Nomoi Law Review*, 3, No. November (2022): 116–124.

¹⁵Article 71 paragraph (2) Law No. 6 of 2014 concerning Villages.

¹⁶Article 1 paragraph (2) Government Regulation of the Republic of Indonesia Number 8 of 2016 concerning the Second Amendment to Government Regulation Number 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget

The process of distributing village funds legally has also been clearly regulated. The distribution of village funds will first be distributed by the central government to regional governments, in this case the Regent/Mayor which will later be forwarded to each village in its territory whose amount has been determined and takes into account the aspects listed in the Law and Government Regulations. In the process of channeling village funds from the regional government through the RKUD (Regional General Cash Account) to the RKD (Village Cash Account) it will only be possible after the Regent/Mayor receives (a). Village regulations regarding APBDesa for the current fiscal year; and (b). report on the realization of the use of Village Funds for the previous stage. So that when the village government does not provide these things to the Regent/Mayor, the village government will be subject to administrative sanctions in the form of delaying the distribution of village funds until the village government provides these conditions to the Regent/Mayor.¹⁷

Philosophically, the essence of the existence of village funds provided by the central government to every village within the regency/municipal scope is actually to finance governance, implementation of development, community development, and community empowerment. This is in accordance with the understanding stated in Government Regulation No. 8 of 2016 concerning Village Funds which is a derivative regulation of Law No. 6 of 2014 concerning Villages. So that with the existence of village funds, of course, it is expected to be able to make each village more optimal in serving the community in the field of government and making each village stronger and more transparency. Minister of Villages, Disadvantaged Development and Transmigration Marwan Jafar detailed four ways to achieve this goal, namely using Village Funds to improve public services in villages, then to advance the village economy, overcome development gaps between villages, and strengthen village community empowerment as the subject of development

Furthermore, looking at the rules that have been made and established by the government regarding Village Funds, a straight line can be drawn which shows that Village Funds are a right for every village to be able to receive them. The existence of the Village Fund normatively has a very strong legal position. Apart from being stated in Law No. 6 of 2014 concerning villages, arrangements or regulations regarding village funds are also further regulated in Government Regulation No. 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget as and has undergone a second amendment to become a Government Regulation Number 8 of 2016.

¹⁷Article 17 paragraphs 1 and 2 of Republic of Indonesia Government Regulation Number 8 of 2016 concerning the Second Amendment to Government Regulation Number 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget

Reconstruction of the Oversight System in the Management of Village Funds from the Perspective of the Principle of Transparency

Good governance is government that can be supervised and controlled by all elements of the state, both the government itself and especially the people. In order to create a clean and conducive process for administering regional and village government, of course, supervision must always be given to all policy actions made by the government. Furthermore, supervision can also minimize the occurrence of acts of abuse of power. Because supervision is a very important part that must exist and be carried out in the process of running the wheels of government. The implementation of good, clean and authoritative government (good governance and clean government) is a requirement for every government to realize the aspirations of the people in achieving the goals and aspirations of the nation and state, so that it is necessary to develop and implement an accountability system that is appropriate, clear and legitimized so that the implementation governance and development can take place in an efficient, effective, clean and responsible manner, and free from corruption, collusion and nepotism.¹⁸ The village administration has the authority to manage village funds.

Supervision is very necessary in the running of the process of administering government, especially village government as the smallest scale of government. Good governance is government that always implements the general principles of good governance. Similar to village government, in Article 24 of Law No. 6 of 2014 concerning Villages it is explained that the implementation of village governance must be based on:¹⁹

- a. legal certainty;
- b. orderly administration of government;
- c. orderly public interest;
- d. openness;
- e. proportionality;
- f. professionalism;
- g. accountability;
- h. effectiveness and efficiency;
- i. local wisdom;
- j. diversity; And
- k. participatory.

¹⁸ Irwan Polidu et al., "Peran Inspektorat Dalam Sistem Pengawasan Dan Pengendalian Pengelolaan Dana Desa: Studi Inspektorat Kabupaten Gorontalo Utara," *Jurnal Akuntansi & Keuangan* 20, no. 2 (2020): 226–245, www.journal.uta45jakarta.ac.id.

¹⁹Article 24 Law No. 6 of 2014 concerning Villages

Furthermore, the principles above should be a basis and guideline for the government in running the wheels of government, especially in village government. In order to create an atmosphere of clean and conducive government, it is necessary to emphasize and strictly implement the principle of openness and not override other principles. In the elucidation point of Article 24 letter (d) of Law No. 6 of 2014 concerning Villages, what is meant by "openness" is the principle of being open to the community's right to obtain correct, honest and non-discriminatory information about the administration of Village Government while still paying attention to the provisions legislation.²⁰

Based on the provisions of Article 1 point 3 (three) of Law Number 14 of 2008 concerning Public Information Disclosure, villages are included as public bodies because they have fulfilled the following elements:²¹

- (1) executive agency;
 - (2) the main functions and tasks are related to the administration of the state;
- And
- (3) part or all of the funds come from APBN and/or APBD.

Furthermore, by categorizing village governments as public bodies, according to BAPPENAS the principle of openness has at least 7 (seven) indicators, including:²²

- 1) Adequate information is available in every process of preparing and implementing public services;
- 2) Free service information is obtained by anyone;
- 3) Timely information provided for evaluation and monitoring;
- 4) Availability of good information facilities and infrastructure;
- 5) There is access for the public to readily available information;
- 6) Information is easy to reach;
- 7) Open attitude of government officials in conveying information.

Furthermore, in general for a government that can be said to be open there are characteristics that we can see so that the government belongs to the category of open government, including:²³

²⁰Explanation of Article 24 letter (d) Law No. 6 of 2014 concerning Villages

²¹ Catur Dewi Patmasari; and Suharno, "IMPLEMENTASI KETERBUKAAN INFORMASI PUBLIK PADA PEMERINTAH DESA DI KABUPATEN SLEMAN," *Jurnal Pendidikan Kewaraganaan dan Hukum* 8 (2019): 275–284.

²² Aan Anugrah, Abdul Mahsyar, and Burhanuddin, "KETERBUKAAN INFORMASI PUBLIK DALAM PENGELOLAAN," *Journal of Public Policy and Management* 3 (2021): 53–63.

²³ Kusnan Kusnan, "Open Government Di Tingkat Desa: Studi Kebijakan Keterbukaan Informasi Publik Di Desa Pejambon, Bojonegoro," *Dinamika Governance : Jurnal Ilmu Administrasi Negara* 11, no. 1 (2021): 87–102.

- (1) Government documents can be accessed by the public either directly or indirectly,
- (2) Factual information relating to policies is provided by the government and the public can monitor these policies,
- (3) Meetings or meetings of the government which are in the public interest are conducted openly, and
- (4) The government provides public consultation in a systematic manner related to public policies taken

The principle of openness is important in governance in order to avoid abuse of power. The results of the records of *the Indonesia Corruption Watch (ICW)* show that the increase in the number of corruption that has occurred within the village government is due to one of the factors, namely the lack of openness from the government to the community. If we look at the point of explanation regarding the principle of openness in Law No. 6 of 2014 concerning Villages, then in fact it is the right of every community to obtain correct information about the running village administration. Thus, the logical consequence is that the village government must provide information on village administration without having to be asked, because this is a right for the community itself. In the current Indonesian constitutional system, at the village government level the Village Consultative Body is a representative form of the community.

In carrying out village administration, the principle of openness is strongly related to the supervisory system. According to Suyanto, giving the meaning of supervision that supervision is the process of observing the implementation of all organizational activities to ensure that all work being carried out goes according to a predetermined plan.²⁴ In line with the above understanding, According to Bagir Manan, "Supervision is a bond that binds unity so that the pendulum of autonomous freedom does not move so far that it reduces or even threatens unity."²⁵

Meanwhile, according to Sorin Domnisoru, supervision basically has the following functions: (1) Supervision becomes a means of verification-evaluation to achieve evaluation to achieve organizational goals and develop and maintain certain systems regarding collection, storage, processing, updating and dissemination of information, data management and finance . Supervision is a mechanism implemented in an organization that functions as a tool to increase efficiency and effectiveness in utilizing available resources, such as human resources, the aim is to optimize the organization; (2) Supervision functions as a mechanism to provide correct information as a basis for decision-making by the organization; (3)

²⁴ Amalia Dlamatlina, "Pengawasan Atas Penyelenggaraan Pemerintahan Daerah Untuk Mewujudkan Pemerintahan Daerah Yang Efektif Dan Efisien, no. 1(nd).

²⁵Ridwan HR, "Hukum Administrasi Negara Edisi Revisi", Cet.12, PT RajaGrafindo Persada, Jakarta, 2016, p.2

Supervision functions as a means of protecting assets and includes organizational inventory; (4) Supervision functions to increase organizational compliance with laws and other regulations; (5) Supervision functions as a means to achieve organizational goals, namely to improve system functions within the organization and to deal with changes that occur from outside.²⁶

There are at least two forms of supervision that can be carried out in supervising all Village Government activities, including village head decisions and village regulations, namely:²⁷

1. Preventive Surveillance.

Preventive control is the process of overseeing the preparation of plans before they are implemented. The existence of this supervision as a form of prevention of mistakes or oversights in implementing the plan. The term of this oversight in the budget government system is also called an audit.

2. Repressive Oversight.

Repressive supervision is a form of supervision that is carried out when there is an implementation of an activity. This is intended to ensure that what has been planned and determined is in accordance with what has been implemented in the activity. The term of this oversight in the budget audit system is also called post audit.

Furthermore, on the structural side of the village government, the Village Consultative Body (BPD) is a body that has a supervisory role within the scope of village administration. This is in accordance with the provisions of Article 55 Law No. 6 of 2014 concerning Villages which states that the Village Consultative Body has the following functions:²⁸

- a. Discuss and agree on the Draft Village Regulations with the Village Head;
- b. Accommodate and channel the aspirations of the Village community; And
- c. Supervise the performance of the Village Head.

Referring to these three functions, in essence the BPD is an institution that carries out a check and balance mechanism in the administration of village government. At least when referring to the discussion process of the Village Law itself. Discussion of the Village Bill between the Regional Representative Council (DPD), the Rayat Representative Council (DPR) and the government. Strong village government is not in the sense of an authoritative form of government (for

²⁶ Yarni, Kosariza, and Irwandi, "Pengawasan Dana Desa Dalam Sistem Ketatanegaraan Indonesia."

²⁷ Irawan soejito, *Pengawasan Terhadap Peraturan Peraturan Daerah dan Keputusan Kepala Daerah*, (Jakarta: Bina Akshara, 2008), 11

²⁸ Article 55 Law No. 6 of 2014 concerning Villages

example with a term that is too long), but a form of village government with democratic governance that is controlled (checks and balances) by local institutions such as the BPD or deliberative bodies as well as elements of the local community

.²⁹

Apart from the Village Consultative Body (BPD) which functions to oversee the performance of the village head, supervision needs to be carried out on every activity carried out by the village government. Not only in the field of development, supervision also needs to be carried out in terms of village finances such as village funds. and in order to improve oversight of the Village Fund, the Government has and will continue to carry out integrated, effective and efficient monitoring efforts, through:³⁰

1. Regents/Mayors to empower functional supervisory apparatus in the regions, as well as provide guidance to villages for the implementation of information disclosure in villages.
2. Encouraging the bupati/mayor to optimize the role of district/city and sub-district regional apparatus organizations in carrying out technical assistance for the implementation of Village Administration.
3. Improving the prevention of irregularities in the use of Village Funds through the establishment of Secretariats for Supervising Village Funds in districts/cities consisting of officials from the Village Community Empowerment Service, government internal inspectors (APIP) from the district/city Regional Supervisory Board (Bawasda) and police from the Polres.
4. Collaboration with POLRI through an MoU with the scope of socialization and regulation, facilitation of security, law enforcement and management of village funds including information exchange and coaching;
5. Cooperation with the Corruption Eradication Commission, the Attorney General's Office and BPKP to supervise the use of village funds;
6. Collaboration with Universities, Community Organizations, and NGOs that are members of civil society LWGs in monitoring and supervising the use of village funds; And
7. Increasing the role of the Village Fund Task Force to control and supervise the use of village funds. Apart from that, strengthening the competence of assistant staff is also carried out to strengthen the capacity of village

²⁹ Drs Sumarno and M Si, "Studi Literatur : Peran Badan Permusyawaratan Desa Dalam Pemerintahan , Pembangunan Dan Pengawasan Keuangan Desa" 2, no. 1 (2022).

³⁰ Meri Yarni, Kosariza Kosariza, and Irwandi Irwandi, "Pengawasan Dana Desa Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Sains Sosio Humaniora* 3, no. 2 (2019): 198–205.

officials in planning, budgeting, implementing, and compiling Village Fund accountability reports.

Supervision is necessary and important to do in running the wheels of government. Supervision is not only carried out in terms of policies that have been made and issued by the village government, but supervision also needs to be carried out in every field, both finance, policy making, and others. In financial affairs, supervision is not always carried out by the government or authorized officials. Community participation is very important in terms of supervising the management of village fund allocations and in terms of developing rural areas. To help realize good governance, many community organizations collaborate with the village government in the form of community participation. To clarify the direction of development and to avoid difficulties in development, it is necessary to implement a plan in the implementation of development activities.³¹

The increase in corruption that occurs within the village government reflects that there is a system that must and should be improved. Supervision in efforts to allocate village funds is very important given the amount of funds received by each village and the large potential for abuse of authority. We can see the government's efforts in supervising the running of government in the management of village funds by the involvement of many external parties that encourage the abuse of power to occur. So that supervision of the performance of village heads and management of village funds should be expected to be carried out effectively. In order for Supervision to run effectively then:³²

1. The person who carries out the supervision in carrying out their duties to examine, monitor, and evaluate is not intervened with the person being assessed. So that it will produce objective results.
2. The person who carries out the supervisory function must convey the results of his supervision to his superiors quickly. Because this will affect whether or not to follow up quickly on the findings of the supervision that has been carried out.
3. The person who wants to carry out the supervision is given sufficient authority to carry out his duties. Meanwhile, the person being monitored or evaluated must accept and respect the authority that exists in that person.

³¹ I Ketut Gede Rudiarta, I Wayan Arthanaya, and Luh Putu Suryani, "Pengelolaan Alokasi Dana Desa Dalam Pemerintahan Desa," *Jurnal Analogi Hukum* 2, no. 1 (2020): 63–67.

³² Ismail Nawawi, *Pembangunan Dan Problem Masyarakat (Kajian, Konsep, Model, Teori Dari Aspek Ekonomi dan Sosiologi)*, (Surabaya: Cv Putra Media Nusantara, 2009), 50.

If we examine the statement above, then people who have authority in the field of supervision should always have high integrity and not be easily intervened by any party. The demand for the village government to carry out village violations based on the general principles of good governance is of course very supportive of creating an effective monitoring system in order to create a clean and conducive government. Besides that, in Article 115 of Law no. 6 of 2014 concerning Villages states that Regency/City Regional Governments carry out guidance and supervision in the administration of village government which includes:

- a. Provide guidelines for the implementation of the assignment of Regency/City affairs carried out by the Village;
- b. Provide guidelines for drafting Village Regulations and Village Head Regulations;
- c. Provide guidelines for preparing participatory development plans;
- d. To facilitate the implementation of Village Administration;
- e. Evaluating and supervising Village Regulations;
- f. Determine the financing of the allocation of balancing funds for the Village;
- g. Supervise the management of Village Finances and utilization of Village Assets;
- h. Carry out guidance and supervision of the implementation of Village Administration;
- i. organizing education and training for the Village Government, Village Consultative Body, community organizations, and customary institutions;
- j. Give awards for achievements in the implementation of Village Administration, Village Consultative Body, community organizations, and customary institutions;
- k. Make efforts to accelerate rural development;
- l. Make efforts to accelerate Village Development through financial assistance, assistance assistance, and technical assistance;
- m. Increase the capacity of BUM Desa and inter-Village cooperation institutions; And
- n. Provide sanctions for deviations committed by the Village Head in accordance with statutory provisions.

Juridically, arrangements regarding supervision of the implementation of village government and also the management of village funds have been regulated clearly and firmly. There have been many efforts from the government to minimize acts of abuse of power. However, looking at the records from *the Indonesia Corruption Watch (ICW)* regarding the high level of criminal acts of corruption committed within village government agencies, it certainly needs to be reconstructed regarding the oversight system for village government administration. Formally, the Village Consultative Body (BPD) is an organ whose

existence is indispensable so that the village government does not act arbitrarily. So that in order to create effective oversight, the Village Consultative Body (BPD) must be filled with people who have high capability and integrity. This is in order to carry out its functions, the Village Consultative Body (BPD) can work optimally and cannot be intervened by any party.

Seeing the phenomenon and the high level of corruption committed within the village government, shows that the village government is still closed in carrying out government affairs to its people. If we analyze it, the meaning of the principle of openness in Law No. 6 of 2014 concerning villages shows that the village government should always provide information regarding the administration of village governance and village finances. Because the disclosure of information is a right that must be obtained by the village community. So that if the village government always carries out this principle, then acts of abuse of power and criminal acts of corruption will never occur. And vice versa, if there are still acts of corruption that occur within the village government, then it can be ascertained that in the administration of government, the village government is indifferent to carrying out the principle of openness.

Not applying the principle of openness in managing village finances is also one of the factors that results in acts of corruption. In addition to these factors, the weakness of the oversight system in managing village finances is also another factor. This means that it is necessary to reconstruct the supervisory system for the implementation of village government. So that it can minimize the occurrence of abuse of power which results in criminal acts of corruption.

The many efforts that have been made by the government in supervising the running of village governance can be seen in Law No. 6 of 2014 concerning villages. In addition, the many institutions or agencies involved in supervising village administration, especially the management of village funds, do not provide guarantees for the village government not to take actions that violate laws and regulations.

From a legal point of view, supervision of the village head's performance in village administration is an authority granted by law to the Village Consultative Body (BPD). So that with the authority that exists in the Village Consultative Body (BPD) it should be able to become a representative and extension of the village community in overseeing the running of government in the village. If we look at it, for example within the scope of the village government committing acts of corruption, it means that the village government does not apply the principle of information disclosure to village communities. So that in the implementation of village government, of course the village government has been indifferent and violated the provisions contained in the law for the village government to stick to the principles contained in the law. Furthermore, before the incident occurred the

Village Consultative Body (BPD) could and must ensure that the village government in carrying out village administration carries out the principles contained in the Law. So that when this event has occurred, it can be interpreted that the supervision carried out by the Village Consultative Body (Village) is not optimal.

If we refer to the type of supervision, it will be more likely to minimize the occurrence of abuse of power when in preventive supervision, which in this case is a form of prevention that can be disseminated first to the people in the village. This is intended so that all elements of society can contribute to monitoring and not only through the Village Consultative Body (BPD). Likewise in the future, in the repressive supervision of the village government, it must also disseminate information on developments that have been carried out before according to plan or not. So there is a match between what is planned with what is done.

If we refer to the theory above, for an oversight to work effectively, it is necessary to have people who have high capability and integrity. So that by having high capability and integrity, the person whose role is to carry out the supervision will not be able to be intervened by any party. Furthermore, the supervision carried out will also show results objectively. In addition to having to be filled by people who have high integrity and capability, those who carry out supervision are also given clear authority and legality.

The Village Consultative Body (BPD) is a body that has a supervisory function within the village government. Legally speaking, the Village Consultative Body in Article 55 of Law No. 6 of 2014 is given the function of overseeing the performance of the village head. This means that legally and formally, the Village Consultative Body has the authority which is its duty to oversee the performance of the village head. In addition, the Village Consultative Body (BPD), which has a supervisory function, must be able to carry out its duties objectively and independently. This means that the Village Consultative Body (BPD) is not allowed to be intervened by any party.

This means that in order for the supervisory system to run optimally, it is necessary to hold a strict selection process to produce people who have high capability and integrity. So that the person carrying out the supervision is not easily intervened. In addition, it does not close the role of the village community to participate in carrying out supervision of the implementation of village governance. And when the Village Consultative Body (BPD) and the village community find irregularities during the process of administering village governance, there is a forum available that is quick and responsive to reports provided by the village community. In order for external institutions and agencies to seem useless in supervising the implementation and management of village funds, it is necessary to carry out checks on every development that has been planned in the APBDesa. So

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.14941

that supervision and efforts to minimize acts of abuse of power within the village government can be carried out.

CONCLUSION

The existence of village funds legally can be seen in Article 72 paragraph 2 letter (b) which states that one of the sources of village income comes from the Allocation of the State Revenue and Expenditure Budget. Furthermore, as implementing regulations as well as derivative regulations from Law No. 6 of 2014 concerning Villages comes Government Regulation No. 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget and has been amended to become Government Regulation No. 8 of 2016 concerning the Second Amendment On Government Regulation No. 60 of 2014 concerning Village Funds Sourced from the State Revenue and Expenditure Budget. So that clearly and legally, village funds are a right that must be received by every village with an amount based on the criteria and distribution process as stipulated in the law.

Apart from that, in order for the allocation and use of village funds to be on target, it is necessary to carry out regular supervision by related parties to prevent abuse of power. Supervision is the process of observing the implementation of all organizational activities to ensure that all work being carried out goes according to a predetermined plan. Supervision will be effective when the parties authorized to carry out supervision have high integrity and capability so that it is not easy for any party to intervene. Furthermore, in order to minimize the actions of the village government that harm the community, the government should always be able to provide information disclosure regarding the administration of village governance and open a complaint center that is quick and responsive when village communities provide a report when they find irregularities in the process of administering village governance.

REFERENCES

- Adnan, Hasyim. "Pengawasan Alokasi Dana Desa Dalam Pemerintahan Desa (Supervision Of Allocation Village's Fund In The Village Administration)," *Al'adl* Viii, No. 2 2016.
- Anugrah. Aan, Abdul Mahsyar, And Burhanuddin, "Keterbukaan Informasi Publik Dalam Pengelolaan," *Journal Of Public Policy And Management* 3 2021.
- Aprilia. Rachma And Elvia Rosantina Shauki, "Peran Masyarakat Dalam Pengawasan Dana Desa," *Indonesian Treasury Review Jurnal Perbendaharaan Keuangan Negara Dan Kebijakan Publik* 5, No. 1 2020
- Dlambatna. Amalia, "Pengawasan Atas Penyelenggaraan Pemerintahan Daerah Untuk Mewujudkan Pemerintahan Daerah Yang Efektif Dan Efisien, No. 1(Nd).
- Eka Nam Sihombing, Dani Sintara, Cynthia Hadita, "Limitations Of Revision The Legislations In The Process Of Formulating The Legislations In Indonesia", *Nomoi Law Review*, 3, No. November (2022): 116–124.
- Fauzanto. Adi, "Problematika Korupsi Dana Desa Pada Pelaporan Dan Pertanggungjawaban Keuangan Desa Berdasarkan Prinsip Transparansi, Akuntabilitas, Dan Partisipatif," *Widya Yuridika: Jurnal Hukum* 3, No. 1. 2020.
- Government Regulation No. 60 Of 2014 Concerning Village Funds Sourced From The State Revenue And Expenditure Budget.
- Government Regulation No. 8 Of 2016 Concerning The Second Amendment To Government Regulation No. 60 Of 2014 Concerning Village Funds Sourced From The State Revenue And Expenditure Budget.
- Kusnan Kusnan, "Open Government At The Village Level: Policy Studies On Public Information Openness In Pejambon Village, Bojonegoro," *Governance Dynamics: Journal Of State Administration Science* 11, No. 1 2021.
- Law No. 6 Of 2014 Concerning Villages.
- Manihuruk.Tri Novita And Keywords, "Problematika Penegakan Hukum Tindak Pidana Korupsi Dana Desa Di Provinsi Riau," *Jurnal Wawasan Yuridika* 5, No. 2, 2021. [Http://Ejournal.Sthb.Ac.Id/Index.Php/Jwy](http://Ejournal.Sthb.Ac.Id/Index.Php/Jwy).
- Marzuki. Peter Mahmud, "*Penelitian Hukum*", *Jakarta Timur: Prenadamedia Group*, 2019
- Nawawi. Ismail, *Pembangunan Dan Problem Masyarakat (Kajian, Konsep, Model, Teori Dari Aspek Ekonomi Dan Sosiologi)*, (Surabaya:Cv Putra Media Nusantara, 2009.
- Nurcholis, Hanif. *Pertumbuhan & Penyelenggaraan Pemerintahan Desa*. Jakarta: Erlangga 2011.
- Patmasari. Catur Dewi And Suharno, "Implementasi Keterbukaan Informasi Publik Pada Pemerintah Desa Di Kabupaten Sleman," *Jurnal Pendidikan Kewaraganegaraan Dan Hukum* 8 2019.

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663

DOI: 10.30596/nomoi.v%vi%i.14941

- Polidu. Irwan Et Al., "Peran Inspektorat Dalam Sistem Pengawasan Dan Pengendalian Pengelolaan Dana Desa: Studi Inspektorat Kabupaten Gorontalo Utara," *Jurnal Akuntansi & Keuangan* 20, No. 2. 2020, Www.Journal.Uta45jakarta.Ac.Id.
- Ridwan Hr, "Hukum Administrasi Negara Edisi Revisi", Cet.12, Pt Rajagrafindo Persada, Jakarta, 2016.
- Rudiarta. I Ketut Gede, I Wayan Arthanaya, And Luh Putu Suryani, "Management Of Village Fund Allocations In Village Government," *Journal Of Legal Analogy* 2, No. 1. 2020.
- Soejito. Irawan, *Pengawasan Terhadap Peraturan Peraturan Daerah Dan Keputusan Kepala Daerah*, Jakarta: Bina Akshara, 2008.
- Sumarno And M Si, Peran Badan Permusyawaratan Desa Dalam Pemerintahan , Pembangunan Dan Pengawasan Keuangan Desa" 2, No. 1. 2022.
- The 1945 Constitution Of The Republic Of Indonesia.
- Widjaja, Haw. (2005). *Penyelenggaraan Otonomi Di Indonesia*. Jakarta: Pt Raja Grafindo Persada.
- Yarni, Kosariza, And Irwandi, "Pengawasan Dana Desa Dalam Sistem Ketatanegaraan Indonesia."
- Yarni. Meri, Kosariza Kosariza, And Irwandi Irwandi, "Pengawasan Dana Desa Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Sains Sosio Humaniora* 3, No. 2. 2019.