

**OPTIMIZATION OF THE ROLE OF THE VILLAGE
CONSULTATIONAL BODY IN THE VILLAGE
GOVERNMENT SYSTEM REVIEWED FROM THE
PRINCIPLE OF CHECK AND BALANCE**

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ABSTRACT

The implementation of village government is not only absolutely carried out by the village head, but there is a role for the Village Consultative Body in running the village government system. The Village Consultative Body, which is the representative of the village community, has the authority granted directly by Law No. 6 of 2014 concerning Villages. Furthermore, the village consultative body is also commonly known as the legislature within the scope of village government. So that on this basis, in running government in the village, the principle of checks and balances should be implemented. so that BPD can play a preventive role in potential abuse of power at the village level. This research also uses normative legal research and a statutory approach. So this research aims to find out the extent to which the law regulates village consultative bodies and also the application of the principle of check and balance in the administration of village government. In fact, the existence of the Village Consultative Body is recognized as stated in Law No. 6 of 2014 concerning Villages. So BPD is a constitutional institution in the constitutional system in Indonesia. Furthermore, the implementation of checks and balances in the village government environment should be able to occur. Considering the role and function of the village Consultative Body which includes a controlling function for the administration of government at the village level.

Keywords: Optimization; BPD; Check and Balance.

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INTRODUCTION

The concept of regional autonomy implemented in the constitutional system in Indonesia has given rise to government at the regional level. In general, regional autonomy has made a contribution and provided a forum for the community to contribute to development. The existence of regional autonomy means that local residents are not only used as targets for development, but residents are also involved as actors in development or in other words, executors. Through direct contributions from the community, it is hoped that this development will accelerate. Apart from accelerating development, it is also hoped that it can improve the quality of people's lives.¹

The Constitution in Chapter VI which specifically discusses regional government has provided constitutional guarantees for every government carried out in each region. Furthermore, this also provides guarantees for the existence of village government as part of government administration at the lower level. As seen in Article 18 B paragraph 2 of the 1945 Constitution which states *"the state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in law giving recognition to unity"*. From the recognition and respect given by the Constitution as the constitution of the Republic of Indonesia, village government's legal existence is constitutional and justified by the Constitution.

In Article 1 paragraph 1 of Law No. 6 of 2014 concerning Villages, what is meant by Village is *"villages and traditional villages or referred to by other names, hereinafter referred to as Villages, are legal community units that have territorial boundaries that have the authority to regulate and managing government affairs, local community interests based on community initiatives, origin rights, and/or traditional rights recognized and respected in the government system of the Unitary State of the Republic of Indonesia ."* So it can be seen that the village is given the right to organize and manage the government in the village area itself. This means that the village is given the authority to carry out government within the village community.

The administration of village government is carried out by the village government. This is in accordance with the provisions of Article 23 of Law No. 6 of 2014 concerning Villages. The implementation of village government will be carried out by a village head who is assisted by village officials. As a balance and

¹ Ahadi Fajrin Prasetya, "Peran Badan Permusyawaratan Desa dalam Mewujudkan Pembentukan Peraturan Desa yang Partisipatif di Kabupaten Lampung Timur", *Fiat Justisia*, No.3 (2016) p. 415

to prevent arbitrariness by the village head in running the government, it is necessary to have a body that represents the community to control the performance of the Village Head as known as the Village Consultative Body (BPD). BPD is an institution that embodies democracy in the administration of Village Government. In other words, the BPD can be called the "Village Parliament" in accordance with the duties and functions of the BPD itself. BPD is a new village institution in the era of regional autonomy in Indonesia, formed based on state law.²

Democracy is something that is universal, because in general modern countries classify themselves as countries that uphold democracy, even though the implementation mechanisms, both regarding political infrastructure and political suprastructure, are different from each other, this is more due to differences in outlook on life. from each country. Modern constitutional states always have a nationalist or nationalist background and tend to be democratic.³

The Village Consultative Body in its position as a village institution that carries out Village Government functions, BPD has strategic roles and functions and tasks in the context of implementing Village Government. BPD members as executors of the role of BPD institutions certainly need knowledge and ability to carry out their functions and duties in accordance with statutory regulations. The formation of the BPD aims to encourage the creation of a harmonious and non-confrontational partnership between the village head as head of the village government and the BPD as representatives of the village people, which is demonstrated by legislative institutions at the district/city, provincial and central levels.⁴

The strategic function of the Village Consultative Body (BPD) as stated in Article 55 of Law No. 6 of 2014 concerning Villages is of course expected to be a representative of the village community so that they can participate in village development. So in essence, the existence of the Village Consultative Body is expected to provide *checks and balances* in the administration of village government. The principle of check and balance is a constitutional principle that requires legislative, executive and judicial powers to be equal and mutually control each other. State power can be regulated, limited and controlled as well as possible, so that abuse of power by state administrators or individuals who currently occupy

² I Gede Adi Putra and Deli Bunga Saravistha, "Pengaturan Wewenang, Tugas Dan Fungsi Badan Permusyawaratan Desa Di Desa Marga Dauh Puri," *Parta: Jurnal Pengabdian Kepada Masyarakat* 3, no. 2 (2022) p. 77–88.

³ Eka N.A.M Sihombing, Pemberlakuan "Parliamentary Threshold" dan Kaitannya dengan Hak Asasi Manusia, *Jurnal Konstitusi*, Vol. 1, No. 1, Juni (2009), p. 26-27.

⁴ Ifrani, "Pengelolaan , Tugas Dan Fungsi Badan Permusyawaratan Desa (BPD)," *JALUJUR: Jurnal Pengabdian Masyarakat* 1, no. 1 (2022).

positions in state institutions can be prevented and dealt with.⁵ So that balance in village government can be maintained and there will be no abuse of authority.

Based on the background above, it will be further explained to what extent the role of the Village Consultative Body is in village government to create checks and balances to prevent irregularities in running government in the village.

METHOD

The research that will be used is normative legal research. The meaning is the activity of identifying legal problems, analyzing legal problems, carrying out legal reasoning, analyzing the problems faced and 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 vague meaning in the norm, there is a conflict in the norm or there is a legal vacuum.⁶

The approach method used in this research is the statutory approach. This statutory approach is an approach taken by examining all laws and regulations related to the legal issue being handled.⁷

DISCUSSION

The existence of a Village Consultative Body based on statutory regulations.

Political developments in Indonesia continue to develop from the old order until now. Political policies and the old order government emphasized a centralized attitude, where all affairs were handed over completely to the center. Of course, there is no regional autonomy , either at the village level to the provincial level. Each region is completely controlled by the government, at the village level for example, government policies through village officials are the policies of their superiors from sub-district heads, regents, governors, down to the center, so that village officials have not maximized the condition of the villages they lead.⁸

Efforts to maximize development at the village level continue to be made. By giving authority to village governments to regulate and manage their own households, this is a very positive breakthrough to accelerate development in every region in Indonesia. The Village Consultative Body also has a significant role in village development. Of course, BPD is not a new institution in the village

⁵ Sunarto Sunarto, "Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia," *Masalah-Masalah Hukum* 45, no. 2 (2016) p, 157.

⁶ Peter Mahmud Marzuki, "*Penelitian Hukum*" (Jakarta Timur: Prenadamedia Group, 2019), p. 60

⁷Ibid

⁸ Susanti & Setiaji, "Penguatan Peran Badan Permusyawaratan Desa (BPD) Dalam Mendukung Sinergitas Penyelenggaraan Pemerintahan Desa Di Kabupaten Semarang Tahun 2018.," *INTEGRALISTIK, JOURNAL UNNES* 29, no. 2 (2018).

government system. In the last 15 years, the tasks, functions and positions of BPD have continued to change. This change was made to move towards a better BPD. These changes to the BPD are also inseparable from changes to regulations governing village affairs. This change in the duties and functions of the BPD influences the ups and downs of village democracy. Villages as small republics rely on every citizen having the right to be involved in governance and development. Therefore, the BPD institution has become a representative democratic institution at the village level. The term BPD itself was introduced by the 1999 Regional Government Law as a village legislative institution and this is regulated in article 104 of the 1999 Regional Government Law. The role of BPD as a strong legislative institution at the village level was then re-regulated by the 2004 Regional Government Law. BPD shifted to become an element of village government with consequences has authority and participates in organizing and administering the village.⁹

Villages and the Village Consultative Body (BPD) are obliged to carry out their duties with a full sense of responsibility because their position as government is a mandate from the people, so that the aspirations of the community they lead can be carried out well through real programs that can be used for the benefit of the community. Currently, efforts to build and develop the lives of village communities are increasingly important. This is because the majority of the population lives in rural areas, now community participation in development activities is also highly expected, as stated in Law Number 9 of 2015 concerning regional government.¹⁰ Regional autonomy really requires qualified human resources, because they are the ones who will ultimately determine whether or not a region will move forward in explaining development and government activities in general.

Article 78 paragraphs 1 and 2 of the Village Law states that village development aims to improve the welfare of village communities and the quality of human life as well as overcoming poverty through fulfilling basic needs, developing village facilities and infrastructure, developing local economic potential, and using natural resources and the environment in a sustainable manner. . Village development includes planning, implementation and supervision stages. Furthermore, paragraph 2 prioritizes togetherness, kinship and mutual cooperation in order to realize the mainstreaming of peace and social justice. Therefore, it can be seen that development planning, especially village development planning, really requires a comprehensive approach. Village development planning is development planning carried out by the community itself, from and for the community itself,

⁹ Darmini Roza and Laurensius Arliman S, "Peran Badan Permusyawaratan Desa Di Dalam Pembangunan Desa Dan Pengawasan Keuangan Desa," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 3 (2018), p. 606–624.

¹⁰ Bachsan Mustafa, *Sketsa Dari Tata Hukum Indonesia* (Bandung: CV Amriko, 1982).

with direction, guidance, assistance, and guidance and supervision carried out by the government.¹¹

Looking at its position, the position of the BPD has changed, if previously the BPD was an element of the Village Government Organizer, now it is an institution that carries out Village Government functions, from a legal function it has changed to a political function. Judging from their positions, the Village Head as the Village government and the BPD have the same position, namely that they are both equal village institutions, not dividing or separating the positions of the two in a hierarchy. This means that both of them have the same position, but with different functions. The function of the BPD based on Law Number 6 of 2014 is explained in Article 55, namely, the Village Consultative Body has the function:¹²

1. *Discuss and agree on the Draft Village Regulations with the Village Head;*
2. *Accommodate and channel the aspirations of the Village community;*
3. *Supervise the Village Head's performance.*

So it can be seen that the role of the Village Consultative Body in carrying out its functions as part of the village government is expected to be able to become a form of representation of the village community in terms of participating in development at the village level.

Furthermore, one of the institutions that is an embodiment of democracy in the administration of village government is the Village Consultative Body (BPD), which can also be called the village Parliamentary Body. BPD members are representatives of the residents of the village concerned based on regional representation determined by deliberation and consensus.¹³

- a. The duties and authorities of the Village Consultative Body (BPD) according to Minister of Home Affairs Regulation number 110 of 2016, Article 32. As follows:
 1. *Exploring community aspirations*
 2. *Accommodating community aspirations*
 3. *Managing community aspirations*
 4. *Channeling community aspirations*
 5. *Organizing BPD deliberations*
 6. *Organizing village meetings*
 7. *Organizing special village meetings for interim village elections.*

¹¹ Roza and S, "Peran Badan Permusyawaratan Desa Di Dalam Pembangunan Desa Dan Pengawasan Keuangan Desa."

¹² Khaeril Anwar, "Hubungan Kerja Antara Kepala Desa Dengan Badan Permusyawaratan Desa (Bpd) Menurut Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Jurnal IUS, Kajian Hukum dan Keadilan* III, no. 8 (2015),p. 207-222.

¹³ M SRI ASTUTI AGUSTINA, "Pertanggungjawaban Kepala Desa Dan Peran Badan Permusyawaratan Desa," *Jurnal Fakultas Hukum Universitas Tulungagung* 6, no. 2 (2020): 36-57.

8. *Discuss and agree on draft village regulations with the village head*
9. *Carry out supervision of the performance of the village head.*
10. *Evaluate information reports on village government administration.*
11. *Creating harmonious working relationships with the village government and other village institutions and carrying out other tasks as regulated in the provisions of statutory regulations*

Membership in the Village Consultative Body can be seen in Article 56 of Law No. 6 of 2014 concerning Villages which reads:

1. *Members of the Village Consultative Body are representatives of the Village population based on regional representation whose filling is carried out democratically.*
2. *The term of membership of the Village Consultative Body is 6 (six) years starting from the date of taking the oath/promise.*
3. *Members of the Village Consultative Body as intended in paragraph (1) can be elected for a maximum membership period of 3 (three) times consecutively or not consecutively.*

So, reflecting on the function or role of the Village Consultative Body which is very important in carrying out government functions in the village, it is very necessary to have qualified human resources to carry out its duties and functions. The requirements for prospective members of the Village Consultative Body are:

- a. *have faith in God Almighty;*
- b. *uphold and practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia, and defend and maintain the integrity of the Unitary State of the Republic of Indonesia and Bhinneka Tunggal Ika;*
- c. *at least 20 (twenty) years old or already/ever married;*
- d. *minimum education completed junior high school or equivalent;*
- e. *not as an instrument of the Village Government;*
- f. *willing to be nominated as a member of the Village Consultative Body;*
And
- g. *democratically elected representatives of the Village residents.*

Considering that the role of the Village Consultative Body is very important, the members of the Village Consultative Body have obligations to carry out their duties. In Article 64 of Law no. 6 of 2014 states that: Members of the Village Consultative Body are prohibited from:

1. *harms the public interest, disturbs a group of Village residents, and discriminates against residents or groups of Village communities;*

2. *commit corruption, collusion and nepotism, receive money, goods and/or services from other parties that can influence decisions or actions to be taken;*
3. *abuse of authority;*
4. *violating the oath/promise of office;*
5. *holding concurrent positions, as village head and village official*
6. *concurrently serves as a member of the People's Representative Council of the Republic of Indonesia, Regional Representative Council of the Republic of Indonesia, Provincial Regional People's Representative Council or Regency/City Regional People's Representative Council, and other positions specified in statutory regulations;*
7. *as Village project implementer;*
8. *become a political party administrator; and/or*
9. *become a member and/or administrator of a prohibited organization.*

So a common thread can be drawn that the function of the village consultative body in carrying out government functions in the village is quite serious and has a broad impact on the village community if the authority of the Village Consultative Body does not operate as it should.

It also needs to be understood that judicial recognition of the BPD's authority over village development will not mean much if it is not supported by the provision of funding sources and conceptual and sustainable empowerment efforts. Because basically financing will follow the functions carried out (*money follows function*). Meanwhile, community and village government empowerment efforts need to be carried out on a case by case basis based on the characteristics of each village. Efforts to empower villages uniformly and simultaneously will only produce false changes. This means that various changes occur only when there are empowerment efforts from parties outside the village and supra-village, and will return to old patterns when external forces stop pushing them.¹⁴ So, to carry out its functions, accommodation is needed as a supporting facility so that the Village Consultative Body can run in accordance with the provisions of the laws and regulations.

Optimizing the Role of the Village Consultative Body in View of the Principles of Check and Balance in the Implementation of Village Government

Distribution of power is an important thing in building a constitutional system. Governments with concentrated power have a greater tendency to commit irregularities.¹⁵ So the distribution of power becomes a preventive measure in

¹⁴ Sadu Wasistiono, *Kapita Selekta Manajemen Pemerintah Daerah* (Bandung: Alqaprint, 2001).

¹⁵ Ibnu Sina Chandranegara, "Penuangan Checks and Balances Kedalam Konstitusi Dalam Konstitusi," *Konstitusi* 13, no. 3 (n.d.).

overcoming the problem of deviation. Power must be shared so that the tendency for deviation to occur is reduced. In order to divide state power in this case, a checks and balance method was established.

The principle of checks and balances is a constitutional principle that requires legislative, executive and judicial powers to have the same position.¹⁶ The checks and balances mechanism is something that is very necessary in democracy. This is to avoid concentration of power, prevent abuse of power by either a person or an agency.¹⁷ This principle actually aims to create a balance of power between parts of government so that they can check and supervise and even complement each other.¹⁸

Etymologically, check and balance has two syllables, namely check and balance. The first component means the right to inspect or supervise, while the second component *balance* refers to a tool for seeking balance. Check and balance is defined as the principle of balancing and supervising one branch of power over another.¹⁹

This principle was originally a principle applied in the United States constitutional system, where the constitutional system in question combines the principle of separation of powers and the principle of checks and balances. State power is divided into legislative, executive and judicial powers, each of which is held by different institutions without any cooperation with each other, whereas with checks and balances, between one institution and another there is a balance of power and a mutual control mechanism. The principle of checks and balances cannot be separated from the issue of distribution of powers. As written by Robert Weissberg, “*A principle related to separation of powers is the doctrine of checks and balances. While separation of powers divides governmental power among different officials, checks and balances give each official some power over the others.*”²⁰

This principle of checks and balances can be realized through the following methods.²¹

¹⁶ Jimly Asshiddiqie, *Konstitusi Dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2010).

¹⁷ Afan Gaffar, *Politik Indonesia: Transisi Menuju Demokrasi* (Yogyakarta: Pustaka Pelajar, 2006).

¹⁸ Jimly Asshiddiqie, *Loc. City*.

¹⁹ Prihma Sinta Utami Ismail, Sulton, “Implementasi Prinsip Check And Balance Antara Badan Permusyawaratan Desa Dengan Pemerintah Desa Dalam Penyusunan Peraturan Desa (Studi Kasus Desa Tegalombo, Kecamatan Tegalombo, Kabupaten Pacitan,” *Jurmas: Jurnal Mahasiswa Universitas Muhammadiyah Ponorogo* 2, no. 1 (2018), p. 58–72.

²⁰ Sunarto, “Prinsip Checks and Balances Dalam Sistem Ketatanegaraan Indonesia.”

²¹ Munir Fuadi, *Teori Negara Hukum Modern* (Bandung: Refika Aditama, 2009).

- a. Granting authority to take action to more than one institution. For example, the authority to make laws is given to the government and parliament;
- b. Granting authority to appoint certain officials to more than one institution, for example the executive and legislative;
- c. Legal efforts *to impeach* one institution against another institution;
- d. Direct supervision of one institution over other state institutions, such as the executive being supervised by the legislature;
- e. Granting authority to the court as an institution to decide cases of authority disputes between the executive and legislative institutions.

At the village level government, there is also a principle of checks and balances where village legislative institutions are also given the authority to supervise and accept accountability for the implementation of village development by the village executive. In Article 55 of Law Number 6 of 2014, it is stated that the function of the Village Consultative Body is to discuss and agree on Draft Village Regulations with the Village Head, accommodate and channel the aspirations of the Village community, and supervise the performance of the Village Head. The Village Consultative Body as the village legislative body is tasked with supervising the performance of the Village government. BPD is also given the right to ask for information regarding the implementation of Village Development and express opinions regarding the implementation of Village Government. The requirement to submit reports on the implementation of Village Government to the Village Head is an effort to maximize the performance of the Village Government, so that the Village Government runs well and smoothly. As for the Village Consultative Body, the report is used to carry out the function of monitoring the performance of the Village Head.²²

Rahyuni Rauf and Sri Maulidiah define the People's Consultative Body as a village institution consisting of members from the village community to carry out democratic processes at the village level, whose existence is recognized in the Regional Government Law. The Village Consultative Body as a representative body is filled with village community leaders whose function is to protect customs, make village regulations, accommodate and channel community aspirations, and supervise the administration of village government.²³

²² Riza Multazam Luthfy, "Pengawasan Pemerintah Desa Dalam Mekanisme Checks And Balances Pemerintahan Desa (Telaah Kritis Berdasarkan UU No 22/1999 Tentang Pemerintahan Daerah, UU No 32/2004 Tentang Pemerintahan Daerah, Dan UU No 6/2014 Tentang Desa)," *Attanwir* 5, no. 2 (2015).

²³ Rahyuni Rauf dan Sri Maulidiah, *Badan Permusyawaratan Desa* (Pakanbaru: Zanafa, 2016).

Sutoro Eko classifies the relationship between the BPD and the Village Head into four patterns:²⁴

- a. Dominative: where the Village Head dominates in determining village policy and the BPD is weak, the Village Head ignores the existence of the BPD, this can also be caused by the BPD being passive or not understanding its function and role. The BPD's supervisory function on the performance of the village head is not carried out by the BPD. The weakness of people's power and village democracy results in village policies benefiting the Village Head group.
- b. Collusive: the relationship between the Village Head and the BPD looks harmonious but not in a positive sense. Where the Village Head and BPD collude together, thereby increasing the possibility of corruption. BPD as a tool for legitimizing village policy decisions. The implication is that village policy decisions do not side with the residents or are detrimental to the residents, because there are budget items/decisions that are not approved by the community members. Village meetings do not run democratically and are considered like socialization by only providing information on physical development programs. Community members are not involved enough and if there is a complaint from the community there will be no response from the BPD or village government. So that community members act passively and let village policies not side with village residents.
- c. Conflictual: this occurs when the BPD is considered an enemy of the village head, conflicts often occur between the BPD and the village head, especially if the existence of the BPD does not come from a group supporting the Village Head. Village meetings are held by the village government and the BPD is not involved in internal village government deliberations. Village deliberations do not open up space for dialogue to produce democratic decisions, thus giving rise to conflict.
- d. Partnership: between the BPD and the Village Head build a partnership relationship. "If it's right, it's supported, if it's wrong it's reminded," this is the principle of partnership and at the same time checks and balances. There is mutual understanding and respect for community aspirations to carry out checks and balances. Conditions like this will create village policies that are democratic and pro-village.

So from the explanation above, the role of the Village Consultative Body should be more active in carrying out its functions. Not only that, the Village Consultative Body, which represents the village community, must be able to create

²⁴ Sutoro Eko, *Desa Membangun Indonesia* (Yogyakarta: Forum Pengembangan Pembaharuan Desa (FPPD), 2014).

balance in the administration of village government. So that there is no deviation and/or abuse of authority within the scope of village government. However, with the quite important function that the Village Consultative Body has, it is very unfortunate that there are still many imperfections in carrying out its duties and functions as the Village Consultative Body. There are many things that hinder the sub-optimal performance of the Village Consultative Body.

Factors inhibiting the non-optimal performance of the Village Consultative Body can be seen from research conducted by Sri Nurhayati, Agus Riwanto and Isharyanto (2018) explaining that one of the obstacles to the duties of the BPD is that the village institutions that have the authority to implement and form Village Regulations, namely the Village Head and BPD have not been able to formulate a Draft Village Regulation (Raperdes) that is acceptable in terms of legal drafting techniques . In fact, most do not know exactly what Village Regulations are and their forms.²⁵

Meanwhile, in research conducted by Al Mukri, Alfiandra, Sri Artati Waluyati, there are several factors that hinder the performance of BPD, namely human resource factors from BPD who do not master the ability to formulate village regulations, innovation factors which include the absence of new ways from BPD in exploring aspirations. community activities that are carried out creatively and are attractive to the community. The third factor is the organizational adaptation factor which includes the lack of socialization of BPD administrators to the community at each stage of drafting village regulations.²⁶

The social condition of the community still does not believe in the existence of the BPD, the community still feels that the BPD has not really carried out its duties in accordance with the expectations of the community and the resources of BPD members are still relatively low, the limited amount of budget from the government, Human Resources (HR) equipment Labuang village, Namrole District, South Buru Regency is still low and some village officials and BPD members do not actively socialize village regulations. This research also found that the village office was not functioning properly, there was no work space for the BPD and there was a lack of human resources.²⁷

²⁵ Agus Riwanto dan Isharyanto Sri Nurhayati, "Faktor Pendukung Dan Penghambat Peran Badan Permusyawaratan Desa Tawengan Dalam Proses Penetapan Peraturan Desa," *Jurnal Hukum dan Pembangunan Ekonomi* 6, no. 2 (2018).

²⁶ Sri Artati Waluyati Al Mukri, Alfiandra, "Faktor-Faktor Penyebab Belum Efektifnya Peran Badan Permusyawaratan Desa Dalam Penyusunan Peraturan Desa (Studi Kasus Di Desa Seri Kembang Ii Kecamatan Payaraman Kabupaten Ogan Ilir)," *Jurnal Bhineka Tunggal Ika* 5, no. 1 (2018).

²⁷ Sofian Malik, "Peran Badan Permusyawaratan Desa Dalam" 5, no. 03 (2020),p.325–343.

In essence, the presence of the Village Consultative Body should be able to balance and control the performance of the village government. By being given the authority of the Village Consultative Body to be involved in the village administration process, there should be no irregularities occurring in the village government area. So that the principle of check and balance can occur in the implementation of village government. As the Indonesian state has implemented the concept of division of power as a form of effort to create checks and balances in the state administration process.

CONCLUSION

The existence of the position of the Village Consultative Body can be seen in the provisions of Law No. 6 of 2014 concerning Villages, which in Article 55 of the Village Consultative Body has the function of *discussing and agreeing on Draft Village Regulations with the Village Head; Accommodate and channel the aspirations of the Village community; Supervise the Village Head's performance*. So that the attribution authority given directly by law provides the position that the Village Consultative Body is constitutionally recognized and justified in its existence.

Apart from that, in the implementation of village government, the Village Consultative Body provides a very important position. The Village Consultative Body, which can be said to be the legislature at the village government level, should be able to provide input and supervision of the performance of the village head. So the principle of checks and balances should be applied to the village government administration process. However, it can also be seen that there are many inhibiting factors that prevent the Village Consultative Body from carrying out its functions optimally. One of them is the low budget given to BPD and the low human resources available in the community. So it is not uncommon for many BPD members themselves to still not know about their duties and functions. So these factors also cause the principle of check and balance in the village government to not be achieved properly.

There needs to be attention from governments above, such as at the sub-district level, regents and even the provincial and central governments, to provide regular training and understanding to all elected members of the Village Consultative Body regarding their duties and functions. So, in this way, a balanced government system can be created and there will be no abuse of power within the village government. So that development that is expected to bring prosperity to village communities can be achieved.

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