

IMPLEMENTATION OF THE SUPERVISION FUNCTIONS OF VILLAGES CONSULTANCY AGENCY IN OPTIMIZING VILLAGE DEVELOPMENT ACCORDING TO REGULATION OF THE MINISTER OF HOME AFFAIRS NUMBER 110 OF 2016 (Study at Lumbe, Nambo District, Banggai Regency)

¹Muhammad Rivai, ²Muh. Akbar, ³Muhammad Yusuf Hasmin

^{1,2,3}Pascasarjana Universitas Muhammadiyah Palu

E-mail Corresponding Author: *¹mrivai@gmail.com

ABSTRAK

Implementasi fungsi pengawasan Badan Permusyawaratan Desa Lumbe Kecamatan Nambo Kabupaten Banggai terhadap kinerja kepala desa Lumbe yang dilakukan secara monitoring dan evaluasi dan hasilnya belum sesuai dengan ketentuan Pasal 46 ayat (3) Peraturan Menteri Dalam Negeri Nomor 110 Tahun 2016 Tentang Badan Permusyawaratan Desa. Sehingga belum mendukung penyelenggaraan pemerintahan desa Lumbe untuk mencapai tujuan hukum. Beberapa faktor yang menjadi penghambat, yaitu faktor terbatasnya SDM BPD, rendahnya pembiayaan, budaya masyarakat masih rendah dan masih minimnya sarana dan prasarana kelembagaan BPD. Meskipun demikian terdapat faktor pendukung yaitu, adanya koordinasi yang harmonis PBD dengan Kepala Desa dan kuatnya dukungan masyarakat terhadap pelaksanaan fungsi pengawasan yang dilakukan oleh BPD Lumbe. Direkomendasikan agar kepada Kementerian dalam negeri menerbitkan pedoman monitoring dan evaluasi kinerja kepala desa, memperkuat dukungan kepada BPD dan meningkatkan anggaran BPD termasuk menambah ketersediaan sarana dan prasarana bagi BPD Lumbe fungsi-fungsi pengawasan terlaksana secara efektif dalam mendukung penyelenggaraan pemerintahan desa secara berkelanjutan.

Kata Kunci: Pengawasan, Badan Permusyawaratan Desa, Implementasi

ABSTRACT

Implementation of the supervisory function of the Lumbe Village Consultative Body, Nambo District, Banggai Regency on the performance of the Lumbe village head which was carried out in a monitoring and evaluation manner and the results were not in accordance with the provisions of Article 46 paragraph (3) of the Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Councils. So that it has not supported the administration of Lumbe village government to achieve legal goals. Several factors become obstacles, namely the limited human resources of BPD, low financing, low community culture and lack of BPD institutional facilities and infrastructure. Even so, there are supporting factors, namely harmonious coordination between the PBD and the village head and strong community support for the implementation of the supervisory function carried out by BPD Lumbe. It is recommended that the Ministry of Home Affairs issue guidelines for monitoring and evaluating the performance of village heads, strengthen support for BPDs and increase BPD budgets including increasing the availability of facilities and infrastructure for BPD Lumbe. Supervision functions are carried out effectively in supporting the implementation of village governance in a sustainable manner.

Keywords: *Supervision, Village Consultative Body, Implementation*

1. INTRODUCTION

The State of Indonesia is a unitary state in the form of a republic as explicitly stated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia), confirming that "Indonesia is a unitary state in the form of a republic". This statement has been in force since the formation and enactment of the 1945 Constitution of the Republic of Indonesia. This provision conveys the message that the Unitary State of the Republic of Indonesia was built within a framework of a unitary state as Christine Ayu Setyaningrum and Fifiana Wisnaeni (tth) view. The form of the State was declared at the time of independence by the founders of the State (founding fathers) as part of one State. This claim is based on the assumption that all the areas included in it are not independent parts of the territory but are a unified whole. Based on this basic idea, the Indonesian state forms regions or areas that are given power or authority by the central government to manage the interests of its people, because it is the state that is the source of its power (Al Chaidar, Salahudin, Zulfikar and Sahrasad, Herdi, 2003: 203)

In its implementation, it uses a decentralized government system that focuses on regency/municipal areas, so that regency/municipal areas; have the flexibility to manage their own regional households with the principle of regional autonomy (Balitbang Kompas Study, 2000). Along with the course of constitutional reform in Indonesia, the Law on Regional Government was revised several times as a consequence of societal development. The last amendment is through Law Number 23 of 2014 concerning Regional Government. In this law, implicitly states that the village is not only an original part of the Indonesian community itself, but as the closest gate in the implementation of regional autonomy as stated in the provisions of Article 1 number 43 of Law Number 23 of the year 2014 concerning Regional Government emphasizes "a village is a village and a customary village or what is called by another name, is a legal community unit that has territorial boundaries that are authorized to regulate government affairs in the interests of the local community according to community initiatives, origin rights, and/or traditional rights recognized and respected in the system of government of the Unitary State of the Republic of Indonesia"

As a form of state recognition of the existence of village government, Law Number 6 of 2014 concerning Villages was issued, which was a product of the reform era which marked the era towards village independence, both in governance and in managing village finances (Sahrul Haidin, 2017:143 -161). Therefore, village government is an integral part of the administration of the Unitary State of the Republic of Indonesia (NKRI). In addition, the village government has a strategic role, as the spearhead in achieving state goals as mandated by the constitution (Ombi Romli and Elly Nurlia, 2017:67). In carrying out its duties, the village government needs an institution that functions as a counterweight so that the village government is not arbitrary in administering village governance. The institution in question is the Village Consultative Body (hereinafter referred to as the BPD), as stipulated in the provisions of Article 1 number 4 of Law Number 6 of 2014 concerning Villages which stipulates that "Village Consultative Body or what is referred to by another name is an institution that carries out government functions that its members are representatives of the village population based on regional representation and are determined democratically "BPD as an element of village government, BPD is also specifically regulated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body, where the function of the BPD is expressly regulated in the provisions of Article 31 Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body which emphasizes that "The BPD has the function of (a) discussing and agreeing on the Draft Village Regulations with the Village Head (b) accommodating and channeling the aspirations of the Village community; and (c) supervise the performance of the Village Head"

Furthermore, several BPD tasks are regulated by the provisions of Article 32 of the Ministerial Regulation, namely (1) exploring community aspirations (2) accommodating community aspirations (3) managing, channeling and carrying out community aspirations (4) forming a village head selection committee (5) holding special village meetings for interim Village Head elections (6) discuss and agree on Village Regulations with the Village Head (7) carry out supervision, evaluate village head performance (8) evaluate village government information reports (8) create harmonious working relationships with Village Government and Village institutions other; and (9) carry out other tasks regulated in the provisions of laws and regulations.

Of the many tasks of the BPD, the target of this research analysis is monitoring the performance of the village head and this task is one of the reasons why the BPD should be formed. Its formation is as a counterweight in the village government as well as an effort to control to reduce the abuse of authority given to the village head. This research in Lumbe Village is one of the villages in the Nambo District area in Banggai Regency, Central Sulawesi Province as a government administration village. The area of the Nambo sub-district is approximately 169.7 km², which is one of the potential sub-districts located in the west of Banggai Regency. This sub-district has 5 (five) villages and 6 (six) sub-districts, where each village and sub-district has abundant natural resource potential. However, in reality the life of the people in Lumber Village, Nambo District at the end of 2021 is not directly proportional to their natural potential. This is because there is still conflict between the community and several village heads in Nambo District, Banggai Regency, Central Sulawesi Province. Especially in the village of Nambo, a group of people consider the current village head to have committed an act that is detrimental to the public interest, making decisions that benefit themselves and the group as well as abusing authority, discriminating against residents.

In addition, the village head is not transparent in managing the Village Fund Allocation (ADD). As a result of the village head's actions, dozens of residents of Lumbe village, Nambo sub-district carried out the sealing of Village Office I (Banggai News.com, 2022). The issue raised by the village community is that there is a deviation from the village head in carrying out village governance which is the duty and function of the BPD to carry out supervision. These tasks and functions are strictly regulated in the provisions of Article 46 paragraphs (1), (2), (3) of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body that the BPD supervises the performance of the Village Head regarding planning, implementation and report on the administration of village governance through monitoring and evaluation activities. To support these tasks and functions, the government of Banggai Regency has enacted Regional Regulation of Banggai Regency Number 5 of 2021 concerning the Village Consultative Body as a technical regulation that strictly regulates the implementation of the duties and functions of the BPD in all areas of Banggai Regency, including in Nambo District, Banggai Regency, Central Sulawesi Province. The main purpose of the regional regulation is to encourage the creation of a harmonious and non-confrontational partnership between the village head and the BPD as representatives of the village community. Therefore, the existence of the BPD as a representative should maximize its duties and functions as a check and balance in overseeing the implementation of village government in Lumbe Village, South Nambo District, Central Sulawesi Province.

2. LITERATURE REVIEW

This section reviews several theoretical foundations that serve as analytical tools and basic arguments for implementing the Oversight Function of the Village Consultative Body in Optimizing Village Development in accordance with Minister of Home Affairs Regulation Number 110 of 2016 from the perspective of Indonesian constitutional law. The intended theories are, first, the rule of law theory. This theory carries the characteristics of a rule of law state which assumes that a rule of law always obeys statutory regulations (*rechtsstaat*). The concept of a rule of law is known as *rechtsstaat*, rule of law, *nomocracy* and social legality (La Ode Husen, 2009:1). This designation is also expressly stipulated in Article 3 paragraph 1 of the 1945 Constitution of the Republic of Indonesia, whose full designation is the *Pancasila* legal state which was proclaimed on August 16, 1945 which Notohamidjojo called a legal state or *rechtsstaat* and this terminology may not add to the term a democratic legal state. This term is incorrect according to Djokosoetono (Philipus M.Hadjon, 2011:30). In addition, Muhammad Yamin uses the word rule of law the same as *rechtsstaat* or government of law which is a place where state officials run a government based on justice for their people (Muhammad Yamin, 2001: 7). Nevertheless, the use of the two terms is motivated by differences in the legal system. The term *rechtsstaat* is used in Continental European legal systems and "rule of law" is used in the Anglo-Saxon legal system (Philipus M.Hadjon, 2011:72). Both of these terms have inherent characteristics as indicators of a rule of law, namely, the principle of legality (legal certainty) and the principle of separation of powers (executive, legislative and judicial). Currently, the two concepts of rule of law are developed by their respective figures, namely, the concept of a rule of law using *rechtsstaat*, developed by Immanuel Kant, Paul Laband, Julius Stahl, Fichte, and others, while the rule of law concept "law" is adhered to and developed by its figures, including A.V. Dicey.

Specifically, the concept of a *rechtsstaat* rule of law state, as per Julius Stahl's view, has its main characteristics, namely (1) Protection of human rights. (2) Distribution of powers (3) Government based on laws and (4) State administrative justice (Mansyur Effendi, 2001:32). Apart from that, there are also experts on distinguishing a material rule of law state

whose essence is a rule of law state that relies on upholding justice (modern) and a state based on formal law whose essence requires written law as a reference in administering government (Utrecht, 1962: 9). Of the many terminologies and expert views, finally 12 concepts of rule of law have been developed as a reference for assessing whether a state is a rule of law or not. In addition to these four, among others, transparency and social control, independent executive organs, equality in law, and free justice (Jimly Asshiddiqie, 2004). Therefore, the concept of *rechtsstaat* for Indonesia is a state based on law that is categorized as a welfare state (*verzorgingsstaat*), namely a country that is materially prosperous and spiritually prosperous.

Second, the Theory of Power Sharing. This theory carries the concept that power is the use of political power (power) to organize government based on limited authority granted by law. The emergence of the theory of division of power because the king at that time had absolute power so that the community could no longer control it. In its development, the theory of separation of powers was developed by figures and adherents, among others, John Locke, Montesquieu and C. Van Vollenhoven. According to John Locke, there are three branches of power, namely, the executive relating to the power of administering government, the power of the legislature to make laws and regulations and the third branch of power, namely the power of war and peace and making associations. Meanwhile, Montesquieu called it the "*trias politica*" namely, executive, legislative and judicial. For C. Van Vollenhoven, the theory of separation of powers is divided into: (1) the function of *regeling* or regulating (2) the function of *bestuur* or administration of government and (3) the function of *rechtspraak* or the function of adjudicating and (4) the function of *politie* or the function of order and security.

Third, the representative theory. This theory carries the idea that in administering government it can no longer be done directly because of the vast territory of the country, so representatives are needed as representatives of the people from each region. In historical records, the king as a "*lex regime*" formed bodies which were representatives of the people who were represented by the "*lord*" and if the king needed it, it was enough to summon "*lords*" as representatives of each region. These bodies in history were called the "*House of Lords*" (*curiaregis*) which were representatives of the people who in their journey opposed the king and were subsequently changed to "*House of Commons*" which was finally called Parliament which is considered the first modern representative institution (Abu Daud Busroh, 2014: 114). Representative is one of the basic principles of democracy which has characteristics as a theory of representation. Gilbert Abcarian put forward four characteristics of a representative, namely: (1) The representative acts as a "*trustee*". In this position, the representative is free to act or make decisions according to his own considerations without consulting the person he represents. (2) The representative acts as a "*messenger*" (*delegate*). In this position, the representative acts as a messenger or ambassador for the person he represents, the representative always follows the instructions and directions of the person he represents in carrying out his duties and (3) the representative acts as a "*politico*". In this position, the representative sometimes acts as a trustee (*trustee*, and sometimes acts as a *delegate*). His actions depend on the issue (*matter*) being discussed (4) The representative acts as a "*partisan*". In this position, the representative acts in accordance with the will or program of the party (*organization*) of the representative. After the representative is elected by the voters (which he represents), then his relationship with the owner is released, and his relationship with the party (*organization*) that nominated him in the election begins (Andi Pangerang Moentha, 2007: 23) Although there is debate on the concept of representation, according to Hanna Pitkin the most important thing is how to build good relations between representatives and representatives so that

representatives not only listen to their constituents but can also carry out their constituents' aspirations.

Fourth, the theory of the legal system. According to Friedman, there are three components of the legal system which are referred to as the Three Elements of Legal System. The three factors that influence law enforcement are the legal structure, legal substance, and legal culture. An illustration of these three components was put forward by Ahmad Ali (2002:97) by explaining the three elements in the legal system, as follows: a) structure is likened to a machine; b) substance is what the machine does and produces; and (c) legal culture is anything or anyone who decides to turn on and turn off the machine, and decides how the machine is used. Friedman explained that the components of the structure (legal structure) are: the structure of a system, its skeletal framework; it is the permanent shape, the institutional body of the system, the tough, rigid bones that keep the process flowing within bounds. Structure is part of the legal system that operates within a mechanism, related to legislatures, courts, investigations, and various bodies that are authorized to implement and enforce the law. Fifth, the theory of legal effectiveness. Bronislaw Malinowski analyzing the effectiveness of law in society can be divided into two, namely modern society and primitive society. In modern society, laws are made and stipulated by authorized officials and enforced by the police, courts and so on, whereas primitive society is a society that has a simple economic system and in a primitive society does not recognize the tools of power. Meanwhile Soerjono Soekanto (2008: 8) states that the effectiveness of law is the extent to which a group can achieve its goals. Law can be said to be effective if there is a positive legal impact, at that time the law reaches its target in guiding or changing human behavior so that it becomes legal behavior. In addition, the effectiveness of the law is determined by the mental attitude of law enforcement officials, both judges, prosecutors, police and legal advisers, but it also lies in the factor of legal socialization which is often ignored (Romli Atmasasmita, 2001: 55).

The issue that strengthened from the results of a literature review related to the effectiveness of development in Lumbe Village, Nambo District, Banggai Regency, namely whether the oversight function was implemented effectively in the administration of village government as a follow-up to the implementation of the Permendagri and Regional Regulations of Banggai Regency in the government area of Lumbe village, Nambo District, Banggai Regency. This issue is very interesting when viewed theoretically from the concept of a rule of law (*rechtsstaat*). Because law is a collection of statutory provisions that regulate the duties and functions of state institutions, in this case the BPD acts as a supervisory institution in the administration of village government which is carried out by the village head. Therefore, this theoretical basis can be part of the problems related to the institutional functionalization of the BPD as a supervisory institution in Lumbe Village, Nambo District, Banggai Regency.

The discussion about the effectiveness of BPD supervision in Lumbe Village, Banggai Regency became an interesting theme because of the empirical facts of community reports of the head of Lumbe Village committing deviations in the administration of village governance which is not in line with the concept of a rule of law, both a material rule of law state and moreover the concept of a formal rule of law state. Apart from that, this issue is also related to the theory of representation, BPD as a supervisory institution which by law is given the task and function of supervising the performance of village heads in administering village governance. This task is also based on the provisions of Article 5 of Law Number 6 of 2014 concerning Village Government which emphasizes that the BPD has three functions, namely (1) discussing and agreeing on the Draft Village Regulations with the Village Head, (2) accommodating and channeling the aspirations of the Village community and (3)

supervise the performance of the Village Head. The duties and functions of the Village Consultative Body include, first, the function of accommodating and conveying community aspirations. The duties and functions of accommodating and conveying community aspirations include exploring community aspirations, accommodating community aspirations, managing community aspirations, channeling community aspirations, holding BPD meetings to hold Village meetings, and holding special Village meetings for the interim Village Head election. Second, the function of designing and forming Village Regulations (Legislation). Third, forming Village Regulations (Legislative), including: discussing and agreeing on draft Village Regulations with the Village administration, and making academic texts of Village Regulations and Fourth, the Oversight function. The duties and functions of supervision include: carrying out supervision of the Village Head's performance, carrying out supervision of the process of development in the Village, evaluating reports on information on the implementation of Village Government and creating harmonious working relationships with the Village administration and other Village institutions. In addition, the supervisory function also includes supervising the implementation of Village Regulations, the Village Income and Expenditure Budget, decisions of the Village Head and the implementation of Village Government. Fifth, the Budgeting Function. The tasks and functions of budgeting include: compiling the Village Revenue and Expenditure Budget (APBDes), with this function the BPD and the Village government compile and determine the APBDes every year. In carrying out supervision, the BPD conducts monitoring and evaluation to control the implementation of village administration, annual village financial management and the realization of the Village Budget and the accountability of the village head. Sixth, the protector of Village Customs that are still alive and developing in the midst of society to continuously strengthen, maintain and preserve them.

3. METHODS

This study uses empirical legal research (law in action), which is a study that aims to see law in a real sense and how law works in society. The data obtained from field studies are basically qualitative data which are analyzed descriptively qualitatively, namely primary and secondary data that are collected and analyzed logically and systematically which are then analyzed to answer legal issues clearly in order to resolve legal issues related to research problems (Soekanto, 1996:10).

4. FINDINGS AND DISCUSSION

4.1 FINDINGS

4.1.1 BPD Supervision Through Monitoring and Evaluation

The research findings in terms of the implementation of the supervisory function carried out by the BPD of Lumbe Village, Nambo District, Banggai Regency are carried out in two ways, namely, first, monitoring. This activity refers to the provisions of Article 46 paragraph (2) of the Minister of Home Affairs Regulation Number 110 of 2016 concerning the Village Consultative Body which emphasizes that the form of BPD supervision of the village head's performance is carried out on a monitoring basis. BPD activities begin with monitoring the planning of village government activities by the village head. The implementation of this activity was obtained from an interview with Mr. Djafar Hi. Kadir (May 2022) as the Head of Nambo District, Banggai Regency, who said that:

"Village development planning is development planning carried out by the community itself, from and for the community itself, with direction, guidance, assistance, and coaching and supervision carried out by the government"

From the results of the interviews it is known that the planning of Lumbe Village development activities is carried out through the village Musrembang to determine and realize the hopes and wishes of the village community. This was also stated by Noldi N. Djumadil (May, 2022) as Chair of BPD Lumbe, Nambo District, Banggai Regency, saying that:

"In terms of implementing the village musrembang, the BPD has a big role, where we, as chairpersons of the BPD, act as chairmen of the session which regulates the village musrembang, while other members of the BPD act as participants. which will be funded in the APBD (2) List of proposals that will be proposed for the sub-district musrembang (3) Determine the delegation to be sent by the Kemusrembangcam which represents the top officials, BPD, LKMD and representatives of the women's element "The purpose of the village Musrembang is (1) Agree priority needs and problems that are very urgent to be realized in the form of programs and activities in the planning year/next year. Second, agree on a team of village delegates who will present issues that are the authority of the regions in the village area at the sub-district musrenbang forum. From these activities resulted in three agreements that would become priorities, namely, first, agreeing on the priorities of activities to be carried out by the village which would be financed from community self-help funds and or from village original income (PAD). Second, agree on the priority of activities to be carried out by the village which will be financed from the Village Fund Allocation (ADD), Village Fund (DD) and third, agree on the priority of regional problems in the village which are under the authority of the regional and central government and will be discussed at the subdistrict musrenbang to be proposed as an activity funded by the district/city and provincial regional government budgets".

Based on the results of these interviews, it is known that the implementation of musrembang involving village government officials and the Lumbe Village BPD in village administration activities is carried out jointly. However, specifically the performance of the village head, the implementation of the results of the musrembang agreement has not been officially reported by the village head, so that the BPD considers that it is not in accordance with the planning as agreed. This is related to the supervisory function of the BPD as an institution that represents the state and the people in Lumbe Village in controlling the implementation of village governance. Second, findings regarding the accountability of the village head. In the Regulation of the Minister of Home Affairs (Permendagri) of the Republic of Indonesia Number 46 of 2016 Concerning Village Head Reports, the accountability report or Report on the Implementation of Village Government at the end of the fiscal year, must contain (a) Introduction (b) a number of work programs and (c) budget execution Village Expenditure Income (d) successes achieved, (e) problems faced and (d) Efforts taken and (g) Closing.

In terms of accountability, the village head is closely related to the supervisory function carried out by BPD Lumbe, but this has not been implemented properly due to inhibiting factors which will be described in the next section. Third, supervision in the form of evaluation. After completing supervision in the form of monitoring, the next step is to carry out an evaluation and from the results of the findings carried out during monitoring. Supervision in the form of an evaluation is carried out by the BPD while still referring to the provisions of Article 48 of the Minister of Home Affairs Regulation Number 110 of 2016 concerning the Village Consultative Body. In monitoring through evaluation, there are several reporting activities that are the target of BPD evacuation, namely (a) information reports on the administration of village governance (b) village head performance reports for

1 year (c) implementation of evaluations based on democratic principles, responsiveness, transparency, accountability and objectivity (d) achievement of the implementation of the Village RPJM, Village RKP and APBDes (e) Achievement of the implementation of assignments from the Government, Provincial Government and Regency/City Government (f) achievement of compliance with the implementation of tasks in accordance with laws and regulations; and (g) BPD performance reports. For this activity, the BPD conducts evaluation and monitoring to assess the performance of the village head for 1 year in running village government. Based on the results of the author's interview with Mrs. Hajar Taher. S.Pd (May, 2022) as secretary of BPD Lumbe, Nambo District, Banggai Regency, who said that:

"We at the BPD supervise the performance of the village head throughout the year. When we find actions that are not in accordance with laws and regulations, of course we will evaluate the performance of the village head so that next year it will not happen again. This evaluation is important to measure the extent to which where the achievement of the activities funded by the APBD is carried out as well as the priority programs agreed in the RPKDes"

Furthermore, based on the results of research in Lumbe Village, in the 2021 fiscal year, the Lumbe BPD found problems related to the non-transparency of the Lumbe village head in terms of Village Fund management (DD). This triggered a conflict between the village government (to the village) and the people of Lumbe Village. This conflict is known based on the results of an interview with Mr. Safrudin Toingdeng (May, 2022) as deputy chairman of BPD Lumbe who said that:

"In the 2021 budget year, our BPD Lumbe found the village government's lack of transparency in managing the Village Fund, where the village government promised to build a sports field but until the end of 2021 the construction of the sports field was not carried out as promised by the village government, due to the people of Lumbe village demanding transparency. the budget stated that the Lumbe village community sealed the village government office temporarily until the village head clarified the matter"

Furthermore, Safrudin Toingdeng (May, 2022) said that:

"We, as the representatives of the Lumbe village community, have actually provided notes and recommendations to the Lumbe village government to pay attention to the findings that we recommend to follow up immediately, but the village government does not heed them. the effectiveness of supervision carried out by the BPD because the village head is not directly responsible to the BPD, only provides a written accountability report, but the village head is directly responsible to the regional head "

The process of assessing the performance of the village head is very important for the BPD to find out the extent to which the village government has effectively made changes in accordance with its duties and functions as the administrator of the village government. It can be said that after evaluating the performance of the village head, it has not met expectations. The purpose of the evaluation is to ensure that the plans or programs that have been set are achieved and the results of the evaluation show that a number of programs have not been implemented according to the previous plan. Good development programs will be maintained and programs that are still lacking will be improved through identifying supporting and inhibiting factors through village Musrembang activities following by establishing corrective steps through new policies in the next activity plan on an ongoing basis.

4.1.2. Supporting and Inhibiting Factors for the Implementation of the Oversight Function of the Lumbe Village Consultative Body

In this sub-chapter, the researcher presents some of the results of research in Lumbe Village, Nambo District, Banggai Regency regarding the supporting and inhibiting factors in the implementation of village governance, particularly the implementation of the supervisory function by the BPD on the village head's performance. The supporting factors are, first, good coordination between the BPD and the village head in administering village governance. This is based on the results of an interview with the chairman of the BPD Lumbe, Nambo District, Banggai Regency, who said that:

"Currently the relationship between the BPD and the Lumbe Village Government is very good, where in every activity or policy that will be decided by the village government they always coordinate with us as the village community representative institution" (Noldi N. Djumadil, May, 2022) .

In addition, Mr. Musdar Dalia (May, 2022) as the Secretary of Lumbe Village, Nambo District, Banggai Regency, stated that:

"Our relationship with all members of the Lumbe BPD is very harmonious, we always synergize in terms of the progress of the Lumbe village government, every activity or policy that will be planned or decided, we always coordinate with all members of the BPD."

In this sub-chapter, the researcher presents some of the results of research in Lumbe Village, Nambo District, Banggai Regency regarding the supporting and inhibiting factors in the implementation of village governance, particularly the implementation of the supervisory function by the BPD on the village head's performance. The supporting factors are, first, good coordination between the BPD and the village head in administering village governance. This is based on the results of an interview with the chairman of the BPD Lumbe, Nambo District, Banggai Regency, who said that:

"Currently the relationship between the BPD and the Lumbe Village Government is very good, where in every activity or policy that will be decided by the village government they always coordinate with us as the village community representative institution" (Noldi N. Djumadil, May, 2022) .

In addition, Mr. Musdar Dalia (May, 2022) as the Secretary of Lumbe Village, Nambo District, Banggai Regency, stated that:

"Our relationship with all members of the Lumbe BPD is very harmonious, we always synergize in terms of the progress of the Lumbe village government, every activity or policy that will be planned or decided, we always coordinate with all members of the BPD."

The results of these interviews indicate that there is community support for the implementation of duties and functions to oversee the performance of the village head and support all the policies he carries out. Furthermore, the results of research on the inhibiting factors for the implementation of the institutional oversight function of the Lumbe Village BPD in the administration of village government are, first, there is no standard monitoring and evaluation model carried out by the BPD. The monitoring model is needed as an instrument to assess the good performance of village heads which should be regulated in laws and regulations. This is based on the results of an interview with Mr. Noldi N. Djumadil (May, 2022) as chairman of BPD Lumbe, Nambo District, Banggai Regency, saying that:

"In carrying out supervision, the Permendagri regulates the form of supervision of the village head's performance by means of monitoring and evaluation, but in carrying out supervision in the form of monitoring and evaluation, it has not been technically regulated how the monitoring and evaluation monitoring model is not explained further in the provisions of the Permendagri. This makes it difficult for us in the field because there are no technical instructions regarding this matter."

Second, the factor of weak human resources (HR) for BPD officials and their allowances. Referring to the legal basis for the authority of BPD Lumbe, it has supported the implementation of the oversight function, but this is not the case. These two factors are obstacles to the implementation of the supervisory function as stated by Mr. Noldi N. Djumadil (May, 2022) as chairman of BPD Lumbe, Nambo District, Banggai Regency, saying that: *"the lack of human resources and the benefits provided to members of the Lumbe BPD are a separate obstacle in the implementation of supervision because BPD members prioritize other jobs because they are considered to be able to provide a decent income rather than having to work as members of the BPD whose salaries and benefits are very low"* Members of the Lumbe BPD averaged -On average, only high school graduates, low salary or allowances received by BPD members, and so on".

Several of these factors caused the BPD institution to not work properly in supervising the administration of government in Lumber Village, Nambo District, Kabupaten Banggai. The illustrations of the supporting factors and inhibiting factors for the implementation of oversight functions by the BPD in the administration of village administration are as shown in Figure 1 below:



Figure 1
 Supporting and Inhibiting Factors of the Implementation of the Lumbe BPD Oversight Function on the Lumbe Village Head's Performance

The results of the study also show that another factor hindering the implementation of the supervisory function of BPD Lumbe is the cultural factor of the community itself. The results of an interview with Mr. Noldi N. Djumadil (May 2022) as chairman of BPD Lumbe, Nambo District, Banggai Regency said that:

"Indeed, we admit that most of our people are not really focused on helping manage or supervise village government, because some people prioritize their work such as

farming and gardening so they don't have time to supervise village government. Besides that, they also think that the task of overseeing government or the performance of the village head has been fully given to all BPD members who are representatives of the Lumbe village community,".

Apart from that, data was obtained that what was also an inhibiting factor was the lack of village facilities and infrastructure as interviewed by Mrs. Hajar Taher (May, 2022) as secretary of BPD Lumbe, Nambo District, Banggai Regency, said that:

"In order to provide maximum oversight of the performance of the Lumbe village head in running the village administration, it is necessary to be supported by adequate advice and infrastructure at the Lumbe BPD secretariat. We are aware that the facilities and infrastructure that we currently have are still very minimal, but that does not mean that the facilities are limited. and the infrastructure that we have is not an excuse for not carrying out maximum monitoring of the village head's performance.

These two factors are the inhibiting factors for the implementation of supervisory functions by the BPD Lumbe and both of them are legal facts hindering the administration of village government in Lumbe Kacamatan Nambo Village, Banggai Regency.

4.2. Discussion

4.2.1. BPD supervision in the form of Monitoring and Evaluation

The legal basis for the implementation of supervision by BPD Lumber as stipulated in Articles 18, 18A and 18B after the Amendment to the 1945 Constitution has become a strong momentum for the implementation of autonomous regional autonomy (streek and locale rechtsgemeenschappen) as the principle of decentralization in the democratization process according to the demands of society. Supervision in the administration of village governance is a portrait of the ongoing process of democratization of government down to the regions. The people participate in administering the government and manage their own households based on the principles of autonomy. The article mandates the existence of a relationship of authority between the central government and provincial, district and city regional governments, or between provinces, districts and cities, which has been regulated in law in relation to public services, utilization of natural resources and other resources. In terms of the implementation of supervision by BPD Lumbe, if it is based on the provisions of Article 18 B of the 1945 Constitution of the Republic of Indonesia, it also respects special regional government units (village) or special characteristics with all their traditional rights that are still attached to them.

The enactment of Law Number 23 of 2014 concerning Regional Government is a manifestation of the spirit of autonomy and this should also extend to the village government. The village in reality is the owner of genuine autonomy, which has been a dynamic element of society in Indonesia for centuries. With the autonomy they have, villages in Indonesia have so much diversity, which consciously or not has become a source of cultural wealth for Indonesia. For this reason, Law Number 6 of 2014 was enacted which specifically regulates villages whose structure has had an influence in perfecting the autonomy that so far has been limited to regional governments. The law is also a milestone for the start of democracy in the local area, while other opinions say the village law is a way to build village independence and economic development for residents. Therefore, the existence of the Act is intended to provide a firmer and clearer relationship between the village government and the central government, and the village government with the regional government. In addition, in village government there is a Village Consultative Body

(BPD) or what is referred to by another name as an institution that carries out governmental functions (supervision) whose members are representatives of villagers based on regional representation which is determined democratically in accordance with the provisions of Article 1 number 4 of the Ministerial Regulation Domestic Affairs Number 110 of 2016 concerning the Village Consultative Body.

In the theory of representation, the BPD is a village community representative institution formed as a checks and balances in the administration of village government. According to Paul Christopher and Anne Maria Camissa, the function of the BPD institution as a representative in a democratic country is: (a) Legislation Function (b) Budget Function and (c) Oversight Function. The three functions of the representative institutions above are almost the same as the functions of the BPD as stipulated in the provisions of Article 31 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body which confirms that "The BPD has the function of (a) discussing and agreeing on the Draft Village Regulations together The Village Head (b) accommodates and distributes the aspirations of the Village community; and (c) supervise the performance of the Village Head". In terms of filling in the membership of the BPD which is a representative of the villagers based on regional representation, it is carried out democratically, the process is through direct election and/or through representative deliberations. Filling in the membership of the Lumbe BPD, Nambu District, Banggai Regency which is based on the Banggai Regency Regional Regulation Number 5 of 2021 concerning the Village Consultative Body. The existence of Regional Regulations, in addition to implementing the provisions of Law Number 6 of 2014 concerning Villages, Regional Regulations were also formed to implement the provisions of the Constitution as well as implementing regulations whose material implements higher legal norms. Based on this, the Banggai Regency Regional Regulation Number 5 of 2021 concerning the Village Consultative Body aims to provide legal certainty for the existence of the Village Consultative Body in carrying out government functions, in this case the supervisory function is carried out with a membership of 5 people. In the provisions of Article 4 paragraph (2), (3) and (4) of the Banggai Regency Regional Regulation Number 5 of 2021 concerning the Village Consultative Body, it is stipulated that the number of BPD members is determined based on the number of villagers. Determination of the number of BPD members as referred to in paragraph (1) letter a, is determined by the evaluation criteria based on village original income as shown in Table 1 below:

Table 1
 Arrangements for the Assessment of the Determination of the Number of BPD Memberships Based on Village Income

Number of People	Assessment Score	Source of Regulations
Up to 3.500	1 (one)	Perda Kab. Banggai No.5 Thn 2021
More than 2.351 s/d 4.900	2 (two)	
More than 4.900	3 (three)	

(Source: processed from secondary data, 2022)

From table 1 above it is regulated that BPD membership is related to the number of village residents and the number of village residents is assigned an assessment score which is the basis for filling in the number of BPD membership. Further provisions also relate to village income as shown in Table 2 below:

Table 2
 Ratio Consideration Determination of the Number of BPD Memberships
 Based on Village Income

Village Income Amount	Assessment Score	Total BPD Membership
Up to Rp.1.500.000.000,-(satu milyar)	1 (one)	5 members
More than Rp.1.500.000.000,- Rp.3.000.000.000	2 (two)	5 members
More than Rp. 3.000.000.000,00	3 (three)	5 members
More than Rp. 3.000.000.000,00	4 (four) - 5 (five)	7 members
More than Rp. 3.000.000.000,00	6 (six) and so on	9 members

(Source: Processed from secondary data, 2022)

Based on Table 1 and Table 2 above, the number of members of the Lumbe BPD is only 5 people, the filling of which is through direct election based on the most votes by each regional representative. The number of BPD membership as stipulated in the table can be a factor constraining the implementation of the supervision it carries out. Therefore, the implementation of supervision carried out by the BPD when linked to the table data determines the ability of the BPD to work as a supervisor. The filling of BPD membership as many as 5 people compared to their duties and functions in the field of supervision can be stated to be disproportionate. This means that the number of BPD members with their many tasks and functions is limited so that the implementation of supervision is not optimal. Therefore, when it is related to the theory of rule of law (*rechstaat*) that in administering state government the support of structures (*apparatus*) regulated in statutory provisions (limited) and as a representation of the power of government (*balancer*) is based on law raises problems because there are restrictions or criteria assessment to become a member of the BPD. In fact, for supervisory activities with so many tasks and functions it will not be sufficient so that the goal of the rule of law in administering village governance will not be achieved, because the orders of laws and regulations are not by people over the rule of law (state the not governed by men, but by laws). Therefore, in a rule of law state, all actions taken by government officials, including village government officials (BPD together with the village head) must be based on applicable laws and regulations (*wetmatigheid*).

The results of data analysis and its correlation with the theoretical basis show that the administration of government in Lumbe Village, Nambo District, Banggai Regency has not met expectations (*das Sollen*) according to the law as the concept of a true legal state (material and formal). In this regard, achieving the goals of a rule of law state is also meant to carry out the constitutional mandate as meant in Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia and every implementation of state government remains consistent with the concept of a rule of law state so that it is always in line with the principles of good governance or *elgemene bevelingen behorlijk van bestuuren* or AUPB. The contents of the principles are the parameters for good governance in Indonesia and have been a reference for the state administrative court in assessing whether there is abuse of authority by state administrators. In addition, as part of the implementation and consistency of the rule of law concept (*rechstaats*) in Indonesia, this includes the implementation of village government in Lumbe Village, Nambo District, Banggai Regency. For this reason, the implementation of the supervisory function by BPD Lumber should be in accordance with statutory provisions which require that in the implementation of village government always refer to the concept of a rule of law so that there is no distance between necessity (*das*

Solleh) and reality (das Sain). From the results of this study it shows factually that the supervisory function by the BPD to oversee the performance of the village head in administering village government has not been effective and in line with the goals of the rule of law to achieve community development goals in Lumbe, Nambo District, Banggai Regency.

4.2.1. Supporting and Inhibiting Factors for the Implementation of the Supervisory Function of BPD Lumbe

The 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) post-amendment has regulated in outline the concept of regional autonomy in Indonesia, namely in Chapter VI concerning Regional Government, in particular the provisions of Articles 18, 18A and 18B. Article 18 of the 1945 Constitution of the Republic of Indonesia provides instructions regarding the will to hold regional autonomy and autonomous regions, in which regions are autonomous (streek and locale *rechtgemeenschappen*) based on the principle of decentralization. Regional autonomy is a means of realizing the process of democratizing government down to the regions. Here the people participate in the administration of government and manage their own households based on regional autonomy built in decentralized government. Autonomous regions are built through a set of legal substances (rules), which have autonomous authority.

The provisions of Article 18A of the 1945 Constitution of the Republic of Indonesia regulates the relationship between the authority of the central government and the regional governments of provinces, regencies and cities, or between provinces, regencies and cities, regulated by law taking into account regional specificities and diversity. In addition, financial relations, public services, utilization of natural resources and other resources between the central government and regional governments are regulated and carried out in a fair and harmonious manner based on laws. Likewise in Article 18 B of the 1945 Constitution of the Republic of Indonesia, it is stated that the state recognizes and respects regional government units that are special or special in nature which are regulated by law. The state also recognizes and respects customary law community units 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.

In accordance with the mandate of Article 18 of the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 concerning Regional Government was enacted which is a manifestation of the spirit of regional autonomy and should also extend to the village government. The village in reality is the owner of genuine autonomy, which has been a dynamic element of society in Indonesia for centuries. With the autonomy they have, villages in Indonesia have so much diversity, which consciously or not has become a source of cultural wealth for Indonesia. Therefore, the government structure in Indonesia, the village or other designations (country, clan, village, and so on) as an adat community or as the lowest administrative unit has proven itself to have an important role, both during the struggle and after independence. The special rules governing villages are so important, village recognition by the State and the delegation of authority to the Village Government to carry out its own government or what is called village autonomy. For this reason, Law Number 6 of 2014 was born which specifically regulates villages. Law Number 6 of 2014 concerning Villages has had a major impact on perfecting the autonomy which so far has only been limited to regional governments. Law Number 6 of 2014 concerning Villages can

be said to be a milestone in the start of local area democracy, while other opinions say the village law is a way to build village independence and economic development for residents.

Furthermore, the existence of Law Number 6 of 2014 concerning Villages provides a firmer and clearer relationship between the village government and the central government, and villages and regional governments. The village government is the Village Head or what is referred to by another name assisted by village officials as an element of Village Administration. There is also a Village Consultative Body (BPD) or what is referred to by another name, which is an institution that carries out government functions whose members are representatives of villagers based on regional representation that is democratically determined (vide Article 1 point 4 of the Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Body). In the theory of representation, the BPD is nothing but a village community representative institution formed to be a checks and balances in the administration of village government. According to Paul Christopher and Anne Maria Camissa, the functions of representative institutions in a democratic country are: (a) Legislative Functions (b) Budgetary Functions and (c) Oversight Functions. The three functions of the representative institutions are almost the same as the functions of the BPD as stipulated in the provisions of Article 31 of the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body which confirms that:

"The BPD has the following functions:

- 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"

BPD membership filling is based on regional representation which is carried out democratically. The election process can be through direct election and/or through representative deliberations that are adjusted to the needs and agreements of the people in each village. Likewise filling in the Lumbe BPD, Nambu District, Banggai Regency which is based on the Banggai Regency Regional Regulation Number 5 of 2021 concerning the Village Consultative Body. The enactment of these Regional Regulations, in addition to implementing the provisions of the Law, namely Law Number 6 of 2014 concerning Villages, was also formed to implement the provisions of the Constitution directly, or to further elaborate the provisions of other higher laws and regulations. On this basis, the Regional Regulation of the Banggai Regency Number 5 of 2021 concerning the Village Consultative Body aims to provide legal certainty (certainty principles) regarding the existence of the Village Consultative Body as one of the elements of village government whose membership number is 5 people. This number is based on the provisions of Article 4 paragraph (2), (3) and (4) of the Banggai Regency Regional Regulation Number 5 of 2021 concerning the Village Consultative Body, that the number of members of the BPD is determined based on the number of villagers (see Table 1 and table 2). Therefore, if a comparison is made of the basis for determining the membership of the Lumbe BPD, (5 people in total) and its correlation with the implementation of the oversight function carried out by the BPD in optimizing village development it is still considered not good, because the number of membership and total income is only in category 1 (revenue only up to 1 billion). This means that the number of membership and village income is still inversely proportional so that the achievement of the supervisory function is different. The difference referred to is the measurement of the success of the village head's performance which makes the BPD judge less successful in accordance with the objectives and intent of the provisions of Article 46 (3) of the Minister of Home Affairs Regulation Number 110 of 2016 concerning the Village

Consultative Body confirms that the form of supervision of the Lumbe BPD as referred to in paragraph (1) is in the form of monitoring and evaluation.

Based on some of these descriptions, the supervisory function carried out by the BPD with the composition of the number of existing members is carried out in the form of monitoring the planning of village government activities which must ensure that activities are carried out based on applicable laws and regulations in accordance with the results of the village Musrembang properly carried out. This also correlates with the rule of law theory which mandates that the implementation of state development whose composition (apparatus) is properly regulated in law; all powers (tasks and functions) of the instruments of government (apparatus) are based on law. The government and the people may not act alone according to everything that is contrary to the applicable laws and regulations (*wetmatigheid*). A rule of law is a state governed by law (*rechmatigheid*) not by people, but by law (state the not governed by men, but by laws). Therefore, in a rule of law state, all actions taken by the government must be based on the applicable laws and regulations.

Based on the results of the research (Figure 1) it shows that the achievement of the goals of a rule of law (*rechmatigheid*) cannot be separated from the involvement of the human resources of the state apparatus (village officials) who have adequate capacity. Even presented by the Ministry of Villages, Development of Disadvantaged Regions and Transmigration, Eko Putro Sandjoyo, he said "the lack of quality human resources in rural areas is because most of the workforce in rural areas is still dominated by elementary school graduates (SD) of 57.79%, followed by high school first (junior high school) as much as 18.87%, and high school graduates amounted to 13.07%. This was confirmed by the Head of Lumbe Village, that out of 7 (seven) BPD members, only one had a bachelor's degree, the other two graduated from high school, and two more only graduated from junior high school. The researcher tried to confirm this with the head of the BPD and he confirmed what was conveyed by the Head of Lumbe Village "only one of us members of the BPD is a graduate, I myself am only from high school, three others, one graduated from high school, two only graduated from junior high school". The low human resources of BPD Lumber when associated with the theory of the legal system (legal system) that the human resource factor determines the achievement of legal objectives (Laurence M. Friedman). In addition, it is also determined by implementing regulations (legal substance) in the sense of monitoring and evaluation operational guidelines in the form of regional regulations or decisions of the ministry of home affairs. These two legal facts must also be supported by the coordination and participation of the community in the administration of village governance for the implementation of the supervisory function carried out by BPD Lumbe.

The results of the study also show that other factors that impede the implementation of the supervisory function of the BPD in Lumbe Village are community culture and limited facilities and infrastructure.

5. CONCLUSION

Implementation of the supervisory function of the Lumbe Village Consultative Body, Nambo District, Banggai Regency on the performance of the Lumbe village head which was carried out in a monitoring and evaluation manner and the results were not in accordance with the provisions of Article 46 paragraph (3) of the Minister of Home Affairs Regulation Number 110 of 2016 concerning Village Consultative Councils. So that it has not supported the administration of Lumbe village government to achieve legal goals. Several factors have become obstacles, namely the limited human resources of the BPD, the low budget for financing, the low level of community culture and the unavailability of BPD institutional facilities and infrastructure. Nevertheless, there are supporting factors, namely, the existence of harmonious coordination between the PBD and the Village Head and

the strong community support for the implementation of the supervisory function carried out by BPD Lumbe. It is recommended that the Ministry of Home Affairs issue guidelines for monitoring and evaluating the performance of village heads, strengthen support for BPDs and increase BPD budgets including increasing the availability of facilities and infrastructure for BPD Lumbe so that the implementation of the oversight function is carried out effectively in supporting sustainable governance.

References

A. Books

- Al Chaidar, Salahudin, 2000. Zulfikar dan Sahrasad, Herdi. *Federasi atau Disintegrasi, Telaah Awal Wacana Unitaris versus Federalis dalam Perspektif Islam, Nasionalisme dan Sosial Demokrasi Madani*, Madani Press, Jakarta.
- Abu Daud Busroh. *Ilmu Negara*. 2014. Cetakan kesepuluh. Bumi Aksara. Jakarta.
- Abdul Ghafar Karim,. *Kompleksitas Persoalan Otonomi Daerah di Indonesia*, Pustaka Pelajar, Yogyakarta.
- Cahyadi, A. dan EF Manullang, 2008. *Pengantar ke Filsafat Hukum*. Cet.2., Kencana Prenada Group, Jakarta.
- Widjaja, A.W., 2010. *Pemerintah Desa dan Adminitrasi Desa*, PT. Raja Grafindo Persada, Jakarta.
- Tanya, BL., Dkk. 2010. *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi*. Cet. 3. Yogyakarta: Genta Publishing, Yogyakarta.
- Kansil, C.S.T dan Christine S.T Kansil, 200. *Ilmu Negara*, Sinar Grafika, Jakarta.
- Santoso, HMA, Hukum, Moral, dan Keadilan, 2004. *Sebuah Kajian Filsafat Hukum*. Cet.2, Kencana Prenada Media Group, Jakarta.
- Hans Kelsen. 2006. *Teori Umum Tentang Hukum dan Negara*. Cetakan pertama. Penerbit Nuansa dan Penerbit Nusamedia. Bandung.
- Juanda, 2004. *Hukum Pemerintahan Daerah Pasang Surut Hubungan Kewenangan antara DPRD dan Kepala Daerah*, Alumni, Bandung.
- Jimly Asshiddiqie, 2005. *Hukum Tata Negara dan Pilar-pilar Demokrasi, Serpihan Pemikiran Hukum, Media, dan HAM*. Jakarta: Penerbit KonPress, Jakarta.
- _____. 2006. *Perkembangan dan Konsolidasi Lembaga-lembaga Negara PascaReformasi*. Jakarta: Sekretariat Jenderal MK, Jakarta.
- _____, 2010. *Undang-Undang Dasar 1945: Konstitusi Negara Kesejahteraan dan Realitas Masa Depan*. Pidato Pengukuhan Guru Besar. Jakarta: FHUI, 13 Juni, 2010
- _____, *Pengantar Ilmu Hukum Tata Negara*, cet. III, PT Raja Grafindo Persada, Jakarta.
- _____, 2004. *Cita Negara Hukum Indonesia Kontemporer, Papper*. Disampaikan dalam Wisuda Sarjana Hukum Fakultas Hukum Universitas Sriwijaya Palembang.
- Kusuma, RM. AB. 2004. *Lahirnya Undang-Undang Dasar 1945, Memuat Salinan Dokumen Otentik Badan Oentok Menyelidiki Oesaha2 Persiapan Kemerdekaan*. Jakarta: Badan Penerbit FH UI, Jakarta.
- La Ode Husen, 2009. *Negara hukum, Demokrasi Dan Pemisahan Kekuasaan, Umitoha*, Makassar.
- Mansyur Effendi, 2001. *Dimensi Dinamika Hak Asasi Manusia dalam Hukum Nasional dan Internasional*, Ghalia Indonesia, Jakarta.
- Majda El-Muhtaj, 2009. *Hak Asasi Manusia Dalam Konstitusi Indonesia Dari UUD 1945 Sampai Dengan Amandemen UUD 1945 Tahun 2002*, Kencana Prenada Media Group, Jakarta.

- Mariam Budiardjo, 2003. *Dasar-Dasar Ilmu Politik*, PT Gramedia Pustaka, Jakarta.
- Muhammad Yamin, 2001. *Proklamasi dan Konstitusi Republik Indonseia*, Jakarta: Ghalia Indonesia, Jakarta.
- Notohamidjojo, O. 2010. *Makna Negara Hukum*, Jakarta: Badan Penerbit Kristen. Jakarta.
- Padmo Wahyono, 2011. *Guru Pinandita*, Jakarta: Badan Penerbit Fakultas Ekonomi Universitas Indonesia, Jakarta.
- Palguna, IDG. MK, 2008. *Judicial Review, dan Welfare State*, Sekjen MK, Jakarta
- Philipus M.Hadjon, 2011. *Perlindungan Huku m Bagi Rakyat- Sebuah Studi Tenta ng Prinsip-prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*, Surabaya: Bina Ilmu, Surabaya.
- Reza A. A. Wattimena, 2007. *Melampaui Negara Hukum Klasik*, Kanisius, Yogyakarta.
- Suseno, 2002. FM. *Etika Dasar Masalah-masalah Pokok Filsafat Moral*. Cetakan Ke-12: Pustaka Filsafat, Yogyakarta.
- Sutrisno Hadi, 1989. *Metodologi Research Jilid I*, Yogyakarta. Fak Psikology.UGM, Yogyakarta.
- Sumadi Suryabrata, 1997.*Metode Penelitian*, Jakarta. PT. Raja Grafindo Persada. Jakarta.
- Suharsini Arikunto, 1990. *Manajemen Penelitian*, Jakarta , Rineka Cipta, Jakarta.
- Soehino, 2004. *Ilmu Negara*, cet. VI, Liberty, Yogyakarta.
- Widjaja, 2003. HAW. *Pemerintahan Desa/Marga*. PT. Raja Grafindo Persada. Jakarta.
- B. Journals and Papers**
- Andi Pangerang Moentha. *Quo Vadis DPD di Indonesia (Mencari Format Ideal DPD Dalam Amandemen Kelima UUD 1945)*. Jurnal Ilmu Hukum Amana Gappa Volume 15 Nomor 1 tahun 2007
- Christine Ayu Setyaningrum dan Fifiana Wisnaeni. *Pelaksanaan Fungsi Badan Permusyawaratan Desa Terhadap Penyelenggaraan Pemerintahan Desa*. Jurnal Pembangunan Hukum Indonesia. Volume 1, Nomor 2, Tahun 2019
- Candra Kusuma Putra, Ratih Nur Pratiwi, suwondo, *Pengelolaan Alokasi Dana Desa Dalam Pemberdayaan Masyarakat Desa dalam Pemberdayaan Masyarakat Desa*. Jurnal Administrasi Publik , Volume I. No. 6. 2010
- Kajian Balitbang Kompas, *Konflik Vertikal dan Horizontal Dalam Impelementasi Otonomi Daerah, Terkait Dengan Perilaku DPRD*. Kumpulan artikel, Januari sampai desember 2000
- Ombi Romli dan Elly Nurlia. *Lemahnya Badan Permusyawaratan Desa (BPD) Dalam Melaksanakan Fungsi Pemerintahan Desa (Studi Desa Tegalwangi Kecamatan Menes Kabupaten Pandeglang)*. Cosmogov; Jurnal Ilmu Pemerintahan, Volume 3 Nomor 1 Tahun 2017
- Sahrul Haidin. *Pelaksanaan Pengelolaan Keuangan Desa setelah Berlakunya Undang-Undang Nomor 6 Tahun 2014 tentang Desa (Studi di Kabupaten Dompu)*. Jurnal Ius: Kajian Hukum dan Keadilan, Universitas Mataram, Volume 5 Nomor 1 Tahun 2017

Saiful, Eksistensi Peraturan Desa Pasca Berlakunya Undang-undang Nomor 12 Tahun 2011, Jurnal Ilmu Hukum Legal Opinion, Edisi 6, Volume 2, Fakultas Hukum, Universitas Tadulako Palu. 2014

Philipus M. Hadjon (I). *Hak-Hak Dasar (fundamental rights; grondrechten)* Dalam Peraturan Perundangan-undangan. Makalah dalam Diskusi di Mahkamah Militer III. Surabaya. 1993

Philipus M. Hadjon. *Membangun Hukum Dalam Penyelenggaraan Negara Demokrasi.* Makalah dalam Seminar Nasional di FH Darul Ulum Jombang. 2 Juni 1994

C. Internet Site

Banggai News.com. *Warga Lumbe Segel Kantor Desa Tuntut Transparansi Dana Desa.* Di akses di <https://banggainews.com/warga-lumbe-segel-kantor-desa-tuntut-tranparansi-dana-desa/> tanggal 8 Mei 2022