

## Village Deliberative Body Assistance in Preparation of Draft Village Regulations in Wawatu Village, Moramo Utara District, Konawe Selatan Regency

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### Abstract

According to the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 110 of 2016 concerning the Village Consultative Body Article 31, there are 3 (three) functions of the Village Consultative Body, namely: discussing and agreeing on the draft Village Regulation, accommodating and channeling the aspirations of the Village community and supervising the performance of the Village head. The implementation of the BPD's functions has not been running well, especially in terms of discussing and agreeing on the draft Village Regulation. Several Village Regulation products produced did not begin with academic studies (philosophical, legal, and sociological aspects), so that they conflict with higher laws and regulations. Based on the description above, concrete steps are needed to overcome the above problems by assisting the BPD in preparing the draft of the ideal Village Regulation. The mentoring method with Off The Job Training includes the stages of planning, preparation, discussion and determination. The stages of promulgation, dissemination and evaluation/clarification have not been implemented. This assistance is expected to provide education to the BPD, Village Government, Village Community Institutions and Village Customary Institutions in the process of forming Village Regulations initiated by the BPD. Through this education, the BPD can improve understanding, knowledge and skills that drive the performance of the BPD.

**Keywords:** Mentoring, BPD, Raperdes

### Introduction

One of the village's authorities is to draft Village Regulations. Village Regulations are laws and regulations stipulated by the Village Head after being discussed and agreed upon with the Village Consultative Body (BPD). Village regulations are prohibited from contradicting the public interest and/or provisions of higher laws and regulations. The formation of Village Regulations is a necessity for the BPD and the Village Government. The process of forming Village Regulations has been regulated in detail in the Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Village Regulations. The stages of forming Village Regulations start from the planning, drafting, discussion, determination, promulgation to dissemination stages. Specifically for the Draft Village Regulation on the Village Budget, levies, spatial planning, and Village Government organization that have been discussed and agreed upon by the Village Head and BPD, the

Village Head must submit it to the Regent/Mayor through the sub-district head to obtain an evaluation before being stipulated as a Village Regulation.

According to Astariyani, et. Al (2021) In addition to the role of the Village Head and village officials, another village organ referred to in Article 55 of Law Number 6 of 2014 concerning Villages that has an important position is the Village Consultative Body (BPD). This body has three functions: (1) discussing and agreeing on the Draft Village Regulation with the Village Head (2) accommodating and channeling the aspirations of the Village community, and (3) supervising the performance of the Village Head. In village governance, the Village Regulation is very crucial because it is the legal basis for the implementation of various village programs and activities. Article 69 regulates the explanation of the duties and authorities of the Village Head and BPD members above, indicating that the authority to determine the Village Regulation lies with the Village Head, but this determination can only be made after the Draft Village Regulation has been discussed and agreed upon with the BPD. In addition, the initiative to submit a Village Regulation is not only in the hands of the Village Head, but also in the hands of the BPD. Here it appears that the Village Head is the executive body in the village, while the BPD is the legislative body. According to Simarmata and Magdalena (2015) the position of village regulations can be seen from 2 (two) aspects, namely as a legal product and a political product. Law Number 10 of 2004 concerning the Formation of Legislation and Law Number 12 of 2011 concerning the Formation of Legislation view village regulations as legal products, Law Number 32 of 2004 concerning Regional Government views village regulations as political products, not legal products. Meanwhile, Law Number 6 of 2014 views village regulations as both legal products and political products. Law Number 23 of 2014 concerning Regional Government does not accommodate the position of village regulations. As a derivative of Law Number 6 of 2014, PP 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages views Village Regulations as legal products but places more emphasis on village regulations as political products (procedures for compiling village regulations).

Law No. 12 of 2011 concerning the Formation of Legislation, Village Regulations are not explicitly mentioned as one type of legislation. However, the position of Village Regulations is actually still included in legislation. This is based on the provisions of Article 8 paragraph 1 of Law Number 12 of 2011: "Types of Legislation other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, People's Representative Council, Regional Representative Council, Supreme Court, Constitutional Court, Audit Board, Judicial Commission, Bank Indonesia, Minister, Agency, Institution or commission of the same level established by Law or Government on the order of Law, Provincial People's Representative Council, Governor, Regency/City People's Representative Council, Regent/Mayor, Village Head or the equivalent. The recognition of the existence of village regulations and having binding legal force as long as it is ordered by higher regulations or formed based on (formal) authority, is emphasized in Article 8 paragraph (2) of Law Number 12 of 2011. This shows that the position of village regulations is a legal product. Consequently, Village Regulations must not conflict with higher regulations (Wardani and Azmussyani (2023:40).

Wawatu Village, North Moramo District is one of the villages in South Konawe Regency, which

does not yet have the understanding, knowledge and skills in drafting the draft of Village regulations. This Community Service Activity integrated with Thematic KKN is expected to contribute to the Village Government and the Wawatu Village Deliberative Body in drafting the draft of the Village Regulation on the Organization and Implementation of Village Government in accordance with the needs of the local community.

## Method

Mentoring was carried out by the Community Service Team consisting of 5 (five) lecturers involving 19 students for 30 working days. The formation of the draft Village Regulation was focused on 5 (five) BPD members. Before the mentoring was carried out, training was first provided on understanding the main tasks and functions of the BPD and the urgency of forming a Village Regulation in the implementation of Village government with 30 participants consisting of the Village Head and his staff, BPD, Village Community Institutions and Village Traditional Institutions. The training material was provided using an inductive model, where the training material was provided according to the needs of the participants that were felt directly. BPD mentoring was carried out using the off the Job Training method, with the following stages:

### 1. Planning Stage

a. The formation of the Village Regulation begins with the BPD's initiation for the formation of the Village Regulation on Organization and Implementation of Village Government and is then determined by the Village Government as a work program of the Village Government;

b. BPD deliberation to obtain community input

### 2. Drafting Stage

a. The draft of the Village Regulation is proposed by the BPD to the Village Government

b. BPD deliberation to obtain community input

c. The results of the BPD deliberation in order to improve the draft are agreed upon with the Minutes

d. BPD proposal to be stipulated in the Village Budget

e. BPD proposal to stipulate the draft Village Regulation

### 3. Discussion Stage

a. Village Deliberation, BPD submits a written request to the Village Head for discussion of the draft Village Regulation that has been prepared.

b. The Village Regulation that has been discussed by the BPD together with the Village Government is submitted by the BPD Chairperson to be stipulated as a Village Regulation no later

than 7 (seven) days after the agreement between the BPD and the Village Government.

#### 4. Determination Stage

The Village Regulation is stipulated by the Village Head by affixing his signature and submitted to the Village Secretary for promulgation.

### Results and Discussion

Based on the empirical phenomena found at the PPM location, several main problems in the formation of Perdes are as follows:

1. Lack of understanding, knowledge and skills of the Village Government and BPD in terms of forming Village Regulations
2. The lack of compliance of the Village Government and BPD in formulating the Formation of Perdes according to Village needs
3. The formation of Perdes has never been carried out in accordance with the requirements stated in the Regulation of the Minister of Home Affairs Number 111 of 2014 concerning Technical Guidelines for Regulations in the Village.
4. There has been no assistance from the BPD or Village Government in terms of the Formation of Perdes.

Departing from the empirical phenomena above, the efforts made by the PPM team together with the students participating in the Thematic KKN in Wawatu Village were to carry out a series of activities as follows:

1. Improving the Understanding of the Village Government, BPD, LKD and LAD

Efforts to improve the understanding of the Village Government, BPD, LKD and LAD are carried out through centralized training with a deductive training mode, where participants are given material according to the needs of the participants. The training material provided is the Urgency of Village Regulations in the implementation of Village Government. This material is expected to provide understanding, knowledge and skills to the Village Government, BPD, LKD and LAD regarding the urgency of Perdes in the implementation of Village governance. In addition, material is also provided on the position of Village Regulations as Village Regulations based on the mandate of Law No. 12 of 2011 concerning the Formation of Legislation. Article 64 paragraphs (1) and (2) states: (1) The preparation of draft legislation is carried out in accordance with the techniques for preparing legislation. (2) Provisions regarding the techniques for preparing legislation as referred to in paragraph (1) are listed in Attachment II which is an integral part of this Law. This shows that the formation of village regulations as a legal product (legislation), must refer to the techniques for preparing legislation contained in Attachment II of Law No. 12 of 2011 concerning the Formation of Legislation. However, the process of forming village regulations starting from the planning, drafting, discussion and promulgation stages is specifically regulated by referring to Law No. 6 of 2014 concerning Villages

and Permendagri Number 111 concerning Technical Guidelines for Village Regulations. Article 115 letter b of Law No. 6 of 2014 states that the Regency/City Regional Government carries out guidance and supervision of the implementation of Village Government, including providing guidelines for the preparation of Village Regulations.



Figure 1  
Photo with Members of the Wawatu Village BPD, Head of Wawatu Village and Staff, Resource Persons and Thematic KKN Students shortly after providing training materials and mentoring to the BPD on the Urgency of the Village Regulation Draft in Village Governance.

## 2. Increasing the Sensitivity of Village Government, BPD, LKD and LAD

Increasing the sensitivity of Village Government, BPD, LKD and LAD is done by providing: (1) perspective taking by providing education on the importance of individuals/personal or groups/organizations to act and be oriented towards common interests. Things that are done include providing an understanding of the importance of collaboration in the implementation of Village Government. Collaboration of BPD with Village Government, BPD with Village Community Institutions (LKD), BPD and Village Customary Institutions (LAD) to work together in synergy in building the Village. (2) Fantasy, inviting participants to change themselves imaginatively in a feeling and action that is imaginary. Through this fantasy attitude, it is hoped that participants will increase social sensitivity to their respective main tasks and functions by synergizing with each other in performance. (3) Emphatic Concern, awakening participants to have feelings of sympathy for Village Government policies or programs so that there is a high sense of concern and ownership of existing



development results.



Figure 2  
Photo with Thematic KKN Students Collaboration Program with UMK  
Kendari and Wawatu Village Community at Wawatu Village Field,  
North Moramo District, South Konawe Regency

### 3. Providing Assistance on the Flow and Stages of Drafting Village Regulations for BPD

Drafting of Village Regulations by BPD/Village Head. Drafting of village regulations by the village head is carried out after consulting with the village community through a joint meeting by the Village Government, BPD, LKD and LAD. The results of the agreement are stated in the minutes of the meeting. The minutes of the meeting are the basis for the Village Government to propose a draft village regulation to the BPD. The results of the joint agreement indicate that the draft village regulation to be made is a draft village regulation on the Organization and Implementation of Village Government in Wawatu Village, North Moramo District, South Konawe Regency. The flow of drafting village regulations in Wawatu Village, North Moramo District, South Konawe Regency can be seen in Figure 3 below.



Figure 3  
Flowchart of Village Regulation Preparation on Village  
Government Organization and Implementation in Wawatu  
Village, North Moramo District, South Konawe Regency.

The result of the Joint Agreement between the Wawatu Village Government and the Wawatu Village BPD is that the Raperdes that was approved was the Raperdes proposed by the Wawatu Village Government. Therefore, the Village Government invited the BPD to discuss the draft Raperdes proposed by the Village Government. The Draft Raperdes that was jointly agreed upon was then proposed and initiated by the BPD re-proposed to the Village Head to be agreed upon and stipulated as a Village Regulation, no later than 7 (seven) days after the Joint Agreement. The Raperdes that has been agreed upon must be stipulated by the Village Head no later than 15 (fifteen) days by affixing a signature. The BPD led the meeting. The following is a simple picture of the Preparation of the Perdes initiated by the Village Head.



Figure 4.  
Preparation of Village Regulations by BPD

Mentoring activities for BPD in the preparation of the draft Perdes were carried out well. The enthusiasm of BPD members and the village government, LKD and LAD was quite high as evidenced by high enthusiasm. The implementation of the training and mentoring can be seen in Figure 5 below.



Figure 5  
Photo with Members of the Wawatu Village BPD, Head of Wawatu Village and Staff, Resource Persons and Thematic KKN Students during the Presentation of Training Materials and BPD Assistance on Stages in the Process of Drafting Village Regulations

## Conclusion

1. BPD's understanding of the legal status of the Village Regulation, most BPD members already understand it well, but BPD still has limitations including the absence of a secretariat, supporting facilities and infrastructure such as tables, chairs, computers, cupboards, BPD HR capacity, inadequate operations so that the formation of the Village Regulation cannot be realized.

2. BPD also does not have a collective awareness to innovate in overcoming the problems faced by BPD both internally and externally so that the main tasks and functions of BPD, especially making Village regulations, can be realized.

3. BPD as an institution can understand its main tasks and functions, but these duties have not been implemented optimally, especially in the aspects of supervision and formation of Village regulations.

4. BPD also does not fully understand the flow of the process of forming the Village Regulation, so assistance is needed in realizing the formation of the Village Regulation. The Draft Village Regulation initiated through the 2024 FISIP UHO Thematic KKN, succeeded in assisting BPD in formulating the Draft Village Regulation on Village Organization and Governance.



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