

Village Fund Management for Sustainable Village Development

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Abstract

Based on the Law about Villages, village authorities are covering the Implementation of Village Administration, Implementation of Village Development, Village Community Development, and Village Community Empowerment based on Community Initiatives, Origin Rights, and Village Customs. In order to run the government and develop the village, adequate funding support is needed. Since 2015 until now, the Village has received Village Funds sourced from the State Revenue and Expenditure Budget (Anggaran Pendapatan dan Belanja Negara – APBN), which is the amount of it is always increasing from year to year in order to accelerate the implementation of village development. However, the current problem is that there are some Village heads and Village apparatuses (the one that managing the Village Funds) who do not carry out the rules that have been stipulated in the legislation. The focus of this research is limited to the Village Fund management for the sustainability village development, and legal settlement of authority abuse by the Village head in the Village Fund management. The purpose of this study is to analyze the Village Fund management for the sustainability village development; and to review the legal settlement of authority abuse by the Village head in the Village Fund management. This study using a normative legal research method with a statute approach and a conceptual approach. The expected contribution of this study and research is theoretically for the development of legal science, and practically can provide input to village officials in managing village funds, and law enforcement officials in resolving the misuse of village funds, as well as for other researchers as reference material for further research related to the village funds management and the resolution of village funds misuse.

Keywords: Village development sustainability, Village fund management

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1. Introduction

Historically, the village has been regarded as the lowest level of an autonomous region; nevertheless, under Law No. 5 of 1974 Governing Regional Administration, it is only referenced in one item, Article 88, which stipulates that village government arrangements are governed by law. Then, in 1979, it was only implemented with the passage of Law No. 5 of 1979 regarding village government. At least in the last decade, prejudice against villages in many development spheres has contributed to the backwardness of rural regions. In 2014, just 3.92 percent of villages were categorized as autonomous, while 27.22 percent belonged to impoverished communities and 68.86 percent were classed as developing. As the lowest level of government, the village apparatus (village head and village apparatus) is responsible for managing all administrative aspects of the community. to carry out the duties and affairs of the village government, it is necessary to support resources, including personnel, funds, and other equipment/equipment. PP Number 72 of 2005 governs sources of financing for villages in order to offer services to the community, including from original local revenue sources. The government from the center to the Regency/City is required to make transfers of monies, grants, or gifts for the village.

Village authority comprise the execution of village administration, the implementation of village development, the development of the village community, and the empowerment of the village community based on community initiatives, origin rights, and village customs. Villages are given the power and resources necessary to manage their potential in order to promote the economic and well-being of the

community. Government operations and village growth require proper financial assistance. Since 2015, the village has received village funds from the State Revenue and Expenditure Budget, with the amount increasing annually to accelerate the implementation of development in the Village. Village funds are intended for villages and are used to finance government administration, the implementation of development, community development, and empowerment public. The village fund aims to enhance public services in the local, relieve poverty, progress the village economy, and eliminate disparities in village development. To encourage growth in the village, the government provides sufficient cash for the village government and community to establish amenities and infrastructure. However, the present issue is that there are still village heads and village apparatuses that do not adhere to the regulations set by the law while handling the village funds. In order to avoid and eliminate the abuse of village finances, village heads might model their financial management practices after those of other financially responsible communities.

This research is confined to the administration of the village fund for the sustainability of village development and the legal resolution of the village head's misuse of authority in managing the village fund. The goal of this research is to assess the administration of the village fund to ensure the long-term viability of village development and to investigate the legal resolution of the village head's abuse of authority in the management of the village fund.

2. Literature Review and Hypotheses

Village Money, as defined by the APBN, are funds designated for villages that are transmitted through the Regency/City APBD and used to support government administration, development implementation, community development, and community empowerment. Village Fund Management, is all activities that include planning, budgeting, administration, reporting, accountability and supervision of village finances. In the context of implementing village financial management by the village government, a regulation was issued, namely Permendagri Number 20 of 2018 concerning Village Financial Management. Seeing that the amount of budget budgeted by the central government for villages continues to increase and in large amounts, therefore there is a need for good management of the Village Fund. Then in order to regulate the management of Village Funds, the Ministry of Finance issued a regulation, namely Minister of Finance Regulation number 93 of 2015 concerning Procedures for Allocation, Distribution, Use, Monitoring and Evaluation of Village Funds. This rule aims to ensure that the village budget budgeted by the central government to villages can be right on target and regulated from allocation to evaluation (Fauziah & Hermawan, 2022).

Legal Settlement, also known as Litigation, is the settlement of a dispute or legal problem faced through the courts. The process involves the disclosure of information and evidence related to the dispute at trial.

Abuse of Authority, there are several basic concepts of abuse of authority put forward by several experts, including: first, Ridwan stated that *detournement de pouvoir* as an act of abuse of authority or abuse of power. Second, according to Hadjon (2011), the concept of abuse of authority (*detournement de pouvoir*) is an improper use of authority. In this case the official uses his authority for other purposes that deviate from the objectives that have been given to that authority (Ridwan, 2014). Abuse of authority occurs because it is carried out by government officials consciously, not because of negligence that deviates from the goals that have been given (Ridwan, 2014). This is different from acting arbitrarily (*willekeur, onredelijkheid*). The difference lies in the parameters, if the abuse of authority is the goal, while acting arbitrarily is rationality (Ridwan, 2014).

Village head, is a person who has been chosen and trusted by the community in his village and is given the authority and trust to lead, foster, and develop his village. With the Village head, it is hoped that the village will progress, develop and run in accordance with the expectations of the community or government. So that the development goals that have been set can be achieved properly (Ridwan, 2014). The village head has a fairly heavy duty in the administration of village government. Based on Law No. 23 of 2014 concerning Regional Government, the Village head is directly elected by and from villagers who are citizens of the Republic of Indonesia whose further conditions and procedures for election are regulated by Regional Regulations guided by Government Regulations (Ridwan, 2014).

In carrying out his duties, the Village head is assisted by the Village Pamong. The Village Pamong is tasked with implementing and administering village household affairs as well as government affairs, but there are still limits in its implementation. Before making village regulations, the village head must ask the opinion of the villagers in a village meeting, especially the opinion of the village elders or leaders. religious law or other institutions (Ridwan, 2014). The village head has the authority to take actions for the village,

the village head also represents the village inside and outside the law, can make demands and can also be prosecuted.

3. Methods

This study and research employ a normative legal research methodology with a statute-based and a conceptual approach. The statutory method is implemented by evaluating all applicable laws and regulations pertaining to the legal problems at hand. This strategy makes use of laws and regulations. The statutory approach was chosen since this study would investigate a variety of laws and regulations pertaining to the subject matter. Conceptual approach is a form of method in legal research that gives an analytical perspective on problem-solving in legal research from the perspective of the underlying legal ideas or even the norms' underlying values.

This research includes normative legal research so that it uses legal materials. Normative legal research relies on library research through the study of primary legal materials and secondary legal materials (Hutchinson, 2002). Sources of legal materials in normative legal research are primary or primary legal materials and secondary legal materials as complementary or supporting materials.

The main or primary legal materials are: (1) Law Number 6 of 2014 concerning Villages; (2) Law Number 30 of 2014 concerning Government Administration; (3) Regulation of the Minister of Finance Number: 222/PMK.07/2020 concerning Village Fund Management; (4) Ministry of Home Affairs Regulation (Permendagri) Number 20 of 2018 concerning Village Financial Management; (5) Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Number 13 of 2020 concerning Priority for Use of Village Funds in 2021.

Secondary legal materials are legal materials that provide explanations of primary legal materials and consist of legal books (literature) written by influential legal experts, legal journals, opinions of scholars, academic manuscripts, court minutes, and papers. seminars by experts related to this research.

Tertiary legal materials include legal dictionaries, encyclopedias, and Indonesian-language dictionaries that give interpretations of primary and secondary legal texts. The collection of legal resources will be conducted through library research. Due to the normative nature of this research, the initial step in gathering materials will be to examine documents, specifically by researching, examining, and reviewing legal resources linked to this research.

Analysis can be formulated as describing the thing to be studied into smaller and simpler elements (Hartono, 1994). Analysis of legal materials is carried out through adjustments to the contextual problems. For theoretical problems through the study of legal theory with normative methods and normative-empirical scientific characteristics as well as analytical explanations. For juridical problems through the study of legal dogmatic layers through normative methods and normative scientific characteristics as well as juridical technical explanations (Bruggink, 1996).

The analysis of legal materials was carried out in a qualitative descriptive way. This means that legal materials are presented descriptively and analyzed qualitatively, namely analyzing legal materials based on the quality and truth of legal materials and then drawing conclusions which are the answers to the problems in this study. The steps taken in the qualitative descriptive analysis of materials are: (1) Legal materials obtained from research are classified according to the problems in the research; (2) The classification results are then systematized; (3) Legal materials that have been systematized are then analyzed to be used as a basis for drawing conclusions.

Analysis of legal materials is also carried out with systematic interpretation/interpretation, systematic interpretation, namely legal interpretation based on systematic legal arrangements in relation to articles or paragraphs of the legal regulations themselves in regulating their respective problems.

In addition to systematic interpretation, the Teleological/Sociological interpretation method is also used, which is a way of interpreting a statutory provision in order to understand its meaning or which is based on societal goals. This interpretation method is applied to a statutory regulation that is still valid but does not function in society because it is not in accordance with the current state of society. The teleological or sociological interpretation method is an effort to adapt the legislation to the new social situation of today's society. The state of a law that is actually no longer in accordance with the times is used as a tool to resolve disputes that occur at this time.

4. Results

With the Village Fund, each village's income sources will expand. Increased village revenue supplied by the government to develop community service facilities in the form of addressing basic needs, bolstering village institutions, and other activities determined by the Village Musrenbang. However, the establishment of the Village Fund also introduces a new issue, notably the fact that many individuals are concerned about

the fund's administration. This is due to the fact that village authorities are seen to have low-quality human resources, and the community is not yet critical of the administration of the village income and expenditure budget (APBDesa), preventing the community from maximizing its monitoring.

Priority is given to supporting the implementation of local village-scale programs and activities with the goal of enhancing the well-being of rural communities and the quality of life of the community, as well as reducing poverty. The priority of the Village Fund is to fund the area of community empowerment based on the conditions and potential of the village, in accordance with the annual achievement of the RPJMDes and RKPDes objectives, through means of microfinance institutions: (1) The Village Fund is prioritized for meeting basic needs including: (a) Development of village health posts and polindes; (b) Posyandu management and development; and (c) Development and management of Early Childhood Education (PAUD); (2) The Village Fund is prioritized for the development of village facilities and infrastructure, including: (a) Construction and maintenance of village road facilities and infrastructure; (b) Construction and maintenance of farm road facilities and infrastructure; (c) Development and maintenance of village dam facilities and infrastructure; (d) Development of new and renewable energy; (e) Development and maintenance of environmental sanitation; (f) Development and management of clean water at village scale; (g) Construction and maintenance of tertiary irrigation; (3) The Village Fund is prioritized for the development of local economic potential in order to increase the capacity of rural communities in entrepreneurial development, increase income, and expand the economic scale of rural communities.

Based on the principle of managing the Village Fund as an integral part of the Village financial management in the APBD, all activities financed by the Village Fund are planned, implemented and evaluated openly by involving all levels of the village community, all activities must be accountable administratively, technically, and legally. Village Funds are used in a directed, economical, efficient, effective, fair, and controlled manner.

The definition of authority according to the concept of Constitutional Law or State Administrative Law as has been stated in the preliminary description, which according to Wiryono (2009), only limited to the authority of civil servants as referred to in Article 1 paragraph (2) letters a, b, c, and e, of the PTPK Law. As stated earlier, that authority or authority is a concept in public law. In the concept of public law, authority is a core concept in Constitutional Law or State Administrative Law. So, in the concept of public law, authority is related to power. Judging from the source or from the point of obtaining authority and accountability for the implementation of authority according to State Administrative Law, it can be stated as follows: First, the authority that is sourced or obtained by way of attribution, namely the authority that is directly granted by the legislation, for example on the basis of the provisions contained in Article 7 paragraph (2) letter i of Law Number 1 of 2004 concerning the State Treasury, which is stated by the Minister of Finance as the Treasurer. The State General has the authority to make payments based on the request of the budgeting official at the expense of the state general treasury account; The two powers are sourced or obtained by means of delegation, namely the authority obtained from the delegation or delegation of authority, so to delegate an authority, there must be or be accompanied by a statement in the form of a legal product, for example a decision that the authority is delegated. Because the authority has been delegated, the delegates no longer have that authority and therefore the responsibility for the implementation of the delegated authority is the responsibility of the delegates. Third, the authority obtained by means of a mandate, namely the authority obtained by the recipient of the mandate which is only limited to carrying out that authority on behalf of the person giving the mandate. Therefore, the authority obtained by means of a mandate does not occur until there is a delegation or transfer of authority from the mandans to the mandate so that the responsibility for the implementation of the authority is still the responsibility of the mandans. With regard to the issue of authority or position and position of a defendant, according to the decision of the Constitutional Court Number 572K/Pid/2003, which in its legal considerations states, this cannot be separated from legal considerations or aspects of State Administrative Law, which basically applies the principle of job responsibility. which must be distinguished and separated from the principle of individual or individual or personal liability as applicable as a principle in criminal law. From the legal considerations of the Supreme Court's decision, it can be seen that according to the Supreme Court, it must be distinguished and separated between: responsibility for office and responsibility for individual or individual or personal positions. In the settlement of criminal acts of corruption which in the indictment are related to the authority or position or position of the defendant as a Civil Servant, according to the Supreme Court, what is applied is the responsibility of the position, not the responsibility of individuals, or individuals or individuals. Unfortunately, in its decision, the Supreme Court did not provide an explanation of what is meant by office responsibility. But if it is remembered that in its legal considerations, the Supreme Court distinguishes and separates between office responsibilities with

individual or individual or personal accountability then of course what is meant by the Supreme Court by office responsibility is the responsibility imposed on the office holder (Indroharto, 1993).

By exploiting the power inherent in their position or position, corrupt actors abuse their authority. The term "opportunity" refers to opportunities that can be employed by perpetrators of criminal acts of corruption, whose opportunities are specified in the regulations on work processes pertaining to the roles or positions held or occupied by perpetrators of criminal acts of corruption.

By misusing the opportunity afforded to the perpetrators of illegal acts of corruption by virtue of their position or status. The phrase "means" refers to terminology, techniques, or media. In respect to Article 3's requirements regarding criminal acts of corruption, "means" refers to the mode of working or working techniques associated with the position or position of the conduct constituting the criminal act of corruption.

The term "position" in Article 3 of the PTPK Law only applies to Civil Servants who commit corruption offences while claiming to hold a structural or functional position. Meanwhile, what does the phrase mean? "position," Soedarto, among others, says in his book: "... the term "position" in addition to the word "position" is problematic. If "position" is defined as "function" in general, then a private bank director also has "position." In the explanation of each article, the legislators compare the types of corruption crimes with article 52 of the Criminal Code, which is a criminal act for officials (civil servants - ambeteenar) who violate a special obligation from their position as a result of committing a criminal act, or who commit a criminal act while using power, opportunity, or means granted to him because of his position. No position or function exists here." It may be stated that officials are not the only perpetrators of the second form of corruption. According to Soedarto, what requires attention is the definition of "position," which, in addition to being held by a Civil Servant who has committed a criminal act of corruption, can also be held by an individual or private individual who has committed a criminal act of corruption.

By utilizing the opportunity afforded to the offenders of corruption crimes by their positions or positions "opportunity" refers to opportunities that may be employed by perpetrators of criminal acts of corruption, whose opportunities are specified in the regulations on work processes pertaining to the post or position held or occupied by perpetrators of corruption. In general, this "opportunity" is a result of the lack or inadequacy of the regulations governing the work method or the deliberate misreading of these requirements.

5. Discussion

Supreme Court Fatwa No. 068/KMA/HK.01/VII/2012 dated 27 July 2012 which states "that which has the authority to assess and/or determine the amount of state losses caused by unlawful acts is the Supreme Audit Agency, as well as the amount of state losses that can be considered in the process. Judiciary is the amount of state losses which are assessed and/or determined by the decision of the Supreme Audit Agency". So it is very clear and clear that based on existing legal instruments, the determination of state losses issued by the Supreme Audit Agency is something that is essential and has a fundamentally important role in assisting investigators (Polri, Attorney General's Office and KPK) to determine suspects and also for the Assembly. Judge to declare a Defendant legally and convincingly guilty of committing a Corruption Crime. In this case, it is clear that the Village head who abuses his authority over the Village Fund can not only be processed by administrative sanctions only on the PTUN decision, but proceed with a criminal process through the Corruption Crime Court (TIPIKOR) which is authorized to settle criminal law. The Corruption Court is a special court within the General Courts. This means that there are no other general or special courts that have the authority to examine and adjudicate cases of criminal acts of corruption other than the special courts established under Law Number 46 of 2009 which are located in general courts. Unlike before, the Corruption Court was only at the Central Jakarta District Court.

The reorganization of the judiciary for criminal acts of corruption through Law Number 46 of 2009 has brought legal implications: (1) The Corruption Court is a special court that hears (all) corruption cases. As the implementation of judicial power in law enforcement and justice, it has brought changes in a positive direction, namely upholding the principle of equality before the law and providing opportunities for fair and non-discriminatory judicial administration; (2) Because the Corruption Court has become a special court that hears all corruption cases, all corruption cases have the same position, and should be processed using the same criminal procedural law procedures. It is no longer allowed to have different criminal procedural procedures against all suspects/defendants of corruption cases that can be examined and submitted to the Corruption Court, even though they are processed by different institutions or agencies; (3) Before the Corruption Court, public prosecutors both under the management of the prosecutor's office and under the management of the KPK have the same position, nothing special or privileged, but all corruption cases are criminal cases that are prioritized to be examined, tried and decided. by the court. The existence

of this Corruption Court has shifted the position of the public prosecutor to the KPK (because it has become the same as the public prosecutor at the prosecutor's office).

6. Conclusions

The conclusion of this article are: (1) Management of Village Funds must comply with the Village Law and Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 20 of 2018 concerning Village Financial Management regarding the completeness of documents, archives and complete responsibilities so as to minimize abuse of authority, especially those carried out by the Village head towards Village Fund Management; (2) Abuse of Authority committed by the Village head on the Management of Village Funds is not only resolved administratively in accordance with Law Number 30 of 2014 concerning Government Administration, but is further processed criminally.

Limitations and suggestions

There are limitations and suggestions such as: (1) Strengthening the monitoring and evaluation functions for the implementation of Village Fund management so as to minimize abuse of authority carried out in managing Village Funds; (2) Strengthening criminal law enforcement as a last resort for legal settlement of abuse of authority by the Village head in Village Fund Management.

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