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Protection Law To Right Right Public Village In context Village Government

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Abstract

Village community rights are the rights that village residents have to participate in village governance, village development, village community development, and village community empowerment. Legal protection of the rights of village communities is important to ensure the fulfillment of these rights. In the context of village government, legal protection of the rights of village communities can be carried out in various ways, including, implementing transparent and accountable village government. This can be done by opening access to information to village communities, as well as providing opportunities for village communities to participate in decision making. Law enforcement against violations of village community rights. This matter can done with give strict sanctions to the violating parties rights public village. Empowerment public village . This matter can done with give education and training to public village as well as give access to public village For involved in activity economy .

Keywords : *rights public village , protection law , government village*

INTRODUCTION

Government village own very important role in empowering public village and improve well-being public village . However , in its implementation often village communities experience various problem related their rights are violated or ignored by the government village . Therefore that is necessary protection adequate law for public village for rights they truly fulfilled in government village. Protection law to public village need realized remember position public weak village in a way political , economic , and social compared to with apparatus government village . Weak position bid public village potential give rise to violation rights they are carried out by the government village .

Therefore that , the country has not quite enough answer For protect rights public village through adequate regulations and policies so that materialized government democratic , just and prosperous village . Village is a government unit smallest in Indonesia. The village has role important in development national , because village is place stay and center activity society. In context government village , community village own rights that must be protected . Rights public village the covers right For participate in maintenance government village , development village , coaching society villages , and empowerment public village . Protection law to rights public village is important thing For ensure fulfillment rights the . This matter Because protection law can give certainty law to public village , as well can prevent happen violation rights public village . Protection law to rights public village arranged in various regulation legislation , including :

- Constitution Number 6 of 2014 concerning Villages
- Regulation Government Number 47 of 2015 concerning Guidelines Formation and Management of Village-Owned Enterprises
- Regulation Government Number 60 of 2014 concerning Village Funds
- Minister of Home Affairs Regulation Number 114 of 2014 concerning Village Development Guidelines

- Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Number 14 of 2015 concerning Village Information Access Guidelines

Importance Legal Protection of the Rights of Village Communities. Protection law to rights public village important Because a number of reasons , including :

- For ensure fulfillment rights public village
- For give certainty law to public village
- For prevent happen violation rights public village
- For increase participation public village in maintenance government village , development village , coaching society villages , and empowerment public village
- For increase well-being public village

There is a number of challenge in protection law to rights public villages , including :

- Lack of understanding public village about rights they
- Lack of access public village to information
- Lack of capacity public village For supervise maintenance government village
- Weak enforcement law to violation rights public village
- Increase understanding public village about rights they through activity counseling and outreach
- Increase access public village to information through openness information public and utilization technology information
- Increase capacity public village For supervise maintenance government village through education and training
- Strengthen enforcement law to violation rights public village through enhancement capacity apparatus enforcer law and gift strict sanctions to the violating parties rights public village

By overall , protection law to rights public village is important thing For ensure fulfillment rights the . Protection efforts law to rights public village can done through various ways , including by increase understanding public village about rights them , improve access public village to information , improve capacity public village For supervise maintenance government village , and strengthen enforcement law to violation rights public village. Writing This will discuss about protection law to rights public village in context government village based on regulation applicable laws in Indonesia. Discussion covers rights public regulated village in Constitution as well as effort protection the law . With So , I hope this article can give description about protection law to public village in government villages in Indonesia.

RESEARCH METHODS

Research methods used in study This is method study library (library research). Research methods literature is method research conducted with study and analyze sources relevant literature with the problems studied . Study This use method study law normative with approach legislation and approach conceptual . Legal materials used consists from material primary law in the form of regulation legislation related government village and protection public village . Legal materials secondary form books , journals , and literature other related topic research. Approach legislation done with examine regulation legislation related government village and protection right public village . Regulation the including Village Laws , Regulations Government about the Village, and regulations its derivatives . Approach conceptual done with examine concepts and principles law related protection public village

RESULTS AND DISCUSSION

UNDERSTANDING VILLAGE ACCORDING TO EXPERTS AND LAW

According to experts. Following is understanding village according to experts :

- Sutardjo Kartohadikusumo (1953): Village is something unity the law where it takes place stay something powerful society stage government Alone .

- Soemardjan (1968): Village is something authorized territorial unit organize and manage interest public local based on origins and customs customs locally recognized and respected in system government national .
- Soetardjo Soeroso (1974): Village is something unity public law that has the boundaries of the authorized area organize and manage interest public local , based origins and customs customs locally recognized and respected in system government national and Unitary State Republic of Indonesia.
- Soepomo (1985): Village is something unity public law that has the boundaries of the authorized area organize and manage interest public local , based origins and customs customs locally recognized and respected in system government national and Unitary State Republic of Indonesia.
- M. Adnan Amal (1999): Village is something unity public law that has the boundaries of the authorized area organize and manage interest public local based on origins and customs customs locally recognized and respected in system government national and Unitary State Republic of Indonesia.
- Constitution Number 6 of 2014 concerning Villages Article 1: Villages are unity public laws that have authorized territorial boundaries organize and manage affairs government , interests public local based on initiative society , rights origin suggestions , and or right recognized and respected traditions in system unitary state government Republic of Indonesia.

Village Community Rights in Context Village Government . Based on Constitution Number 6 of 2014 concerning Villages, rights public village in context government village And Protection law to rights public village in context government village can done through various efforts , among others

- Right to participate in maintenance government village
Villagers own right For participate in maintenance government village , okay in a way direct nor No direct . Participation direct done through discussion village , meanwhile participation No direct done through election head villages and elections members of the Village Consultative Body (BPD).
- Right to get information
Villagers own right For get information about maintenance government village , incl information about budget village , management finance villages , and development village .
- Right to get public service
Villagers own right For get service quality and affordable public . Service the public in question covers service education , health , and infrastructure .
- Right to get protection law
Villagers own right For get protection law from government village , officials enforcer law , and society village other . Protection the law in question covers protection to right basic human , rights property , and rights on riches intellectual .
- Right to get empowerment
Villagers own right For get empowerment so that you can increase his welfare . The empowerment in question covers empowerment economic , social and cultural .
- Maintenance government transparent and accountable village
Maintenance government transparent and accountable village is base for protection law to rights public village . This matter Because public village can supervise maintenance government village , as well can give input to government village .
- Enforcement law to violation rights public village

Enforcement law to violation rights public village is one of method For ensure fulfillment rights the . This matter Because strict sanctions can give effect deterrent to the violating parties rights public village .

- Empowerment public village

Empowerment public village is effort For increase capacity public village . This matter important For increase participation public village in maintenance government village , development village , coaching society villages , and empowerment village communities . With these efforts, it is hoped that legal protection of the rights of village communities in the context of village government can be improved so as to create a just and prosperous village.

LEGAL PROTECTION OF VILLAGE GOVERNMENT IN INDONESIA

Government villages in Indonesia are subsystem from system government national that has authority original in organize and manage interest public village . In order to running optimally, government village need protection law from the country. Protection law to government village means exists various effort from country to give guarantee , certainty law , as well overcome obstacle in maintenance government village . The goal is protect right origin proposals and rights traditional village in arrange himself yourself. Basic law protection government villages in Indonesia are the 1945 Constitution Article 18B paragraph (2) and the Law Number 6 of 2014 concerning Villages. The Village Law regulates status and authority village , rights and obligations village , financing village , as well connection village with government area .

Form protection State laws include :

1. Protection to territory, rights on land and resources Power natural village .
2. Protection diversity culture and politics local village .
3. Funding adequate village from the APBN/APBD.
4. Guidance and supervision maintenance government village .
5. Completion dispute villages and problems law other .
6. Giving penalty on deviations made apparatus village .

With protection strong laws , it is hoped government villages in Indonesia can develop in a way independent For well-being its people .

LEGAL PROTECTION OF THE RIGHTS OF VILLAGE COMMUNITIES

In system government villages in Indonesia general done through a number of regulation legislation . Constitution Number 6 of 2014 concerning Villages is base main protection law public village in government village . Apart from that , regulations other like Regulation Government regarding the Village also regulates matter the .

Based on the Village Law, rights public protected village among others:

1. Right to ask and get information from Village Government as well attend meeting village .
2. Right to noticed opinions , objections , suggestions and complaints to Village government .
3. Right to get equal and fair service from Village government .
4. Right to watching and asking information about maintenance Village Government to Village government .
5. Right to get protection on security personal , family , honor , dignity and property object .
6. Top rights fulfillment need base .

Protection law to rights the done through various mechanism supervision in the village by the Village Consultative Body , as well as complaint public to authorized party If his rights violated . With Thus , the rules

legislation has accommodate protection law for public village , though challenge its implementation Still Enough big .

TRANSPARENT AND ACCOUNTABLE VILLAGE GOVERNMENT

Government good village must put forward transparency and accountability to be created maintenance government a village that is clean , effective , and pro - interest public village. Transparency interpreted as openness government village in give accurate and adequate information to public village . Transparency important done on each joints government village , start from planning , budgeting , implementation , supervision , etc accountability . Example application transparency among others , with publish document Term Development Plan Medium Village (RPJMDes), Plan Work Village Government (RKPDes), Budget Village Income and Expenditures (APBDes), Report Realization APBDes , etc. through easy media accessed public village . Temporary accountability means that the implementation process government village can accountable in accordance with provision regulation legislation . Accountability showed with exists obligation government village For accountable performance and use source Power village to public villages and institutions supervisor . Being accountability for example with reporting realization APBDes to community , inspection report finance village , as well evaluation performance device village. With transparency and accountability , are expected maintenance government village become more Good . KKN practice can be done minimized , participation public increase , and development village appropriate target in accordance need public village .

A number of thing that can be done government village For increase transparency among others:

1. Inform APBDes , regulations village , report realization APBDes , and information important other in a way open to public village .
2. Publish information through media such as board announcements , banners, banners and official websites village .
3. Do socialization rules and policies village to public .
4. Provide mechanism for public For access information like through request information and documents .

Temporary that 's accountability can improved through :

1. Reporting and accountability performance government village to public village .
2. Evaluation performance government village by the Village Consultative Body .
3. Audit of the use of village funds by inspectorates and external auditors .
4. Giving appreciation and sanctions to device village based on its performance .

With transparency and accountability , are expected maintenance government village can walk with good for welfare public village Protection law to rights public village is important thing For ensure fulfillment rights the . Rights public village is right basic humans must respected and protected by the state. In context government village , protection law to rights public village need done in a way synergistic and sustainable . Government village , officials enforcer law , and society village need Work The same For realize protection effective law to rights public village. Next is a number of thing that can be done For increase protection law to rights public village in context government village :

- Understanding public village about rights they need improved village communities need understand rights them so they can participate in a way effective in maintenance government village , development village , coaching society villages , and empowerment public village .
- Community access village to information need facilitate public access village to information need made easier for the community village can supervise maintenance government village .

- Capacity public village need improved Capacity public village need improved for society village can participate in a way effective in maintenance government village , development village , coaching society villages , and empowerment public village .
- Enforcement law to violation rights public village need strengthened Enforcement law to violation rights public village need strengthened to provide effect deterrent to the violating parties rights public village .

With these efforts, it is hoped that legal protection for the rights of village communities in the context of village government can be improved so as to create a just and prosperous village.

DISCUSSION OF THE CK BILL

According to Prabowo Subianto , the CK Bill is important legislation For increase Power competitive investment in Indonesia. Prabowo argued that the CK Bill will create field more work lots and lots of encouragement growth economy . Prabowo also has an opinion that the CK Bill does not harm labor and the environment . Prabowo argued that the CK Bill does not delete regional minimum wage (UMR). Prabowo argued that the CK Bill only give authority to government area For set minimum wage . Prabowo also has an opinion that the CK Bill does not delete severance pay . Prabowo argued that the CK Bill only give freedom for businessman For pay severance pay in accordance with ability company . Prabowo argued that the CK Bill does not harm environment . Prabowo argued that the CK Bill only make it easier licensing For development friendly industry environment . Prabowo also has an opinion that the CK Bill does not reduce authority government area in management environment .

Discussion about Politicization of Law Omnibus Law Job Creation Bill Omnibus Law Job Creation Bill is existing laws ratified by the DPR on October 5 2020 and promulgated by the President on November 2 , 2020. This bill has give rise to controversy and rejection from various parties , esp from workers and activists environment . One of frequent criticism submitted regarding the Omnibus Law on the Job Creation Bill is politicization law . Politicization law is use law For interest politics . In the context of the Omnibus Law on the Job Creation Bill , politicization law can seen from a number of aspect , namely the discussion process that is not transparent and not involve participation public in a way broad : Job Creation Bill passed by the DPR only in time short , that is about 2 months , without exists in -depth and involving discussion participation public in a way wide . This matter cause Lots party feel that the Job Creation Bill No reflect aspirations public

CONCLUSION

Protection law to rights public village in context government village is important thing For ensure fulfillment rights the . Rights public village is right basic humans must respected and protected by the state.In context government village , protection law to rights public village can done through various efforts , including :

- Maintenance government transparent and accountable village
- Enforcement law to violation rights public village
- Empowerment public village

Efforts the need done in a way synergistic and sustainable For realize protection effective law to rights public village.Challenge in protection law to rights public villages in Indonesia, Less understanding public village about rights them, Less access public village to information,Lack capacity public village For supervise maintenance government village, Weak enforcement law to violation rights public village.With efforts that , is expected protection law to rights public village in context government village can improved so that can realize a just and prosperous village . So , you can concluded that protection law to rights public village in

context government village is something something complex and demanding synergistic efforts from various party . Efforts the need done in a way sustainable For realize a just and prosperous village

BIBLIOGRAPHY

- HAW. Widjaja, Village Autonomy is Genuine, Round and Whole Autonomy , Jakarta: Rajawali Press, 2012.
- Hanif Nurcholis , Growth and Management Village Government , Jakarta: Erlangga , 2011.
- Riant Nugroho, Public Policy, Jakarta: Elex Media Komputindo , 2014.
- Amal, M. Adnan. 1999. Village and Subdistrict Government Law . Jakarta: Sinar Graphics . Kartohadikusumo , Sutardjo . 1953. Principles of Village Law. Yogyakarta: Liberty.
- Soemardjan , Selo. 1968. Village Community Development. Jakarta: Pustaka Jaya. Soepomo . 1985. Indonesian Agrarian Law . Bandung: Alumni.
- Soetardjo Soeroso . 1974. Village Government Law . Jakarta: Pradnya Paramita.
- Constitution Number 1 of 2015 concerning Determination Regulation Government Replacement Constitution Number 1 of 2014 concerning Election Village Head Becomes Law .
- Regulation of the Minister of Villages, Development of Disadvantaged Regions and Transmigration Number 14 of 2015 concerning Village Information Access Guidelines .
- Wibowo, Heru. 2022. " Legal Protection of Villages in Indonesia". Journal of Law and Development, 42(2): 229-244.
- Yulianto, Joko. 2021. " Challenges and Improvement Efforts Legal Protection against Village Government in Indonesia". Journal of Law and Development, 41(4): 621-638.
- Nurdin, Ahmad. 2020. " Legal Protection of the Rights of Village Communities in Context Village Government ". Journal of Law and Justice , 9(1): 102-120.
- Journal of Law and Development Number 6 of 2018, Faculty of Law, University of Indonesia.
- Journal Legal Issues Number 3 of 2019, Faculty of Law, Diponegoro University .