



Legal Challenges and Policy Solutions in the Development of Village-Owned Enterprises

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Abstract

Regulation of Tegal Regency No. 2/2018 on Village-Owned Enterprises serves as a regional policy aimed at optimizing village resource potential. This regulation is expected to provide a solution for village development, particularly in Tegal Regency, which possesses significant untapped potential. However, the development of Village-Owned Enterprises often faces challenges due to a lack of stakeholder involvement in policy implementation. Proper execution of this regulation could yield substantial benefits for the community, villages, and the region as a whole. This study employs a normative juridical approach to examine legal issues and policies related to Village-Owned Enterprises. The research aims to analyze the implementation of Tegal Regency Regulation No. 2/2018 and identify solutions to the challenges encountered in its application. Utilizing qualitative data analysis with a descriptive normative juridical method, this study explores the role of various stakeholders in policy implementation. The local government collaborates with the private sector, particularly entrepreneurs, to provide input and motivation for Village-Owned Enterprise development. The findings of this research highlight the importance of evaluating and refining regional policies to enhance their effectiveness. Future studies are encouraged to assess and improve the implementation of Village-Owned Enterprise policies in Tegal Regency, ensuring their optimal contribution to economic development at the community, village, and regional levels.

Keywords: Village-Owned Enterprises, Regional Policy, Legal Implementation, Economic Development

I. Introduction

The President Joko Widodo started in 2014, the institution in charge of managing common property resources (natural tourism villages) is no longer the Ministry of Tourism but is now the task of the Ministry of Villages through the Village Fund policy (Viva, 2016). The Village Fund is given to all Village Governments by the Central Government as a realization of Law No. 6/2014 on Villages for the physical (infrastructure) and non-physical (empowerment) development of village communities. During 2015-2019, the Central Government provided Village Funds to

74,958 villages in Indonesia with an average of 280 million IDR (in 2015), 628 million IDR (in 2016), 800 million IDR (in 2017) and it is estimated that each village will receive 1 billion in 2019.1.

The Ministry of Villages then encouraged all villages in Indonesia to utilize the Village Fund to establish and develop Village-Owned Enterprise institutions to accelerate efforts to reduce rural poverty (Kompas, 2015). In just two years after the Village Fund was introduced in 2015, the Ministry of Villages was able to significantly increase the number of Village-Owned Enterprise, from 1,022 units in 2014 to 21,811 units in 2017 (Kompas, 2017b; The Jakarta Post, 2017a). Under the Joko Widodo administration, establishing and developing Village-Owned Enterprise became one of the Central Government's priority agendas. Village-Owned Enterprise became a platform to manage common property resources (natural tourism villages) and village-owned assets to be utilized to the greatest extent for the welfare of the village community based on the Minister of Villages, Development, Disadvantaged Regions, and Transmigration (Village Regulation) Regulation No. 4/2015 on Village-Owned Enterprise. However, at the grassroots level (village level), Joko Widodo faces serious challenges and it is not easy to realize the Nawacita program in developing villages because there are still many Village-Owned Enterprise (around 65 percent of the total number of 12,848 units in 2016) that have not been able to be active-productive, only normative, and a formality in reducing rural poverty.

Regional Regulation No. 2 of 2018 on Village-Owned Enterprises is a regional policy of Tegal regency on Village-Owned Enterprises. The legal basis of this policy is Law No. 6 of 2014 on villages, Law No. 23 of 2014 on Regional Government, Law No. 40 of 2007 on Limited Liability Companies, Law No. 12 of 2011 on the Formation of Legislation, Law No. 1 of 2013 on Microfinance Institutions.

Urgency of the regional regulation of Tegal Regency Number 2 Year 2018 Regent is in order to increase the potential of village resources. It is hoped that this regional policy can be a solution for the development of village potential where Tegal regency has a lot of village development potential. As well as increasing the potential of village business capabilities. With the Village-Owned Business Entity, it is expected that the business potential in Tegal regency, which has a large number of small and medium enterprises and a high entrepreneurial culture, will certainly be the main requirement if the local government can capture this opportunity to improve and empower the business world in Tegal regency to the fullest.

Regent Regulation No. 2 of 2018 also makes efforts to increase the income and welfare of the community. The village-owned enterprise is a place of business in order to provide certainty of a place of business that will provide benefits for banking access. Environmental permits so as not to have an environmental impact after the business runs. Environmental issues are a crucial problem and cannot be underestimated, because many regions are trying to increase income but do not pay attention to environmental factors so as to make greater losses, with many health problems and natural damage that have an impact on floods and landslides, where the cost of rehabilitation is even greater than the economic benefits.

Some previous research related to the Tegal Regency policy regarding research on Village-Owned Enterprises, among others. Management of Bumdes Harapan berkembang, written by Ghea Dwi Rahmadine, 2024. This research focuses on the development of management in managing Village-Owned Enterprise. Research by Sutriyo in 2022, Village-Owned Enterprise Development Strategy to improve the welfare of rural communities. This research focuses on researching how to market Village-Owned Enterprises products by involving the Regional Government. As well as research by Asrofi et al in 2022, namely Analysis of the Role of Village-Owned Enterprises in Increasing Village Original Income in Tegal Regency. The research revolves around maximizing an effective role in the development of Village-Owned Enterprise. The research written now differentiates from previous research, namely research that looks at the preparation of regional policies in the development of participatory Village-Owned Enterprises

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so that policies made in their implementation are maximized in their role and function and recognize the obstacles faced so that they become future improvements.

II. Research Problems

Based on the description above, the problems in this study are: How is the implementation of Tegal Regency Regional Regulation Number 2 of 2018 concerning Village-Owned Enterprises in Tegal Regency; How is the policy implications of Tegal Regency Regional Regulation Number 2 of 2018 concerning Village-Owned Enterprises in Tegal Regency.

III. Research Methods

Research method used is the normative juridical approach. Normative Juridical Research is a method of legal research conducted by examining library materials or secondary materials. This research is a Normative Juridical Research on issues concerning legal policy regulations in the form of regional regulations, namely Tegal Regency Regional Regulation Number 2 of 2018 concerning Village-Owned Enterprises, both in implementation and implications.

The method of data analysis is carried out by collecting data through the review of library materials or secondary data which includes primary legal materials, secondary legal materials and tertiary legal materials, both in the form of documents and applicable laws and regulations relating to normative juridical analysis of the synchronization of laws regarding marriage and regulations regarding the recording of unrecorded marriages in birth certificates. To analyze the legal materials that have been collected, this research uses a qualitative data analysis method, namely normative juridical which is presented descriptively, namely by describing a policy related to improving the performance of the legal system in Indonesia and then assessing whether its application is in accordance with the normative provisions. Primary legal materials, namely research materials derived from laws and regulations related to the title and problems formulated.

IV. Result And Discussion

1. Implementation of Tegal Regency Regional Regulation Number 2 of 2018 on Village-Owned Enterprises in Tegal Regency.

Regional Regulation No. 2 of 2018 on Village-Owned Enterprises is a regional policy of Tegal regency on Village-Owned Enterprises. The legal basis of this policy is Law No. 6 of 2014 on villages, Law No. 23 of 2014 on Local Government, Law No. 40 of 2007 on Limited Liability Companies, Law No. 12 of 2011 on the Formation of Legislation, Law No. 1 of 2013 on Microfinance Institutions.

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problems and natural damage that have an impact on floods and landslides, where the cost of rehabilitation is even greater than the economic benefits.

Purposes of Establishing Village-Owned Enterprises

That in order to increase the potential of village resources, the income and welfare of the village community needs to be accommodated through various economic business activities available, namely one of the Village-Owned Enterprises. In accordance with Regional Regulation Number 2 of 2018 concerning Village-Owned Enterprises. The purpose of establishing Village-Owned Enterprises is as follows:

- a. Improving the Village Economy, the potential of the village is very large and has the opportunity to be able to increase revenue for the village and local government. With Indonesia's natural wealth and especially Tegal Regency which has a lot of natural treasures that can be exploited as a source of village economy.
- b. Optimizing village assets to benefit village welfare. Village assets are quite numerous and extensive, if not regulated and managed properly, they will certainly not provide benefits for the village itself. Inventorying assets is very important so that later from the inventory will be developed into productive assets.
- c. Increasing community efforts in managing the economic potential of the village, many community businesses need to be accommodated in a good container and well programmed, so that these businesses can develop productively and can benefit the village community.
- d. Develop business cooperation plans between villages and/or third parties. Through the development of Village-Owned Enterprises, business cooperation between villages can be developed more optimally and also cooperation with third parties, for example with the business world, so as to encourage the development of village assets to be more developed and the marketing channels for village products to be more expansive.
- e. Improving community welfare through improved public services, growth and equitable distribution of the village economy. Public facilities will develop well if the village's income increases. With Village-Owned Enterprises, it is expected that the development of public facilities will be more numerous and beneficial to the community.

Role of Village-Owned Enterprises

Village-Owned Enterprises are economic institutions that have an important role in realizing the welfare of rural communities and village governments. The establishment of Village-Owned Enterprises can be a means of strengthening the village economic institutions in exploring the economic potential of the village as well as a means of utilization of the local economy. Therefore, Village-Owned Enterprises can be utilized as the backbone of the village economy through increased village income and the welfare of rural communities.

There are several roles of Village-Owned Enterprises based on the Tegal Regency Regulation. These roles include:

- a. Role of Village-Owned Enterprises is as a facilitator, where Village-Owned Enterprises are expected to increase local revenue. Bumdes can also provide solutions to village problems so that they can create good and positive changes for the village. Bumdes can also provide facilities to open new business ventures so that the types of businesses in the village can grow in large numbers.
- b. Village-Owned Enterprises are as Mediators, where Village-Owned Enterprises can socialize the results of business plans determined by the village. And from the socialization of the results of this business plan developed into concrete activities. Often the existing socialization, there is no follow-up, so that the existence of Village-Owned Enterprises can be the executor for well-designed business programs.
- c. Role of Village-Owned Enterprises as a Motivator, where Village-Owned Enterprises encourage the development of business to the maximum, and can increase the income and welfare of the village community. One of the concerns is that there are still many villagers

who do not have strong motivation to become entrepreneurs. So through the development of Village-Owned Enterprises will be able to motivate the surrounding community to develop and advance together.

Terms establishment of Village-Owned Enterprises.

Based on Regional Regulation No. 2/2018, the requirements for the establishment of Village-Owned Enterprises are implemented by considering: a) initiatives Village Government and/or Village community; b) potential of Village economic enterprises; c) natural resources in the Village; d) human resources capable of managing Village-Owned Enterprises; e) capital participation from the Village Government in the form of financing and village assets that are submitted to be managed as part of the Village-Owned Enterprises business.

Administration and Management

Management of Village-Owned Enterprises is carried out by Village-Owned Enterprises that are separate from the Village Government organization. During this time Bumdes is part of the Village Government, so the management is not professional and tends to be misused by village officials for their own interests, so that many Village-Owned Enterprises are not well developed, even many are stopped, because the budget is minus. With the management of Village-Owned Enterprises taken professionally, it is expected that management will run effectively and efficiently. After the board is elected, then for the organizational form of the Village-Owned Enterprises board consists of:

- a. Advisors; advisors are usually drawn from people who are competent in their field or by villagers considered qualified in terms of age and experience.
- b. operational executives or directors; consisting of people who are selected based on competence and expertise and have full time to manage the Village-Owned Enterprises and the Village-Owned Enterprises.
- c. Supervisor, is part of the organization that has the function of overseeing the Bumdes in terms of finance and operations. This part of the supervisor carries out regular monitoring and evaluation tasks, so that improvements can be made for the better.

Rights and Obligations Village-Owned Enterprises.

Village-Owned Enterprises in carrying out its operations have rights and obligations, especially to the village. Primarily the rights and obligations of Village-Owned Enterprises is to explore the potential of the village, especially the potential derived from village-owned wealth. The potential of the village is very much and if developed and empowered it will be an extraordinary economic leverage. Many villages have a large income and income by developing the existing village potential, for example by developing village tourism, inviting investors to develop businesses in the village, building public facilities, and empowering natural potential by making it a large business land.

Village-Owned Enterprises in addition to exploring the potential of the village are also expected to make loans in order to increase capital. Business capital plays a very large role in moving the economy of rural communities. Many rural communities are often in order to obtain business capital by borrowing loan sharks, so instead of being able to solve the problem, but it adds to the problem, because the interest is quite large. With the Village-Owned Enterprises then expected, capital can be implemented on a rolling basis and implemented with affordable interest, in order to develop the village economy well.

Development of business types is also very important, because with more types of businesses carried out, it will be able to increase the income of Village-Owned Enterprises which in turn can improve the village economy. Business development is not an easy thing to do, it requires seriousness in managing this village-owned enterprise carefully, so that the type of business can increase qualitatively and quantitatively. Business development is to increase business turnover and assets, so through business development that is carried out carefully, it will become an important and fundamental thing for the business world.

Another right and obligation of village-owned enterprises is to cooperate with third parties, in this case it is an effort to expand the business, it is necessary to cooperate with private parties and with neighboring villages, as an effort of corporate action to develop business massively. Cooperation with third parties is also essential so that business development will be able to run well. Of course, in this case it is necessary to be careful and precise in conducting cooperative relationships so that they can provide great benefits for the village and its people.

2. Implications of Regional Regulations on Village-Owned Enterprises in Tegal Regency.

Implications of the issuance of Regional Regulation No. 2/2018 have a broad impact on the development of Village-Owned Enterprises in Tegal Regency. With the issuance of regional regulations, the development of village-owned enterprises will run well and can increase the potential of village-owned enterprises both in terms of quantitative numbers and turnover of Village-Owned Enterprises as a whole. The following are some of the implications of Regional Regulation No. 2/2018 on Village-Owned Enterprises.

Total of Village-Owned Enterprises in Tegal Regency

Total of Village-Owned Enterprises (VOE) in Tegal Regency along with the strengthening of normative law in the form of regional regulations has increased in terms of quantity and quality. Tegal Regency continues to receive additional Village-Owned Enterprises (VOE). There are 168 Village-Owned Enterprises that have been registered from 281 villages. Of the 168 that are already operating, Village-Owned Enterprises are engaged in various sectors. Some are in the agro-tourism sector, water gallons, and other sectors. The potential of villages in Tegal Regency that have a good natural panorama, such as in Bojong District, Bumijawa also has a positive impact, with the presence of several village tourist attractions whose management is carried out by Village-Owned Enterprises, so that it can increase village financial resources and can empower the economy in the surrounding village.

Total of 168 Village-Owned Enterprises that already exist is not all able to produce maximally. Some are still beginners and some are still in early development. According to the Regional Government expert staff on village economic development, M Jamroni, there needs to be assistance to Village-Owned Enterprises that are still new and in the early development stage, so that it is expected to be able to develop optimally and can provide a large impact of village empowerment both financially and human resources. Meanwhile, Coordinator of Development Program Experts and Village Community Empowerment (VCE) Tegal Regency Muhajirin said, the establishment of Village-Owned Enterprises as an instrument of social capital is expected to be a bridge that connects the village with the scope of the economy outside it so as to strengthen the economy in rural areas.

"The important point of establishing Village-Owned Enterprises is to improve the village economy, increase Village Original Revenue, improve the management of village potential according to community needs and become the backbone of village economic growth and equity," he explained. Seriousness in managing and stretching the Village-Owned Enterprises program, Muhajirin believes it can bring underdeveloped villages into independent villages. "Advanced Indonesia will be realized if the village is advanced and the progress of the village is because the economy in the village is moving, poverty is eradicated and many productive creations emerge from the village, be it in agriculture, tourism and others."

Separately, Director of Village-Owned Enterprises Sinar Rembulan, Rembul Village, Bojong District, Hafidzin Ichsan revealed, there are several sector units that will be developed. From trade, social, production, service and tourism units. But there are only two units that are already running. "The two units are the social unit in the refill water development sector with the Ringga Water brand and the trade unit in the rice management sector. Meanwhile, the other units are in process and will be developed this year."

For the unit in the Ringga Water refill water sector, in one month there are almost 1000 gallons of water filling and in the future it will be developed again widely and will be packaged as attractively as possible. With the running of these two sector units, Sinar Rembulan Village-Owned Enterprises in Rembul Village has generated Village Own-Source Revenue (VO-SR).

Penyerapan Dana Village-Owned Enterprises di Kabupaten Tegal

With the existence of local regulations on Village-Owned Enterprises, the local government, in this case the Tegal Regency Government, has budgeted for the empowerment of Village-Owned Enterprises. Village Financial Assistance (VFA) 2022 is now entering the second semester of the third quarter. In order to monitor and evaluate the absorption of budget funds for Village-Owned Enterprises, the Tegal Regency Government collaborated with various related agencies, in order to maximize the implementation of village fund management. One of those involved is Commission A of the Central Java Provincial Regional Representative Council.

Commission A of the Regional Representative Council of Central Java Province conducted monitoring to Tegal Regency, to see how far the absorption of Village-Owned Enterprises funds has been carried out. In this case, Commission A of the Regional Representative Council of Central Java Province is trying to ensure that Village Financial Assistance (VFA) can be maximally absorbed for village development. One of the areas monitored was Tegal Regency. During a dialog with the Head of the Tegal Regency Dispermasdes Desy Arivianto and his staff, Friday (5/8/2022), Member of Commission A of the Regional Representative Council of Central Java Province Sunarno said that the distribution of Village Financial Assistance (VFA) has now reached 85%.

Commission A encourages the bumdes to be absorbed immediately because the community has been waiting for these funds. Obstacles that occur in the field must be communicated and coordinated properly between the village government and related agencies. The arrival of Commission A was in order to supervise and monitor the extent of the absorption of the bankeudes. In addition, Commission A also views Village-Owned Enterprises as an economic driver at the village level so that it needs to be well fostered in order to have a positive impact on society. We ask for inputs so that the budget that has been prepared can be right on target and orderly administration," said Sunarno accompanied by Plt. Head of the Central Java Province Dispermasdesdukcapil Didi Haryadi.

V. Conclusion

Implementation of Regional Regulation No. 2 Year 2018 Village-Owned Enterprises in Tegal Regency is the existence of a clear legal basis on clarity and certainty about the procedures for the establishment, role, and rights and obligations of Village-Owned Enterprises, so as to provide clarity in order to increase the potential of the village to be more productive and can increase cooperation with villages or other private parties to develop business and revenue Village-Owned Enterprises more leverage, especially in benefits for the village and local government.

Implication of the issuance of Regional Regulation No. 2 of 2018 is the increasing number of Village-Owned Enterprises in Tegal Regency as well as the maximization of the absorption of funds to the village community in using and utilizing funds through Village-Owned Enterprises, so that the circulation of funds rolls healthily and productively in the village community. In addition, funds for the development and empowerment of Village-Owned Enterprises are also maximally absorbed for the establishment of new Bumdes so that the establishment of Bumdes in Tegal Regency is increasingly spread.

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