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RESEARCH ARTICLE

FACTORS CAUSING LEGAL INEFFECTIVE RULE MAKING PROCEDURES

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Abstract

Article 69 Paragraphs (9 and 10) of the Village Law, it is stated that "The Village Regulation Draft must be consulted with the village community. The Village Community has the right to give their opinion on the Village Regulation Draft". The purpose of this study is to discovering factors inhibiting the implementation of law of community empowerment law in participating in the preparation of the Village Regulation Draft on Pleret Village Revenue and Expenditure Budget, Pasuruan Regency, Republic of Indonesia. This study uses a non-doctrinal legal research method, through literature study and interviews with the Head of the Pleret Village, the Secretary of the Pleret Village, the Head of the Hemlet, the chairman and members of the Village Consultative Department, using qualitative juridical analysis methods. The conclusion of the research is Factors that hinder the effectiveness of community empowerment law in participating in the formulation and discussion of village regulations such as Knowledge, Economic and Time Management factor.

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Introduction:-

In Article 69 Paragraphs (9 and 10) of Law Number 6 of 2014 concerning Villages that hereinafter referred to as village law, states that:

(9) The draft Village Regulation must be consulted with the village community.

(10) The Village Community has the right to provide opinion on the Village Regulation Draft.

Based on grammatical interpretation, Article 69 Paragraphs (9 and 10) of the Village Law that mentioned above are the legal methods governing community empowerment in planning and discussing democratic village regulations.

Furthermore, Article 83 of the Government Regulation concerning Villages, states:

1. The draft Village regulation is initiated by the Village Government.
2. The Badan Permusyawaratan Desacan propose a draft Village regulation to the village government.
3. The draft Village regulations as referred to in paragraph (1) and paragraph (2) must be consulted with the Village community to obtain opinion.
4. The village regulation draft as referred to in paragraph (2) is determined by the village head after being discussed and agreed with the Village Consultative Department.

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Article 6 Paragraph (2) Regulation of the Minister of Home Affairs concerning technical guidelines for regulations in the national level, it is stated:

"... (2) The draft Village Regulation that has been prepared must be consulted with the village community and can be consulted with the District Headmaster to obtain opinion. ... "

Article 6 Paragraphs (2 and 3) of Pasuruan Regent Regulations regarding guidelines for drafting regulations in the village are stated:

"... (2) The draft Village Regulation that has been prepared must be consulted with the village community and can be consulted with the District Headmaster to get his opinion.

(3) The Village Regulation Draft that is consulted as referred to in paragraph (2) is prioritized for the community or community groups directly related to the substance of the regulatory material. "

Point D of Pasuruan Regent Regulation concerning Guidelines for the Formulation of Village Budgeting and Expenditure in 2019, stated that:

"... In preparing the Village Budget, the Village Government and BPD need to pay attention to technical matters as follows:

1. The Village Government prepares and determines the APBDesa (Village Budgeting and Expenditure Budget) in a timely manner, which is no later than 1 (one) month after the Regency APBD is established.
2. Village Government to meet the timetable for the preparation of the APBDesa (Village Budgeting and Expenditure Budget) process, starting from the preparation, submission to the BPD and BPD approval.
3. Materially it is necessary to synchronize the Village Government Work Plan (RKP Desa) with the Village RAPB, so that the APBDesa (Village Budgeting and Expenditure Budget) is a form of integration of all National, Regional and Village programs in an effort to improve public services and the welfare of the community in the village. ... "

Based on grammatical interpretation, Article 69 Paragraphs (9 and 10) of the Village Law, Article 83 (Paragraph 3) Government Regulation Number 43 of 2014 concerning Regulations for Implementing Law Number 6 of 2014 concerning Villages, and Article 6, Paragraphs (2 and 3)) Regulation of the Minister of Domestic Affairs Number 111 of 2014 concerning Technical Guidelines for Regulations in the Village, Article 6 of the Regulations of the Pasuruan Regent Number 36 of 2017 concerning Guidelines for Preparation of Regulations in the Village and Point D of Regulations of the Pasuruan Regent Number. 45 of 2018 concerning Guidelines for the Preparation of Village Income and Expenditure Budget in 2019, is a legal method governing the planning and discussion of democratic village regulations, because the legal procedure obliges the Village Government as the designers and proponents of the preparation Village Regulation on Village Budgeting and Expenditure Budget to consult with the community, in order to get responses and opinion.

The Village Regulation Draft on Village Revenue and Expenditure Budget, besides having to consult with the community to get opinion from the community, before it is submitted to the Badan Permusyawaratan Desa as institution that carries out government functions whose members are representatives of the village population based on regional representation and democratically determined to be discussed together, the Village Regulation Draft on Village Revenue and Expenditure Budget, no later than one (1) month after the Regional Regulation concerning the Budget for the Revenue Expenditure of the City District (Regional Regulation/ APBD Regency / City) is determined. In this case, the Regulations on Regional Regulations of Regency / City APBD are set no later than one (1) month before the start of the fiscal year every year. This means that the APBD Regional Regulation must be established no later than November. Therefore, the Village Regulation concerning the Village Revenue and Expenditure Budget has been established before December 31.

Based on teleological or sociological interpretation of the law, the purpose of the legislators is that the Village Regulation Draft of the Village Budget and Expenditure Budget prepared by the Village Government, before being discussed with the Badan Permusyawaratan Desa should be consulted with the community to get opinion, suggestions and responses, is a form of democratic law formation, because it involves the public at large to provide opinion, feedback and suggestions.

The concept of democracy, experts in the political and legal fields differ in providing a definition of democracy. Etymologically, Rod Hague and Martin Harrop, stated that;

"Democracy comes from the Greek word "demokratia" which means power or rule (kratos) by the people (demos). So democracy in the sense of word is a lot of meaning, not only the election of leaders by the people but denial of the separation of the two. "

Democracy has a long history the existence of ideas about democracy began 508 years BC. The long journey has ushered in democracy towards a sustainable dynamic, evolving in accordance with the times and the needs of the people who use it. In line with that, I Dewa Gede Atmadja, said that regional and otoda government in Indonesia based on Article 18 of the 1945 Constitution (the 2nd Amendment) was based on the principle of democracy. In accordance with the English-Latin Law Dictionary "Black's Law Dictionary" the meaning of "democracy" is;

"That form of government in which the sovereign power resides in and is, exercised by the whole Department of free citizens directly or indirectly through a system of representation, as distinguished from a monarchie, aristocracy, or oligarchy".

It is the form of government in which the sovereignty of the whole governmental institution is determined by free people, both directly and indirectly through a system of representation, which differs from monarchy, aristocracy, or oligarchy.

Moh. Mahfud.MD, said that almost all notions of democracy always provide important positions for the people, despite the operational implications in different countries. This means that all countries that act in the name of their government adhere to a democratic system of government must involve the interests of the people in making policies both through their representatives in the representative institutions and directly.

CF.Strong, said that democracy is a system of government that has a majority of adult members of the political community, participating in participation by means of representation, which ensures that the government must account for all its actions to the majority group.

Thus the essence of democracy is community involvement in determining government policy. The government policy in the field of law is no exception, whether it is laws, regional regulations or village regulations, either directly or through representatives elected through the general election mechanism or appointed based on the agreement representing them.

One of the principles in the formation of good laws and regulations is the existence of public (community) participation in its formation. This is in line with the opinion of Maria Farida Indrati Soeprapto who stated that in the formation of legislation the government must involve the community both verbally and in writing. Community involvement (public participation) is needed because of differences in resources related to the material to be formed. Community involvement is also needed so that regulations are formed in accordance with the needs and values that exist within the community itself.

Moh Fadli et al said, In a democratic country community participation is essentially there: a means to: avoid abuse of power, channel the aspirations of the community to the government, involve citizens in public decision making and uphold people's sovereignty. Participation is the right as well as the obligation of citizens to uphold good governance.

Referring to the opinions of Maria Farida and Moh Fadli et al above, community participation in the formation of laws and regulations, not least in the formation of village regulations is the community's rights and obligations, therefore besides the community must be active to be involved in every determination of government policy, then the government is obliged to facilitate so that the rights and obligations of the community to participate in any government policy can be carried out smoothly and well, without the elements of intimidation and coercion to the community.

Pleret Village, Pohjentrek Subdistrict, Pasuruan Regency, Republic of Indonesia is geographically a village that borders directly with the territory of Pasuruan City, where the community has a relatively high concern in

supporting development in the Pleret Village area. This is evidenced by the complete infrastructure in the Pleret village office and information on development and services in the Pleret village, as well as the frequent Pleret Village Government and Pleret Village community groups representing Pohjentrek District in hygiene, waste management and environmental safety contests. at the Pasuruan Regency level.

Preparation and discussion of Village Regulations in Pleret village, Pasuruan Regency, Republic of Indonesia for study, whether physical development is directly proportional to community empowerment, specifically community involvement in correcting, expressing aspirations and proposing village development programs and activities in planning and discussion about Village Regulation on Village Budget and Revenue. The purpose of this study is Find out what factors are hampering the effectiveness of community empowerment law in participating in drafting and discussing village regulations in Pleret village, Pasuruan Regency, Republic of Indonesia.

Methods:-

This type of research conducted by researchers is empirical legal research or sociological legal research. It is studying the implementation of law or the effectiveness of law in the midst of society.

The data in this study are primary data and secondary data. Primary data is direct data in the form of words and human actions, in this case village government actors, such as the village head, the village secretary, the head of the hamlet in Pleret village, as well as the leaders and members of the Badan Permusyawaratan Desa While secondary data are indirect data in the form of legal material both primary legal materials, secondary legal materials and tertiary legal materials. Primary data collection by conducting in-depth interviews with predetermined informants, observations / observations and documentation on the sites visited by researchers. Interviews will be conducted with the Village Head, Village Secretary, Village / Village Head, Chairperson and Members of the Badan Permusyawaratan Desa. Secondary and tertiary data collection, namely by studying literature in public libraries, as well as campus libraries and the literature owned by the village government of Pleret along with other written documents.

Data analysis was conducted using qualitative juridical analysis, by: Data obtained from the results of both primary and secondary data were collected and then classified and categorized based on the main points of the problem to be expressed through research then drawn conclusions to answer the problem. Secondary data were analyzed using legal interpretation. The activity was continuously carried out so as to form a cycle that allows conclusions that provide answers to problems, so that the cycle process can be systematically interconnected.

This study was only studying and analyzing the implementation of the law on community empowerment in the formation of village regulations on Village Budgeting and Expenditure, specifically the implementation of Article 69 Paragraphs (9 and 10) of the Village Law. That is, the implementation of the obligations of the Village Government, conveying the Village Regulation Draft on Village Revenue and Expenditure Budget to the community to get opinion and responses, before the Draft Village Regulation on Village Revenue and Expenditure Budget is discussed and determined between the Badan Permusyawaratan Desa with the Village Government. This research was carried out in Pleret Village, Pohjentrek District, Pasuruan Regency, Republic of Indonesia Republic, in a period of six (6) months.

Discussion:-

Geographically, the PLERET Village Area is included in the Pohjentrek Sub-district of Pasuruan Regency, and administratively the PLERET Village area is ± 109,249 ha. The use of which consists of:

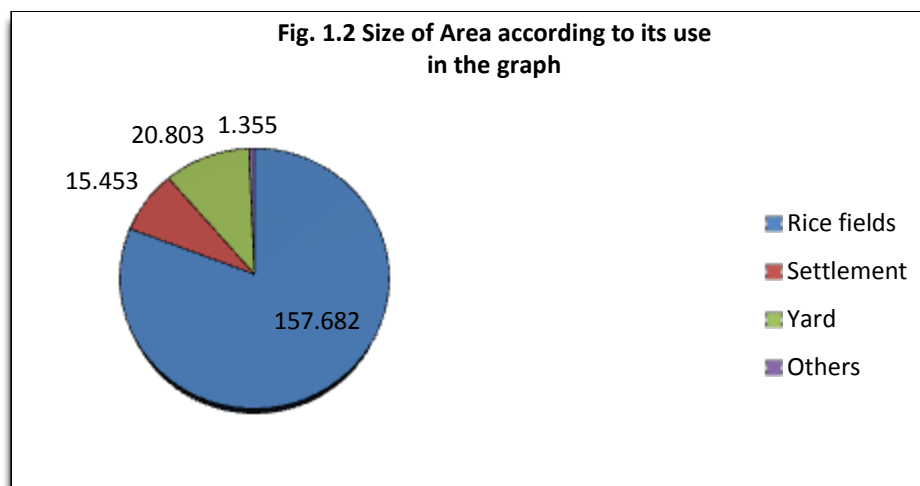
Rice field: 64,190 Ha

Yard: 7045 Ha

Settlement: 29461 Ha

Other (river, grave, road): 1292 Ha

Figure 1. Area of Pleret Village



The Border of Pleret

Location	Village	District
North	Pohjentrek Regency	Purworejo
South	Warungdowo Village	Pohjentrek
West	Parasrejo Village	Pohjentrek
East	Godangrejo Village	Gondang wetan

Table 2:- Total Population by Age Group.

Year	Age Group						Total
	00 - 1 y.o	1-<5 y.o	5-< 10 y.o	10 - 25 y.o	25 - 60 y.o	Above 60 y.o.	
2012	256	147	511	2.009	198	23	3.144
2013	267	178	499	1.961	188	67	3.160
2014	312	281	461	1.895	161	26	3.136
2015	389	341	482	1.747	155	34	3.148
2016	595	402	450	1.695	192	25	3.359
2017	765	460	471	1.439	207	20	3.344
2018	57	217	369	1058	2184	422	4.307

The PLERET village area is divided into 4 hamlets, there are:

1. Pandean
2. Pleret
3. Magersari
4. Bunguran

And each hamlet is led by a hamlet head, while the position of hamlet head becomes very strategic as there is an abundance of village tasks to village officials in order to maximize the service function to the community.

Table 3:- Number of Resident Assosiation (RT) and Neighborhood Assosiation (RW) in the Hamlet.

No.	Name	Amount of RW	Amount of RT
1.	Dusun Pandean	2	7
2.	Dusun Pleret	2	7
3.	Dusun Magersari	3	10
4.	Dusun Bunguran	2	7

Table 4:- Education Level of Village Government Officials.

No	Information	Total					
		Elementary	Jr.	High	Sr.	High	S

		school	School	School	1	2
1	Village headmaster	-	-	√	-	-
2	village secretary	-	-	√	-	-
3	Government & Development Office.	-	-	√	-	-
4	General Affairs & Finance	-	-	√	-	-
5	People's Welfare (Modin)	-	-	√	-	-
6	Technical Training of Tramtib (Kepetengan)	-	-	√	-	-
7	Technical Training of Irrigation & Agriculture / ulu	-	-	√	-	-
8	Masangan Hamlet Headmaster	-	-	√	-	-
9	Penulupan Hamlet Headmaster	-	-	√	-	-
10	Paras Hamlet Headmaster	-	-	√	-	-
11	Blusuk Hamlet Headmaster	-	-	√	-	-

Table 5:- Education Level of Members of the Village Consultative Department.

No	Keterangan	Jumlah				
		SD	SLTP	SLTA	S 1	S 2
1	BPD Chairman	-	-	-	√	-
2	BPD Vice Chairman	-	-	-	√	-
3	BPD Secretary	-	-	√	-	-
4	Member 1	-	-	√	-	-
5	Member 2	-	-	√	-	-
6	Member 3	-	-	√	-	-
7	Member 4	-	-	√	-	-

Table 6:- Performance of Residents and Neighborhood Associations.

No	Keterangan	Buah
1	Neighborhood Associations Amount	9
2	Functional Neighborhood Associations Amount	9
3	Neighborhood Associations Amount who has an administrator	9
4	Neighborhood Associations Amount who has an office	1
5	Residents Amount	31

Map of pleret village:



Factors hampering the effectiveness of community empowerment law in participating in the formulation and discussion of village regulations.

Village Regulations are laws and regulations determined by the Village Head after being discussed and agreed with the Village Consultative Department". Village regulations are determined by the Village Head after being discussed and agreed with the Village Consultative Department. The Village Regulation Draft on Village Revenue and Expenditure Budget, levies, spatial planning, and Village Government organizations must obtain an evaluation from the Regent / Mayor before being stipulated as a Village Regulation.

In Article 69 Paragraphs (9 and 10) the Village Law states that:

(9) The draft Village Regulation must be consulted with the village community.

(10) The Village Community has the right to provide opinion on the Village Regulation Draft.

Based on grammatical interpretation, Article 69 Paragraphs (9 and 10) of the Village Law, mentioned above are the legal methods governing community empowerment in planning and discussing democratic village regulations.

Furthermore, Article 83 of the Government Regulation on Villages, states:

1. The draft of Village regulation is initiated by the Village Government.
2. The Badan Permusyawaratan Desacan propose a draft Village regulation to the village government.
3. The draft Village regulations as referred to in paragraph (1) and paragraph (2) must be consulted with the Village community to obtain opinion.
4. The village regulation draft as referred to in paragraph (2) is determined by the village head after being discussed and agreed with the Village Consultative Department.

Article 6 Paragraph (2) Regulation of the Minister of Home Affairs concerning Technical Guidelines for Regulations in the Village, it is stated:

"... (2) The draft of Village Regulation that has been prepared, must be consulted with the village community and can be consulted with the District Headmaster to obtain opinion. ... "

Article 6 Paragraphs (2 and 3) of the Pasuruan Regent Regulation regarding Guidelines for the Compilation of Regulations in the Village are stated:

"... (2) The draft Village Regulation that has been prepared, must be consulted with the village community and can be consulted with the District Headmaster to obtain opinion."

(3) The draft Village Regulation that is consulted as referred to in paragraph (2) is prioritized for the community or community groups directly related to the substance of the regulatory material. "

Point D Pasuruan Regent Regulation concerning Guidelines for the Formulation of Village Budgeting and Expenditure in 2019, is stated:

"... In preparing the Village Budget, the Village Government and BPD need to pay attention to technical matters as follows:

1. The Village Government prepares and determines the APBDesa in a timely manner, which is **no later than 1 (one) month after the Regency APBD is established.**
2. Village Government to meet the timetable for the preparation of the APBDesa process, starting from the preparation, submission to the BPD and BPD approval.
3. Materially it is necessary to synchronize the Village Government Work Plan (RKP Desa) with the Village RAPB, so that the APBDesa is a form of integration of all National, Regional and Village programs in an effort to improve public services and the welfare of the community in the village. ... "

Based on grammatical interpretation, Article 69 Paragraphs (9 and 10) of the Village Law, Article 83 (Paragraph 3) Government Regulation Number 43 of 2014 concerning Regulations for Implementing Law Number 6 of 2014 concerning Villages, and Article 6, Paragraphs (2 and 3)) Regulation of the Minister of Domestic Affairs Number 111 of 2014 concerning Technical Guidelines for Regulations in the Village, Article 6 of the Regulations of the

Pasuruan Regent Number 36 of 2017 concerning Guidelines for Preparation of Regulations in the Village and Point D of Regulations of the Pasuruan Regent Number. 45 of 2018 concerning Guidelines for the Preparation of Village Income and Expenditure Budget in 2019, is a legal method governing the planning and discussion of democratic village regulations, because the legal procedure obliges the Village Government as the designers and proponents of the Village Regulation Draft on Village Budgeting and Expenditure Budget to consult with the community, in order to get responses and opinion.

The draft of Village Regulation on Village Revenue and Expenditure Budget, is the result of the formulation of the Village Development Planning Consultation organized by the Badan Permusyawaratan Desa. Subsequently, after the Village Regulation Draft of the Village Budget and Expenditure Budget was prepared based on the results of the Village Development Planning Consultation it was reproduced to be communicated to the community by the Village Secretary to obtain opinion and responses.

Responses and opinion from the community on the Village Regulation Draft on Village Revenue and Expenditure Budget, documented by the Village Secretary and put together as a document on the Draft Village Regulation on Village Revenue and Expenditure Budget to be submitted to the Badan Permusyawaratan Desa, and then the Badan Permusyawaratan Desa held a discussion meeting with the Village Government on the Draft Village Regulation on the Village Budget and Expenditure Budget and stipulated as a Village Regulation on the Village Budget and Revenue.

The Village Regulation Draft on Village Revenue and Expenditure Budget, besides having to consult with the community to get opinion from the community, before it is submitted to the Badan Permusyawaratan Desato be discussed together, the Village Regulation Draft on Village Revenue and Expenditure Budget, no later than one (1) month after the Regional Regulation concerning the Budget for the Revenue Expenditure of the City District (Perda APBD Regency / City) is determined. In this case, the Regulations on Regional Regulations of Regency / City APBD are set no later than one (1) month before the start of the fiscal year every year. This means that the APBD Regional Regulation must be established no later than November. Therefore, the Village Regulation concerning the Village Revenue and Expenditure Budget has been established no later than December 31.

Based on teleological or sociological interpretation of the law, the purpose of the legislators is that the Village Regulation Draft of the Village Budget and Expenditure Budget prepared by the Village Government, before being discussed with the Badan Permusyawaratan Desa should be consulted with the community to get opinion, suggestions and responses, is a form of democratic law formation, because it involves the public at large to provide opinion, feedback and suggestions.

The results of interviews with informants, such as: AGUS SUPRIYONO (Head of Pleret Village), PURNOMO SUDARMINTO (Secretary of Pleret Village); EDWIN (Head of the Pleret Hamlet); ACHMAD FAUZI (Head of Magersari Hamlet); MOCH. SOLEH (Chairperson of the Badan Permusyawaratan Desa/ BPD village Pleret); HERU (Member of the Badan Permusyawaratan Desa/ Pleret Village BPD); DILLA (Member of the Badan Permusyawaratan Desa/ Pleret Village BPD); they gave the same statement that; The formulation of the Village Regulation on the Village Budget and Revenue of the Pleret Village, begins with the holding of community aspirations through the Hamlet Deliberation event in each hamlet conducted by the hamlet head, by inviting and being attended by members of the Badan Permusyawaratan Desadomiciled in the area the hamlet, the Chairman of the Neighborhood Association (RT), the Chairman of the Citizens Association (RW), Community Leaders and Youth Leaders to accommodate the proposals or aspirations of the Hamlet community in the planned program and development activities. The results of the Hamlet Consultation, by the Hamlet head, are submitted to the secretary of Pleret Village to be recapitulated and submitted to the Badan Permusyawaratan Desato be used as discussion material in the Village Development Planning Deliberation meeting. Results of the Village Development Planning Meeting / (Musrenbangdes) held by the Badan Permusyawaratan Desa of Pleret Village, submitted to the Secretary of the Pleret Village, and the Village Planning Budget on the Village Budget (APBDesa) was then drafted.

The draft text of the Village Regulation on the Village Budget and Expenditure which was prepared by the Village secretary was submitted by the Village Secretary to the Chairperson of the Badan Permusyawaratan Desa (BPD). The Chairperson of the Badan Permusyawaratan Desaafter receiving the draft text of the Village Regulation draft on the Village Revenue and Expenditure Budget discussed the Village Regulation Draft on the Village Revenue and Expenditure Budget between the chairman and Members of the Badan Permusyawaratan Desawith the Village

Government (Village Head and Village Apparatus) as an element of the Village Government in the Pre Discussion Meeting of the Village Regulation Draft on Village Budgeting and Expenditure to be stipulated as a Village Regulation.

The result of the agreement between the Badan Permusyawaratan Desa and the Village Government in the Pre-Discussion meeting of the Village Regulation Draft on Village Budgeting and Expenditure the Village Regulation Draft on Village Budgeting and Budgeting becomes the Village Regulation on the Village Budget and Expenditure Budget . Village Revenue and Expenditure Budget signed by the Chair of the Badan Permusyawaratan Desa with the Village Head.

The Village Regulation Regarding the Village Revenue and Expenditure Budget , which was signed between the Chairperson of the BPD and the Village Head, was submitted to the Pohjentrek Sub-District Head as a Pasuruan Regency Government Representative for fermentation and clarification regarding the suitability of the material of the Village Regulation on the Village Budget and Revenue with higher laws and regulations. the results of the team's verification and clarification from the Pohjentrek Sub-District Head were handed back to the Pleret Village Government to be perfected and after being refined by the Village Government and the Badan Permusyawaratan Desa then the Village Regulation on the Village Budget and Revenue was announced in the village news and recorded in the village sheet by the Village Secretary.

The Pleret village development planning deliberation (Musrenbangdes) for the 2020 budget year was held in October 2019 led by the Chair of the Badan Permusyawaratan Desa attended by the Village Head, Village Secretary, Village Official, Hamlet Head, Chair and members of the Badan Permusyawaratan Desa/ BPD, Community Leaders, Religious Leaders, Youth / Youth Leaders, LPM Management, PKK Management, POSYANDU Management, Garbage Bank Management, Binta Village Trustees (BABINSA) Pleret Village from the Pohjentrek Koramil.

Recognition from Purnomo Sudarminto (Pleret Village Secretary) that the Pleret Village Development Planning Consultation was held in October 2019 while discussions on the draft Village Regulation on the Pleret Village Budget and Revenue Budget Year 2020 has not yet been implemented. Moch. Soleh (Chair of the Pleret Village Consultative Department), Heru and Dilla (Member of the Pleret Village Consultative Department) said that as of January 15, 2020, there was no draft of the Village Regulation Draft on Pleret Village Revenue and Expenditure Budget for the 2020 budget year that had been compiled and socialized to the community or submitted to the community for feedback and opinion, before the draft of the Village Regulation Draft on the Pleret Village Budget for the 2020 budget year is discussed together in the Pre-Discussion meeting between the Chairperson and Members of the Badan Permusyawaratan Desa and the Village Government (Head Village and Village Apparatus) Pleret.

In accordance to the laws and regulations governing the preparation of Village Regulations, then the draft Village Regulation on Village Revenue Budget must be communicated to the community to obtain community opinion on the regulated substance, otherwise the community has the right to participate and provide opinion to the drafted Village Regulation. The results of the opinion, responses and consideration of the community towards the draft Village Regulation, were discussed in the Pre-Discussion meeting between the Badan Permusyawaratan Desa and the Village Government. The Draft Village Regulation on the Village Budget and Expenditure for the 2020 budget year, at the latest has been passed and adopted between the Village Government and the Badan Permusyawaratan Desa on December 31, 2019.

The absence of a mechanism for submitting the Village Regulation Draft on the Village Pleret Village Budget in 2020 to the community of Pleret Village to obtain opinion and responses, can be interpreted to mean that the process of formulating and establishing the Village Regulation Draft on the Village Budget and Revenue Budget , Pleret Village in 2020 became a Regulation of Pleret Village that violates the law and is also undemocratic. because there is no submission of the Village Regulation Draft to all residents of Pleret Village who are seventeen (17) years old or have married both men and women to get advice, and opinions as discussion material for the Village Regulation Draft between the Badan Permusyawaratan Desa with the Pleret Village Government to be ratified as a Village Regulation on Village Budget and Revenue.

Accordance to Sudikno Mertokusumo, that the law has requirements to be valid or to have force to apply. There are three types of force in force, namely force in force juridical, sociological and philosophical.

The Power of Juridical (Juristische Geltung)

The law has the force of valid juridical if the formal requirements for the formation of the law have been fulfilled.

According to HANS KELSEN, the legal capacity has a valid force if the stipulation is based on a higher level method. A legal method is a hierarchical system of methods. In Grundnorm (basic norms) there is a basis for the validity of all methods that originate from one legal system. From Grundnorm it can only be explained the validity of the legal method and not its contents. The question of the application of the law is related to das Sollen, while das Sein relates to the notion of law.

The Power of Sociology (Soziologische Geltung)

The point is the effectiveness or results of the use of the law in the joint. What is meant is: that the enactment or acceptance of the law in society is independent of the fact whether the rule of law was formed according to formal requirements or not. So here, law enforcement is a reality in society.

The strength of the law in this society are divided into two kinds:

1. According to the theory of power (Machtstheorie). The law has the power to apply sociological if enforced by the authorities, whether or not accepted by the citizens.
2. According to the theory of recognition (Anerkennungstheorie). The law has the force of sociological effect if it is accepted and recognized by the citizens of the community.

The Power of Philosophy (Philosophy Geltung)

The law has a philosophical force if; the legal method is in accordance with the ideals of law (Rechtsidee) as the highest positive value (uberpositiven Werte: Pancasila, prosperous fair society).

For the functioned law, the legal method must meet all three elements, those are; must have juridical, sociological and philosophical powers at the same time.

Meuwissen, distinguishing three forms of validity, the three are interrelated.

1. Social behavior or factual effect (regarding the effectiveness or "Wirksamkeit" of the legal method. Means that the law is clearly adhered to or, compliance with the legal method is enforced with the help of Punishment. Also Punishment for non-compliance are included in this atmosphere.
2. Applicable jurisdiction. A legal method is formed in accordance with the legal rules of procedure which are in effect by the competent authority, and does not substantially conflict with other rules (especially higher rules).
3. Normative / moral validity. A legal method whose contents are in accordance with the will of the community, ethically the legal substance makes sense / rational (for example a law that guarantees human rights)

Accordance to Herbert C. Kelman, there are three types of people who obeys the law or obedience to the law, such as:

1. Compliance: someone obeys the law or obeys the law, not because the law is in accordance with their will but, someone obeys the law for fear of Punishment that violate the law
2. Identification Character: someone obeys the law or obeys the law, because it maintains good relations with the members of the law. So obeying the law solely maintains a harmonious relationship with fellow people who are the object of the law.
3. Internalization: someone obeys the law or obeys to the law because of the law is in accordance with the values desired by someone and the law is suitable to the needs of someone.

Furthermore, Achmad Ali, said that one's obedience to the law was influenced by factors:

1. Economic factors. That is, economic factors greatly affect a person's obedience to the law, including decisions someone who is related to the "cost" or "sacrifice", and "profits" if he obeys the law.
2. The factors of assumptions, perceptions, and various other subjective factors of a person himself.
3. Factors of the processes by which a person decides whether he will obey a rule of law or-

Law as a rule is a benchmark regarding appropriate behavior or behavior. The method of thinking used is the deductive-rational method, giving rise to a dogmatic way of thinking. On the other hand, there are those who view the law as an organized attitude or behavior. The method of thinking used is inductive-empirical, so that the law is seen as an act that is repeated in the same form, which has a specific purpose.

Effectiveness comes from the word effect which means the effect caused by cause, effect / impact. Effective which means successful, while effectiveness according to the language of use accuracy, use, support the goal. Meanwhile, the effectiveness of grammatical law can be interpreted as the effectiveness of law, in this case regarding the successful implementation of the law itself. When discussing the effectiveness of law in society means discussing the working power of law in regulating and or forcing people to obey the law.

The effectiveness of the law in question means reviewing the rule of law that meets the requirements, that is juridical valid, sociologically valid, and philosophically valid.

The effectiveness of law is inseparable from discussing and studying human observance of applicable law. If a rule of law is obeyed, it can be said that the rule of law is effective; it can still be further questioned about the degree of effectiveness. To find out about the degree of effectiveness of a rule of law, it can be seen in the relationship between the theories of legal words from H. C Kelman those are Compliance, Identification Internalization.

A legal system is essentially a unity or set of various ideals and ways in which people try to overcome the real and potential problems that arise from the association of everyday life which regarding peace.

According to Soerjono Soekanto conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the values that are set out in solid rules and attitude of action as a series of translation of the final stage of values, to create, maintain and maintain the peace of social relationships.

Factors that affect the effectiveness of law:

Legal substance factors:

The law functions for justice, certainty and expediency. In the practice of law enforcement in the field there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete tangible, whereas justice is abstract so that when a judge decides on a case by applying the law alone, there are times when the value of justice is not achieved. So when you see a problem about the law, at least justice is a top priority. Because law is not merely seen from the perspective of written law, there are still many rules that live in a society that able to regulate people's lives. If the law aims only at justice, then the difficulty is because justice is subjective, highly dependent on the subjective intrinsic values of each person.

Law enforcement factors

This factor includes those who form or implement law or law enforcement. The parts of law enforcement are law enforcement officers who are able to provide proportional certainty, justice and legal benefits. The law enforcement apparatus encompasses the understanding of law enforcement institutions and law enforcement officers, while law enforcement officials in the strict sense starts from the police, prosecutors, judiciary, legal advisors and prison officers. Each apparatus and apparatus is given the authority to carry out their respective duties, which includes receiving reports, investigating, investigating, prosecuting, proving, convicting and giving Punishment as well as efforts to re-convict the convicted.

Sociologically, each law enforcement apparatus has a status and role. Social position is a certain position in the social structure. The position is a role or role, therefore someone who has a certain position, usually has a role. A right is an authority to do and not do, while an obligation is a burden or duty. A certain role can be described in the following elements:

1. Ideal role;
2. Expected roles;
3. Perceived role; and
4. Actual roles.

Law enforcers in carrying out their role cannot do as they pleased, they must also pay attention to ethics that apply in the scope of their profession, and ethics pay attention or consider human behavior in moral decision making. In the law enforcement profession itself they have their own set of codes of ethics, but in practice the codes of ethics that have been set and agreed upon are still violated by law enforcers. As a result of the actions of law enforcers who do not have integrity can even be said to be unethical in carrying out their profession, resulting in the slow development of law expected by this nation, even giving rise to negative opinions and reducing public confidence in the performance of law enforcement.

There are three important elements that affect the mechanism of law's operation according to Soerjono Soekanto, such as:

1. Law enforcement institutions along with a variety of supporting facilities and infrastructure and institutional work mechanisms;
2. Work culture related to its apparatus, including regarding the welfare of its apparatus; and
3. A set of regulations that support both institutional performance and regulate legal material used as work standards, both the material law and the event law. Systematic law enforcement efforts must pay attention to these three aspects simultaneously, so that the internal process of law enforcement and justice can be realized in a real way.

Factors of facilities or facilities that support law enforcement

Supporting facilities can be simply formulated as a means to an end. The scope is mainly physical facilities that function as supporting factors. Supporting facilities include educated and skilled human resources, good organization, adequate equipment, and adequate finance and so on.

Community factors

Law enforcement comes from the community and aims to achieve peace in the community. Society has certain opinions about the law. Indonesian people have various opinions regarding the law, such as:

1. law is defined as science;
2. law is defined as the norm or rule, namely the benchmark of expected desirable behavior;
3. law is defined as the legal system (ie written positive law);
4. law is defined as an officer or official;
5. law is defined as the decision of an official or authority;
6. law is defined as a government process;
7. law is defined as regular and unique behavior;
8. law is defined as a tangle of values;
9. law is defined as art.

The various meanings mentioned above arise because people live in different contexts, so what should be prioritized is harmony, this aims to have a common starting point. The community also has a great tendency to interpret the law and even identify with officers (in this case law enforcement is as a person).

Cultural factors:

According to Friedman the cultural factors actually unite with the community factors deliberately distinguished, because in the discussion the problem of the values system that is at the core of the spiritual or non-material culture is discussed. This is distinguished because as a system (or subsystem of the social system), the law covers, structure, substance and culture. The structure includes the container or form of the system which, for example, covers the order of formal legal institutions, the law between these institutions, their rights and obligations, and so on. The legal (system) culture basically covers the values that underlie the applicable law, the values which are abstract conceptions of what is considered good (until followed) and what is considered bad (so avoided). These values are usually pairs of values that reflect two extreme conditions that must be harmonized.

Value pairs that play a role in law according to Soerdjono Soekanto are as follows:

1. Value of discipline and peace.
2. Physical / material values and spiritual / plural values
3. The value of continuity / conservatism and the value of novelty / innovation.

With the harmony of values with the culture of the local community, it is expected that a reciprocal relationship between customary law and positive law in Indonesia, thus the provisions in written articles can reflect the values that form the basis of customary law so that these laws can apply effectively. Then it is also expected that harmony between the two values will put the law in its place.

Based on the results of interviews with informants such as: AGUS SUPRIYONO (Pleret Village Head), PURNOMO SUDARMINTO (Pleret Village Secretary); EDWIN (Head of the Pleret Hamlet), ACHMAD FAUZI (Head of Magersari Hamlet), MOCH. SOLEH (Chairperson of the Badan Permusyawaratan Desa/ BPD village Plerert); HERU (Member of the Badan Permusyawaratan Desa/ Pleret Village BPD); DILLA (Member of the Badan Permusyawaratan Desa/ BPD Desa Pleret), there was no mention of the reasons why the draft Village Regulation on

the 2020 Village Revenue Budget that has been stipulated in the Development Planning Consultation had not been conveyed to the community for opinion.

Based on information provided by PURNOMO SUDARMINTO (Secretary of Pleret Village); MOCH. SOLEH (Chairperson of the Badan Permusyawaratan Desa/ BPD village Plerert); HERU (Member of the Badan Permusyawaratan Desa/ Pleret Village BPD); Until December 2019, the draft Village Regulation regarding the Pleret Village Budget and Revenue has not been discussed between the Pleret Village Government and the Badan Permusyawaratan Desa of Pleret Village. Moreover, recognition from MOCH. SOLEH (Chair of the Badan Permusyawaratan Desa/ BPD of Plerert village) has often reminded the Secretary of Pleret Village and village officials who are responsible for implementing the budget that "must be timely in making accountability reports on the implementation of activity budgets, so as not to impede other activities"

There is no mechanism for submitting the Village Regulation Draft on the Village Budget and Budget (Raperdes APBDesa) of Pleret Village in 2020, either by the Pleret Village Government or the Chair of the Pleret Badan Permusyawaratan Desawhich is mandatory or mandatory, to all residents of Pleret Village who are seven years old twelve (17) years or have been married both men and women to get advice, and opinion as discussion material for the Draft Village Regulation on Village Budget and Expenditure (Raperdes APBDesa) Pleret Village in 2020 between the Badan Permusyawaratan Desawith The Pleret Village Government to be ratified as a Village Regulation on the Village Budget and Revenue (Perdes APBDesa), is a form of lawlessness, both by the Pleret Village Government and by the Badan Permusyawaratan Desa of the Pleret Village.

Based on expert opinion and acknowledgment from the informants mentioned above, it can be concluded that the factors hampering the effectiveness of community empowerment law in participating in the preparation and discussion of village regulations as regulated in Article 69 Paragraphs (9 and 10) of the Village Law, are :

First. Knowledge factor:

This means that the ability of understanding and good knowledge of the Head of Pleret Village, the Secretary of Pleret Village, the Chair and Members of the Badan Permusyawaratan Desa of Pleret Village on the existence of the Village Government's obligation to submit the Village Regulation Draft on Village Budgeting and Expenditure (APBDesa) to the community to get a response , suggestions and opinion, as well as the Village Regulation on Pleret Village Budget and Revenue (APBDesa) must be determined no later than December 31, 2019 is still low. This has been proven to never convey the Village Regulation Draft on Village Budget and Revenue to the community to get responses, suggestions and opinion. And as of January 15, 2020, there has been no stipulation of the Draft Village Regulation on the Village Budget and Expenditure (APBDesa) to become a Village Regulation.

Second. Economic factors:

Economic factors or costs. Considering that the number of residents of Pleret Village aged 17 years and over or already married more than 3115 people, will be a burden to the budget of the Pleret Village Government to double the draft of the Village Regulation Draft on Pleret Village Revenue and Expenditure Budget of approximately 3115 copies, not yet in time and energy to deliver the text to each of the residents above.

Third. Timeliness factor:

Future factors also determine if a separate strategy is not carried out in the submission of the draft Village Regulation on Village Budgeting and Expenditure (APBDesa) to the community to get responses, suggestions and opinion and is limited in how many days or how many weeks to respond. Considering that no later than one (1) month after the Regency Regulation on the Regency Revenue and Expenditure Budget is approved, the Draft Village Regulation on Village Revenue and Expenditure Budget must have been passed. That is, no more than December (December 31), Village Regulations on the Village Budget and Revenue must have been established and approved and signed between the Chairperson of the Village Consultative Badan Permusyawaratan Desa and the Village Head.

Conclusion:-

Factors that hamper the effectiveness of community empowerment law in participating in the formulation and discussion of village regulations. First. Knowledge factor. Second. Economic factors. Third. Timeliness factor.

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