

Barriers To Village Asset Management And Regional Government Policies In Overcoming Them

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Abstract

This research aims to determine the obstacles in managing village assets as well as regional government policies in overcoming obstacles to managing village assets. This research method uses empirical legal research with a sociological juridical approach. As for the research results that obstacles in managing village assets include village assets, especially village treasury land, which are mostly controlled by third parties, unequal potential for village assets, inharmonious conditions of village government, difficulty in making decisions in determining the fair value of village assets, not actually including the results of village asset management. into the APBDes. As for the government's policies in overcoming these obstacles, the DPRD and the regional government periodically carry out synergistic activities through Focus Group Discussions (FGD) to unravel problems in managing village assets, the government together with the DPRD always receive complaints and mediate to find solutions related to obstacles in managing village assets, The DPRD encourages regional governments through sub-districts to provide assistance in submitting minutes of the handover of the position of village head in relation to the inventory of village assets, and the Government together with the DPRD carry out studies to amend or adjust Regional Regulations or Regent Regulations regarding village asset management according to input from the village government with prior implementation. comprehensive study.

Keywords; Obstacles, Village Asset Management, Regional Government Policies;

BACKGROUND

That the reason for the birth of Law no. 6 of 2014 concerning Villages, hereinafter referred to as the Village Law, as based on the philosophical and sociological basis of the village law, this is because villages have original and traditional rights in regulating and managing the interests of local communities and play a role in realizing the ideals of independence based on the Law. -The Constitution of the Republic of Indonesia of 1945. In the course of the constitution of the Republic of Indonesia, villages have developed in various forms so they need to be protected and empowered so that they become strong, advanced, independent and democratic so that they can create a strong foundation for implementing governance and development towards a just society , prosperous and prosperous.

Referring to the reasons for the birth of the Village Law mentioned above, a conclusion can be drawn that the main aim of passing the Village Law is to make villages empowered, strong, advanced, independent and democratic. However, the next problem is how to ensure

that the village can become an entity that is empowered, strong, advanced, independent and democratic, so referring to the provisions of articles 76 and 77 of Law no. 6 of 2014 concerning Jo village. Article 110 PP no. No. 43 of 2014 concerning Implementing Regulations of Law no. 6 of 2014 concerning Jo village. Minister of Home Affairs Regulation No. 1 of 2016 concerning village assets, villages are required to be able to optimize the management of village assets, namely goods owned by Village Which originate from original assets belonging to the Village, purchased or obtained at the expense of the APB Village or acquisition right other Which legal , which is the potential for villages to be empowered, strong, advanced, independent and democratic as expected after the birth of the Village Law.

Meanwhile, so that village asset management can be carried out systematically and can be accounted for, village asset management must be carried out through a village asset management mechanism that is in accordance with the provisions of laws and regulations in village asset management, namely starting from planning, procurement, use, utilization, security, maintenance, disposal. , transfer, administration, reporting, assessment, guidance, supervision and control of village assets, this is done so that in implementing village asset management the principles in managing village assets can be fulfilled, including; functional, legal certainty, openness, efficiency, accountability and certainty of value, which in the end can increase the village's original income to the maximum (Hidayat, R., & Nursetiawan, I., 2022) .

Furthermore, in the time period after the birth of the Village Law. It is a breath of fresh air as a legal basis for disbursing village funds in every village, as a stimulus so that the budget can be managed as optimally as possible (Agustiana, A., & Priyastiwi, P., 2020), so that at the next stage villages can be empowered, strong, advanced, independent and democratic. so that the final goal is that the village community will prosper (Sutaryono, S., Widuri, D., & Murtajib, A., 2014). but once again this hope is not easy to implement as expected, of course facing various obstacles in efforts to make villages empowered, strong, advanced, independent and democratic, one of which is the problem of facing the Covid-19 pandemic so that the use of village funds from APBN sources becomes cannot be optimal because it must be used partly to treat Covid-19.

The conditions above are certainly an illustration of the challenges to the objectives of passing the Village Law. However, in order to achieve this noble goal, we must not give up and continue to strive, especially for village governments to be creative so that they do not only rely on village funding sources from the APBN alone. In order for this to be achieved, villages

must be able to optimize the potential of village assets to be managed optimally in order to increase the village's original income (Sutaryo, S., 2016), so that dependence on village funds sourced from the APBN can be avoided. Such a situation is a necessity for the village government to be able to manage village assets optimally, of course based on applicable regulations.

However, whether the management of village assets can be as expected, there are no problems, so that it can increase the village's original income, so in this study the author wants to examine what are the obstacles in managing village assets and what regional government policies are in overcoming obstacles to asset management. the village. The author needs to carry out this study considering that there is no study that comprehensively examines the obstacles in managing village assets and local government policies in overcoming them, such as the study entitled *"Asset Manager Competence and Organizational Structure on the Effectiveness of Village Asset Management."* Rachmawati, R. (2018). *Asset Manager Competence and Organizational Structure on the Effectiveness of Village Asset Management* . JBMI (Journal of Business, Management and Informatics) , 15 (1), 59-87, as well as a study entitled *"The Role of the Village Consultative Body in Managing Village Assets: Keywords: Village Assets, BPD, Village Funds, and Supervision"* Putra, ME, & Hapsari, ANS (2020). *The Role of the Village Consultative Body in Managing Village Assets: Keywords: Village Assets, BPD, Village Funds, and Supervision*. Accounting Journal , 12 (1), 109-122 and also a study entitled *" The Relationship between the Quality of Village Asset Management and Village Original Income (Study in Villages in Buleleng Regency-Bali)"* Dewi, PEDM, Saputra, KAK, & Prayudi, M. (2017). *The Relationship between the Quality of Village Asset Management and Village Original Income (Study in Villages in Buleleng Regency-Bali)* . Proceedings SENARY , 5 , 253-260. so that this study can become a reference for regional government policy as an effort to overcome obstacles to managing village assets.

Therefore, in this study the author conducted research in the Malang district government in overcoming obstacles in managing village assets carried out by the village government in Malang district. With the hope of being able to see in more detail and focus the obstacles to managing village assets carried out by the village government as well as the accuracy in taking policies by the Malang district government to resolve the obstacles faced by the village government in managing village assets. So the author hopes that this policy can be an inspiration to be implemented in overcoming obstacles to managing village assets in Indonesia.

METHOD

This research uses empirical research , namely describing precisely the properties of an object or the state of symptoms of a research object (Amirudin and Zainal Asikin, 2008) . By conducting direct research on the research object, namely the Malang district government, in this case related to obstacles to managing village assets and regional government policies in overcoming them. The problem approach is carried out in a sociological juridical manner, meaning an approach that looks at legal realities in society (Zainudin Ali, 2009), and this approach is used to look at legal aspects in social interactions in society, and functions as a support for identifying and clarifying material findings. non-legal for research purposes . Data collection by means of communication namely holding a dialogue or question and answer directly with the Chair of the Regional People's Representative Council of the Malang Regency DPRD, representatives from the Malang Regency Community and Village Empowerment Service (*DPMD*) . As for obtaining final results that can be accounted for from the material that has been collected, the author uses descriptive qualitative analysis, which is a way to accurately describe the condition of the research object based on visible facts or as they are, so that a complete and deeper understanding is obtained. about the main problem being researched.

DISCUSSION

Obstacles in managing village assets

In an effort to increase the village's original income (PADes), the village government of course tries to manage the village assets it owns so that they can become a source of village income which in the end can improve welfare both for the welfare of the village government apparatus (Nahuddin, YE, 2018), and at large namely achieving prosperity for village communities (Risnawati, D., 2017), as in this case was the goal after the village law was passed. However, in its implementation, the village government, in this case the village head, holds the power to manage village assets in managing village assets in order to increase the village's original income (PADes) with the main goal and ultimately the village can be empowered, strong, advanced, self-sufficient and democratic, facing many challenges. various obstacles including;

1. Inventory of village assets whose data collection is not managed properly

The issue of village asset data collection or inventory of village assets that cannot be managed properly is also the main door to the problem of managing village assets so that they are not optimal, why is that because talking about village asset data collection makes it orderly

in inventorying village asset ownership, village asset potential and asset management village. This needs to be paid attention to, in this case, all village government and regional government stakeholders so that when collecting asset data it is taken into account. This is so that there are no assets whose ownership and management are misused so that they have the potential to harm the village government.

For this reason, collecting data on assets in a transparent, accountable, professional or functional manner and with legal certainty is of course a necessity, especially in the event of a change in the village head as the holder of authority to manage village assets. so that there is sustainability *and* legal certainty in the management of village assets so as to avoid the potential for asset ownership disputes and also the potential for misuse of village assets. Therefore, the problem of collecting data on assets or inventory of village assets that cannot be managed properly becomes a separate and fundamental problem which also hinders the management of village assets.

2. Village assets in the form of village treasury land have mostly been leased by the previous village head for a long period of time;

This condition is indeed an acute problem in itself considering that after the enactment of the Village Law, before the enactment of the Law, the old regulations were still in effect which did not yet regulate the management of village assets in detail, so this problem arose which also became a difficult obstacle for holders of management power. The village, in this case the new village head, is to manage village assets in the form of village treasury land which is still under the control of a third party under the pretext of renting from the previous village head.

Even if this problem is to be resolved through legal channels, it will also create a separate problem considering that disputes will arise between the village government and its own residents, not to mention the potential for wasting thought, energy and money if it is later disputed through legal channels. Therefore, the option for temporary action from the village government is to wait for the contract period to expire, although this step also carries the risk of raising questions from the community, as well as discovery by the government's internal supervisory apparatus (APIP) and law enforcement apparatus (APH) regarding the absence of income even though the village assets in the form of village treasury land are under management.

3. The potential for village assets is not the same, making it difficult to find tenants or third parties who are willing to collaborate;

That the potential of village assets in each village is not the same, so that sometimes the village government cannot manage it optimally, it is only managed monotonously, and some are even neglected so that they cannot generate income every year because of different land conditions and/or assets. different. However, on the one hand, there are also those who have good potential for village assets so that they can be managed optimally as a source of income, whether managed by the village itself or in collaboration with third parties so that it can increase the village's original income.

This certainly deserves special attention for the central and regional governments, so that in the future there may be clustering of villages, at least so that the burden on village governments is not the same so that there is a term called special allocation funds or other names for villages with less potential village assets to be managed. potential or even perhaps there are villages that only have movable assets and do not have immovable assets (*village treasury land*) so that there is nothing that can be managed or collaborated with third parties, which of course results in the absence of maximum original village income potential to improve village welfare.

4. There is no synergy or harmonious relationship between the BPD and the village head in managing the village government, resulting in sub-optimal management of village assets;

An acute, systemic problem that has an impact on the instability of village government is disharmony between the village head and the BPD, both of which should professionally and proportionally carry out their respective duties and responsibilities so that the government can run as it should. However, the expected situation could be different where the two elements of the village government are not in harmony with various complex underlying issues of course, such as differences in political views or it could be that BPD members are the group of the losing Village Head candidate and so on.

The conditions mentioned above certainly have systemic consequences in the course of village government in various fields, including in this case relating to the management of village assets. A situation like this is certainly an acute problem in itself which is difficult to resolve if both parties do not truly have a broad heart and mind that the duties and authority they must carry out are solely in the interests of the village community in order to improve community welfare. If you don't have such a heart and mind, the village government cannot run and will almost certainly not be able to optimally manage village assets or potential in order to increase the village's original income.

5. The large number of teams (*parties involved*) creates problems in making decisions related to fair value;

Based on the provisions of article 15 of Malang Regent Regulation no. 194 of 2020 concerning the Second Amendment to Malang Regent Regulation no. 24 of 2016 concerning Village Asset Management which requires that assessing asset prices must be based on fair value by first holding a meeting attended by, among others; Chairman: Secretary Village; Representative Chairman: element BPD; Members: 1). element Device Village; 2). BPD elements; 3). Elements of Community Institutions Village; 4). element public. And the team mentioned above also got it involving Government Appraisers, Public Appraisers and/or Regional Apparatus that carries out supporting functions affairs government field financial matters by discussing them through village deliberations, then the results are determined by the decision of the village head, of course, if the conditions are also worsened by the disharmonious relationship between the village head and the BPD then it will clearly make it difficult or even complicated to be able to determine the fair value based on the provisions of article 15 of Malang Regent Regulation No. . 194 of 2020 concerning the Second Amendment to Malang Regent Regulation no. 24 of 2016 concerning Village Asset Management as mentioned above in terms of the village head as the holder of authority to manage village assets, especially village assets in the form of village treasury land, who wants to manage it, either in collaboration with a third party by renting it out.

This is of course a special concern, whether what needs to be changed is the regulations or, on the contrary, it is necessary to increase the capacity of human resources, in this case both from elements of the village government apparatus, as well as the human resources of the Village Consultative Body (BPD). So that all community stakeholders and village government can actively participate optimally in accordance with their respective positions, functions, authorities and duties, especially in determining the fair value to determine the price of village assets that will be managed according to the specified management mechanism or method. in applicable laws and regulations.

If this is done, the many parties involved in determining fair value as a basis for determining prices for assets owned by the village government will not be a problem, in fact it will be a strength in itself to show the village community that the management of village assets is carried out functionally, with legal certainty, openness, efficiency, accountability and certainty of value in accordance with the principles in village asset management mandated by statutory regulations in village asset management so that it will increase village community trust in the performance of the village government.

6. It is not realistic in reporting the results of village asset management in the APBDes;

The potential for increasing original village income is indeed very large if village assets can be managed optimally according to their potential. However, the issue of transparency and dishonesty of village asset management officials is of course still a problem which could be the cause of stagnation in the amount of original village income if the results of village asset management are not actually reported in the APBDes. This condition of course also once again requires special attention, in this case the Village Consultative Body and the community to remain critical and constructive in voicing matters that may be part of the checks and balances of a good village government management system.

Therefore, awareness from all village community stakeholders is important, especially that one of the objectives of enacting the Village Law is to create conditions for a democratic society. For this reason, of course, it is inevitable that in a democratic society it must also be balanced with increasing the capacity of quality human resources. Of course, once again this is a concern for the progress of village government towards villages that are empowered, strong, advanced, independent and democratic as is mutually hoped for in order to create equal distribution of prosperity so that the goal of an independent, sovereign, just and prosperous country can truly be felt by rural communities in particular and in general the Indonesian people.

Regional Government Policy in overcoming obstacles to managing village assets

Talking about regional government policies in overcoming obstacles to village asset management is of course talking about collaboration between regional government and the Regional People's Representative Council (*DPRD*) in responding to and taking strategic steps in resolving regional government problems, especially in this case overcoming obstacles to village asset management. This policy is of course taken from the results of a comprehensive study related to potential problems arising as a result of every policy of the central, provincial and regional governments which must be implemented or followed up by the village government. In this case, the focus of the study in this research is related to regional government policies in overcoming obstacles to managing village assets. The regional government policies in overcoming obstacles to managing village assets include;

1. Periodically carrying out synergy activities through *Focus Group Discussions* (FGD) by presenting all village government officials in every sub-district in Malang Regency;

In an effort to participate in resolving the problems faced by the village government, the regional government together with the Malang Regency *DPRD* collaborated to take a role

and explore the problems faced by the community. For this reason, synergy activities are created in the form of **Focus Group Discussions (FGD)** periodically by bringing together people from various groups that are relevant to the issues raised. As with the issue of managing village assets, those present on the synergy agenda include all village government officials, the Village Consultative Body (BPD) and also community leaders so that they can comprehensively understand the obstacles faced by the village government in its efforts to manage village assets.

This synergy activity is in the form of a **Focus Group Discussion (FGD)** because it is considered more effective in efforts to explore perceptions, opinions, ideas, concepts and assessments of an issue so that constructive input, ideas and solutions can be obtained from the direct actors in the matter. These are participants in synergy activities in the form of **Focus Group Discussion (FGD)**. So that regional governments can properly adopt the policies needed to resolve problems that exist as obstacles, especially in the management of village assets by the village government.

This is of course a form of regional government's efforts to always be part of the community welfare development process. And of course as a form of awareness that developing a village, region, and country cannot be done alone, we must work together to find the root of the problem so that from the root of the problem a solution can be found and if the solution is found together it will create further awareness of awareness. This will give birth to a spirit of togetherness to jointly implement the solution.

Apart from that, with synergy activities in the form of **Focus Group Discussions (FGD)**, of course this can also be an effort to increase the human resource capacity of regional government officials, as well as community leaders and society in general. So that they can improve their respective professionalism in their respective positions in accordance with their respective main duties, authorities and functions so that they can collaborate nicely in building village government, especially in terms of managing village assets which are very important to improve village welfare.

2. Opening a space for complaints and then mediating the subject of the complaint as an effort to find solutions in resolving village asset management problems;

In an effort to concretely resolve internal village government problems, the regional government and the Regional People's Representative Council (*DPRD*) are also jointly opening spaces for complaints regarding technical problems in the implementation of village government which of course also includes the management of village assets and issues. others.

Furthermore, these complaints are followed up with mediation efforts with the aim of finding solutions and providing advice in accordance with his position as a government above him, so that it is hoped that there will be the best solution to resolve the problems complained of.

This is of course also an effort by the regional government to participate in development, participate in efforts to reduce it as well as a preventive effort so that problems that occur in village government do not drag on or become prolonged and even reach law enforcement officials, so that it will disrupt the functioning of village government which in the end This will result in the wheels of village government not being able to function properly, which will result in village programs not being able to run optimally and also of course in the management of village assets.

Therefore, the existence of complaint spaces which are then followed up with mediation is also a means for regional governments to provide advice and assistance to village governments so that they can work well in accordance with their respective positions, main tasks, authority and functions so as to create harmonization. in community life in the village in order to create a village community that is empowered, strong, advanced, independent and democratic as envisioned .

3. Through the sub-district, providing assistance in submitting official certificates during each village head change process, especially with regard to the inventory of Village assets;

As a follow-up to the problem of irregularities in inventorying and collecting data on village assets. Therefore, the regional government and the Regional People's Representative Council (DPRD) encourage sub-districts as an extension of the regional government to provide assistance to the village government, especially in the process of changing the village head, the handover ceremony from the old village head to the new village head must be with an official report. as well as the completeness of the inventory of assets owned by the village government. This is done so that the new village head as the holder of power to manage village assets can know exactly what village assets are owned by the village, and of course also in an effort to maintain sustainability *and* legal certainty in managing village assets.

This strategic step is being pushed by the regional government, of course, as a tactical effort to provide assistance to the new village government and as early as possible to avoid the conflict that has long been acute in the village government, namely that between the old village head and his bride, sometimes they are politically at odds, making them hostile to all village administrations. may not be submitted. Therefore, the role of the sub-district is very important in efforts to prevent such things from happening, especially regarding village asset data collection.

This policy is of course a special commitment to issues related to irregular inventory of village asset ownership. so it is hoped that this will be a driving force so that data collection on village assets can be orderly and also encourage the creation of functional principles, legal certainty, openness, efficiency, accountability and certainty of value as the principles in managing village assets and in the end of course it will make it easier to see potential and manage village assets. so that it will increase village income, which will lead to the achievement of an empowered, strong, advanced, independent and democratic village community as envisioned.

4. Respond quickly to changes and/or adjustments to Regional Regulations regarding village asset management according to conditions and needs by first conducting a comprehensive study;

The wealth of knowledge will of course become wider if leaders and those they lead or the community meet frequently to provide each other with input on the conditions of the problems faced so that policies become more targeted. Regional governments are trying to implement this concept with the hope that the range of considerations in policy making will be greater so that updates to regional regulations which are regional government products can be in line with community needs, especially the need to support acceleration and transparency in managing village assets.

For this reason, speed and accuracy in responding to the conditions and needs of the community are the result of policies to carry out periodic synergy activities that go directly to the community, in this case the village government, to jointly think about special issues such as managing village assets carried out by the village government so that what is obtained just the obstacles in managing village assets so that you know how the regional government should act on these problems, and if necessary, respond by making changes to regional regulations or regent regulations, why doesn't the government support these needs, of course an in-depth study and study has been carried out as per the procedures for changing regional regulations? or regent regulations.

This is done once again to present the role of the regional government and the Regional People's Representative Council (DPRD) to be present in the midst of the problems faced by the community and/or village government. So it does not give the impression that the existence of regional governments and specifically the Regional People's Representative Council is only present in the run- up to general elections. This impression is of course in the current era a commitment to be completely eroded so that the Regional Government and Regional People's

Representative Council truly provide services to the community and/or to the village government optimally so that problems, especially in overcoming obstacles to managing village assets, can be resolved properly. and the goal of making villages independent, empowered and prosperous can be achieved immediately.

CONCLUSION

Obstacles in managing village assets include village assets, especially village treasury land, including; mostly in the control of third parties, the potential for village assets is not the same, the conditions of village government are not harmonious, the difficulty of making decisions in determining the fair value of village assets, the results of village asset management are not actually included in the APBDes. The regional government policies in overcoming these obstacles include; periodically the government and the DPRD carry out synergy activities through *Focus Group Discussions* (FGD) to analyze problems in managing village assets, the government and the DPRD always receive complaints and mediate to find solutions related to obstacles in managing village assets, the DPRD encourages regional governments through sub-districts to carry out assistance in submitting minutes of the handover of the position of village head related to the inventory of village assets, as well as the Government together with the DPRD conducting studies to amend or adapt Regional Regulations or Regent Regulations regarding village asset management according to input from the village government by first carrying out a comprehensive study.

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