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**FUNCTIONS OF THE VILLAGE CONSULTATIVE BODY ON THE  
IMPLEMENTATION OF VILLAGE GOVERNMENT IN THE  
PERSPECTIVE OF FIQH SIYASAH**

**FUNGSI BADAN PERMUSYAWARATAN DESA TERHADAP  
PELAKSANAAN PEMERINTAH DESA DALAM PERSPEKTIF  
FIKIH SIYASAH**

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**ABSTRACT**

As stated in Article 55 of Law Number 6 of 2014 that the Village Consultative Body has the function of assisting village regulations, accommodating and channeling the aspirations of the Village community and monitoring the performance of the Village Head. This study aims to implement the function of the Village Consultative Body in the Implementation of Village Government which is studied in the perspective of siyasah fiqh. This research is an empirical legal research using primary data which was analyzed descriptively. The results showed that the function of the Village Consultative Body in Talang Batu village had not been running properly, due to the lack of understanding of the members of the Village Consultative Council on the position and authority of the Village Consultative Body. Then in the study of Fiqih Siyasah, the Village Consultative Body as the power of al-sultah al-tasyri'iyah must be filled by people who understand this power.

**Keywords** : **Village Consultative Body; al-sultah al-tasyri'iyah; Village Government.**

**ABSTRAK**

*Sebagaimana dicantumkan dalam Pasal 55 Undang-Undang Nomor 6 Tahun 2014 tentang Desa bahwa Badan Permusyawaratan Desa mempunyai fungsi pembantuan peraturan desa, Menampung dan menyalurkan aspirasi masyarakat Desa dan pengawasan kinerja Kepala Desa. Penelitian ini bertujuan untuk pelaksanaan fungsi Badan Permusyawaratan Desa dalam*

*Pelaksanaan Pemerintahan Desa yang dikaji dalam perspektif fiqh siyasah. Penelitian ini merupakan penelitian hukum empiris dengan menggunakan data primer yang dianalisis secara deskriptif. Hasil penelitian menunjukkan bahwa fungsi Badan Permusyawaratan Desa di desa Talang Batu belum berjalan sebagaimana mestinya, sebab ketidak pahaman anggota Badan Permusyawaratan Desa terhadap kedudukan dan kewenangan Badan Permusyawaratan Desa. Kemudian dalam kajian Fiqh Siyasah, Badan Permusyawaratan Desa sebagai kekuasaan al-sultah al-tasyri'iyah harus diisi oleh orang yang paham terhadap kekuasaan tersebut.*

**Kata Kunci : Badan Permusyawaratan Desa; al-sultah al tasyri'iyah; Pemerintah Desa.**

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## **I. INTRODUCTION**

Within the framework of regional autonomy, one component that still needs to be developed is rural areas. The existence of villages has an important meaning in the process of government and community development, to realize the independence of implementing development based on rural areas, meaning that rural development is an integral part of comprehensive national development.<sup>1</sup>

The success of village development cannot be separated from the participation of all elements of society, one of which is the Village Consultative Body. The Village Consultative Body as a legislative institution in the village as a place for community aspirations has a strategic role in the implementation of village development.<sup>2</sup> The community as the subject of development must of course be involved from the start in development planning, so that the results of the development will be felt by the community to the maximum and directed.

The Village Consultative Body as a legislative institution and a forum that functions to accommodate and channel the aspirations of the community. In essence, this institution is a village government partner who has an equal position in carrying out government affairs. The Village Consultative Body can make a Draft Village Regulation which together with the Village Government is determined to become a Village Regulation. In this case, the Village Consultative Body as a supervisory agency has the obligation to control the implementation of Village regulations and the Village Revenue and Expenditure Budget.

Juridically, the enactment of Law Number 6 of 2014 concerning Villages provides stronger legitimacy to the Village Consultative Body than Law Number 32 of 2004 concerning Regional Government, this can be seen from the function and term of office. In terms of its function in Article 55 the Village Consultative Body has three functions, namely discussing and agreeing on draft village regulations with the village head, accommodating and channeling

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<sup>1</sup> Santoso, P. (2003). *Pembaharuan Desa Secara Partisipatif*, (1). Pustaka Pelajar: Yogyakarta.

<sup>2</sup> Jatmiko, D. (2006). *Kedudukan dan Peran Badan Permusyawaratan Desa (BPD) dalam Pemerintahan Desa*. Surakarta.

the aspirations of the village community, and supervising the performance of the village head. Meanwhile, in terms of the term of office, the Village Consultative Body can serve a maximum of three terms of office, either consecutively or not consecutively. Through the addition of these functions, the Village Consultative Body has the authority to supervise the performance of the Village Head.

Thus, the Village Consultative Body should be able to maximize its role in village development, but in practice, the Village Consultative Body in Talang Batu Village, Mesuji Timur District, Mesuji Regency has not fully carried out its main tasks. In addition, the Village Consultative Body also needs to provide a strong supervisory function to the village head in running the wheels of government in Talang Batu Village, Mesuji Timur District, Mesuji Regency. In order to minimize the occurrence of deviations from the implementation of Village regulations and deviations from the Village Revenue and Expenditure Budget.

From the perspective of *Siyasah Fiqih*, the Village Consultative Body is the authority of *al-sultah al-tasyri'iyah*, a representative institution that accommodates and channels the aspirations or voices of the community. Although not entirely have the same thing, but in terms of establishing a law or regulation, these institutions are both institutions that have the authority to make laws.

Several studies on the Village Consultative Body that have been conducted by previous researchers include the first, a review of *Fiqih Siyasah* on the role of the village head and the Village Consultative Body in development in Haduyang Village, Natar District, South Lampung Regency. Second, a review of *siyasah fiqh* on the function of the Village Consultative Body in realizing the welfare of the community in the village of Ituy, Balik Bukit District, Barat Lampung Regency.

Different from some of the studies above, this paper wants to describe the function of the Village Consultative Body, especially in supervising the performance of the Village Head in Talang Batu Village, Mesuji Timur District, Mesuji Regency. Then examine the problem in a *siyasa* perspective.

Departing from the problems above, this research wants to answer two main questions, how is the function of the Village Consultative Body in the implementation of village government in Talang Batu Village and how is the *Fiqih Siyasah* review of the functions of the Village Consultative Body.

## **II. METHOD**

This research is an empirical legal research because it wants to see the law as an empirical phenomenon that can be observed in life, in this case it wants to see the functioning of the Village Consultative Body as regulated in Law Number 6 of 2014 concerning villages in running village government. The data used is primary data, therefore the results of interviews are the main data. While the literature study is only used as a complement. The data obtained will be analyzed descriptively.

## **III. ANALYSIS AND DISCUSSION**

### **a. Overview of the Village Consultative Body in *Fiqih Siyasah***

In Law Number 6 of 2014 concerning Villages it is stated that: The Village

Consultative Body or what is called by another name is an institution that carries out government functions whose members are representatives of the Village population based on regional representation and determined democratically. In an effort to realize the implementation of democracy in the administration of village government in order to be able to mobilize the community to participate in the development and administration of village administration, every decision taken must be based on deliberation to reach consensus.

The Village Consultative Body as the Consultative Body is a vehicle for implementing democracy based on Pancasila. The Village Consultative Body has an equal position and is a partner of the Village Government. The Village Consultative Body is an institution that embodies democracy in the administration of village governance. Members of the Village Consultative Body are representatives of the residents of the village concerned based on regional representation. In general, those elected to become members of the Village Consultative Body consist of the head of the Community Association, customary holders, professional groups, religious leaders and other community leaders or leaders. The term of office for members of the Village Consultative Body is 6 years and may be reappointed/re-proposed for another 1-time term.

In Article 55, the Village Consultative Body has three functions, namely: Discussing and agreeing on the Draft Village Regulation with the Village Head. Accommodate and channel the aspirations of the Village community, Supervise the performance of the Village Head. It is further mentioned that related to the task supervision function, it includes:<sup>3</sup>

- 1) Carry out supervision on the performance of the Village Head.
- 2) Carry out supervision of the process of development in the village.
- 3) Evaluate the report on the implementation of the Village Government and create a harmonious working relationship with the Village government and other Village institutions.

In addition, the supervisory function also includes supervision of the implementation of Village Regulations, Village Revenue and Expenditure Budgets, Village Head decisions and the implementation of Village Government. In Fiqih Siyasaḥ the term *al-sulṭah al-tasyri'iyah* is the power of the Islamic government in making and enacting laws,<sup>4</sup> di samping kekuasaan eksekutif (*al-sulṭah al-tanfiziyyah*) dan kekuasaan yudikatif (*al-sulṭah al-qaḍa'iyah*).<sup>5</sup> In historical reality, this legislative power has been exercised by the ahl al-hall wa al-'aqd institution. Then in today's modern language, this institution usually takes the form of a shura (parliament) assembly.<sup>6</sup>

In this context, legislative power means the power or authority of the Islamic government to establish laws that will be enforced and implemented

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<sup>3</sup> Fanani, A. F., Astutik, W., Wahyono, D., & Suprpto, S. (2019). Analisis Undang-undang Desa. *DIALEKTIKA : Jurnal Ekonomi Dan Ilmu Sosial*, 4(1), 1–14. <https://doi.org/10.36636/dialektika.v4i1.280>

<sup>4</sup> Gusmansyah, W. (2017). Trias Politica dalam Perspektif Fiqih Siyasaḥ. *Al-Imarah: Jurnal Pemerintahan dan Politik Islam*, 2(2), 129. <http://dx.doi.org/10.29300/imr.v2i2.1448>

<sup>5</sup> Qardawi, Y. A. (2008). *Min Fiqhid Daulah Fil Islam* Terj. Kathur Suhardi, Fiqih Daulah dalam Perspektif Al-Qur'an dan Sunnah, (3), Al-Kausar: Jakarta.p.3.

<sup>6</sup> Iqbal, H. J. (1996). *Masalah-Masalah Teori Politik Islam*. (Mizan), (3). Bandung.

by its people based on the provisions that have been revealed by Allah in Islamic law. In other words, in al-sulṭah al-tasyri'iyah the government performs the task of syar'iyah siyāsah to form a law that will be enforced in Islamic society for the benefit of Muslims, in accordance with Islamic teachings. While the powers and duties of the legislative power are the most important powers in Islamic governance, because the provisions and stipulations issued by this legislative body will be implemented effectively by the executive and maintained by the judiciary and judiciary.<sup>7</sup>

The people who sit in this legislative body consist of mujtahids and fatwa experts (muftis) as well as experts in various fields. Because the authority to determine the Shari'a is the authority of Allah, the authority and duties of the legislature are only limited to exploring and understanding the sources of Islamic Shari'ah. Al-Qur'an and Sunnah of the Prophet and explain the laws contained therein. The laws and regulations that will be issued by the legislature must comply with the provisions of the two Islamic Shari'a. This is where the need for al-sulṭah al-tasyri'iyah is filled by mujtahids and fatwa experts.<sup>8</sup>

Thus, the Village Consultative Body in the study of Fiqih Siyasah has legislative power or is called al-sulṭah al-tasyri'iyah which has the authority to establish laws. In addition, another authority of the legislature is in the field of state finance. In this matter, the legislature has the right to supervise and question the state treasury, sources of foreign exchange and the state budget for revenues and expenditures, the head of state as the executor of government. In this case, the legislature has the right to exercise control over the executive, to ask questions and ask the executive for an explanation on a matter, to express views for discussion and to examine the bureaucracy.

#### **b. Analysis of the Functions of the Village Consultative Body in the Implementation of Talang Batu Village Government**

Village development is an integral part of national development. The principles of democracy and community participation in village development are important parts that should not be ignored. Democracy that is built is grassroots democracy (bottom up), whatever decisions are taken, when it comes to public affairs, community participation in the form of community participation must be part of every village development policy decision.

A democratic government is a government that includes the people in every decision making. If it is consistent with the principle of understanding a democratic state as mandated in the 1945 Constitution of the Unitary State of the Republic of Indonesia, it requires the community to be the subject and object of development. As the subject and object of development, the community must be able to access all village government programs and participate in every village development implementation.

The implementation of supervision in Talang Batu Village does not only involve the Village Consultative Body, but also involves the participation of the community itself but in reality there are still many community members

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<sup>7</sup> Samsu, L. (2017). Al-Sultah Al-Tasyri'iyah, Al-Sultah Al-Tasfiziyyah, Al-Sultah Al-Qada'iyah. *Takhim: Jurnal Hukum dan Syariah*, 8(1), 158. <http://dx.doi.org/10.33477/thk.v13i1.336>

<sup>8</sup> *Ibid*

who do not really care and choose not to attend the meetings held by the Village Consultative Body for various reasons. for example at work or submitting decisions to the Village Consultative Body and the Village Head.

Based on the results of interviews conducted by researchers, it can be seen that the community is a determining factor in the success of the Village Consultative Body to carry out its functions. The amount of support, welcome and appreciation from the community to the Village Consultative Body makes it more room for movement to be able to carry out its functions and vice versa, without community participation, the Village Consultative Body will have difficulty carrying out its duties and functions. Support from the community is not only about the number of aspirations that can be accepted by the whole community. Some of the policies issued sometimes get a variety of responses, both pros and cons from the community. The existence of a counter response can certainly hinder the steps of the Village Consultative Body and the Village Government in implementing the policy.<sup>9</sup>

From the results obtained, the implementation of the function of the Village Consultative Body in carrying out village administration in Talang Batu village, East Mesuji District, Mesuji Regency did not go well. This is because there are several obstacles, including, first, the lack of understanding from the village government on the position of the Village Consultative Body in Talang Batu Village. The Village Consultative Body is only considered as a colleague when needed and when members have ideas they are often not followed up.

Second, the busyness of the Village Consultative Body members outside their activities as members of the Village Consultative Body. Apart from being members of the Village Consultative Body, there are many members of the Village Consultative Body who have other livelihoods outside of their activities as members of the Village Consultative Body including as traders, laborers, and the private sector. This busy factor causes the lack of time to meet and exchange ideas or discussions between members of the Village Consultative Body (the scope of the Village Consultative Body does not have enough time), so that members of the Village Consultative Council are not focused on their position within the Village Consultative Body.

Third, the lack of coordination between members of the Village Consultative Body. in fact in the field members of the Village Consultative Body maintain ideas and ideas based on their respective interests. And besides that, the members of the Village Consultative Body are busy with their respective activities. This is as stated by Ahmad Silalahi that the members of the Village Consultative Body have a busy work schedule with their respective duties outside of the Village Consultative Body members, resulting in lack of maximum coordination in carrying out their functions as members of the Village Consultative Body.<sup>10</sup>

Fourth, the lack of facilities and infrastructure, the Village Consultative Body has limitations to carry out its duties and functions. The funds obtained from the Mesuji Regency Regional Government which are given annually are not sufficient. Likewise, minimal equipment.<sup>11</sup>

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<sup>9</sup> Ahmad Ridho, Wawancara dengan Penulis, Talang Batu 9 September 2020

<sup>10</sup> Ahmad Silalahi, Wawancara dengan Penulis, Talang Batu 09 September 2020

<sup>11</sup> Ahmad Ridho, *Op.Cit*

Fifth, the lack of commitment of Village Consultative Body members as village representatives. Members of the Village Consultative Body as representatives of the village community are less applied in each member of the Village Consultative Body and they prioritize their own interests.

In addition, the Village Consultative Body in Talang Batu Village often experiences problems in channeling community aspirations as well as other problems in carrying out its functions in the community, some people assume because it has become the duty and function of the Village Consultative Body members themselves as community representatives in Talang Batu Village. to approach them and observe every aspiration that develops in Talang Batu Village, especially when it comes to demands for channeling aspirations through meetings or deliberation.

These constraints caused the pattern of cooperative relations between the Village Consultative Body and the Village Government not to work well, causing the supervisory function of the Village Consultative Body to not work properly.<sup>1213</sup>

Furthermore, this situation is exacerbated by the presence of several Village Consultative Body personnel who feel their position is higher than the village government. As a statement by a member of the Village Consultative Body of Talang Batu village that viewed from the supervisory function, it can be interpreted that the function and role of the Village Consultative Body is actually above the village government because every institution that carries out supervision, of course, will not be equal in position compared to other institutions.<sup>14</sup>

Even though as has been stipulated in the Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, where it is stated that the relationship pattern between the Village Consultative Body and the village government is a pattern of partnership relationships in carrying out village government duties.<sup>15</sup>

### **C. Analysis of Fiqih Siyasah on the Functions of the Talang Batu Village Consultative Body**

In the study of Fiqih Siyasah, the power of forming regulations and supervising the running of the government is the authority of al-sulṭah al-tasyri'iyah, in the power of al-sulṭah al-tasyri'iyah, the government carries out the task of siyasah syar'iyah to form a law that will enforced in Islamic society for the benefit of Muslims, in accordance with Islamic teachings.<sup>16</sup>

Because the authority given to the power of al-sulṭah al-tasyri'iyah, is

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<sup>12</sup> Barniat, Z. (2019). Otonomi desa : Konsepsi teoritis dan legal. *Jurnal Analisis Sosial Politik*, 5(1), 20–33. Retrieved from

<http://publikasi.fisip.unila.ac.id/index.php/JASP/article/view/13>

<sup>13</sup> Harimurti, Y. W., Fauzan, E. M., Purbasari, I., & Yulianingsih, I. (2020). Consensus as democratic education on the village consultative body election in Bangkalan. *Journal of Social Studies Education Research*, 11(2), 84–110.

<sup>14</sup> Mardan, Wawancara dengan Penulis, Talang Batu 09 September 2020

<sup>15</sup> Suharto, S. (2021). Kelembagaan Pemerintahan Desa dan Pemberdayaan Masyarakat Dalam Implementasi Undang-Undang Desa. *Jurnal Ilmu Administrasi Negara (JUAN)*, 9(1), 38–48. <https://doi.org/10.31629/juan.v9i1.3223>

<sup>16</sup> Qardawi, Y. A. (2008). *Min Fiqhid Daulah Fil Islam* Terj. Kathur Suhardi, Fiqih Daulah dalam Perspektif Al-Qur'an dan Sunnah, (3), (p.3). Al-Kausar: Jakarta.



very heavy, mujtahids and fatwa experts (muftis) as well as experts in various fields. This is nothing but to ensure that the legal provisions formed by someone who sits in *al-sulṭah al-tasyri'iyah* are in accordance with the provisions set by Allah. Thus, it can be said that the power of legislators should be filled by people who are knowledgeable, wise and understand the position and authority.

The Village Consultative Body in Talang Batu village, which is none other than the legislative power body, should be filled by people who understand the position and function of the Village Consultative Body so that the implementation of village governance runs well. However, in practice members do not fully understand the position of the Village Consultative Body. This can be seen from the results of the interviews as described in the previous chapter.

In addition, due to the weak understanding of the members of the Village Consultative Body towards these institutions, the members of the Village Consultative Body in Talang Batu Village do not involve the community in any development activities, thus the attitude of the Talang Batu Village Head does not apply a responsible and trustworthy attitude. The Village Head and the Village Consultative Body should be able to realize a clean government and free from abuse of authority that can harm the community.

So that the Village Consultative Body which is the highest power in the rural structure has not been able to carry out its authority to the fullest. In the future, as the power of *al-sulṭah al-tasyri'iyah*, the members of the Village Consultative Body must be filled by people who understand the power they have, the duties and authorities must be understood comprehensively so that the function of the Village Consultative Body in Talang Batu village can run well, as the power of *al-sulṭah al-tasyri'iyah* must be filled by mujtahids, fatwas experts (muftis) and experts.

### **C. CONCLUSION**

Departing from the description above, it can be concluded that the implementation of the functions of the Village Consultative Body in Talang Batu village in the implementation of village government has not been carried out optimally. The Village Consultative Body outside of its activities as a member of the Village Consultative Body, lack of coordination between members of the Village Consultative Body, Lack of Facilities and Infrastructure. Then as *al-sulṭah al-tasyri'iyah* power, the members of the Village Consultative Body should be filled by people who understand the position, function and authority of the Village Consultative Body as legislative power so that the wheels of government in Talang Batu village run as expected.

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