



JURIDICAL ANALYSIS OF FUNCTIONS AND BENEFITS OF VILLAGE COMMUNITY INSTITUTIONS IN TANJUNGPINANG CITY

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Abstract

This study aims to determine the implementation of the functions and benefits of urban village social institutions in Tanjungpinang City in order to guarantee and provide legal certainty to the community so that they can be legally accounted for, especially when accountability is in accordance with statutory regulations. The problems in this research are First; functions and benefits of village community institutions in Tanjungpinang City? Second, how are the efforts to supervise village community institutions in Tanjungpinang City? Third; What are the factors constraining the development of village community institutions in Tanjungpinang City. This research uses a descriptive method with the type of empirical or sociological normative research (applied law research) which is basically a merger with a normative approach (legal research), namely legal research regarding the application or implementation of normative legal provisions (codifications, laws or contracts) as a whole. in action on certain legal events that occur in society and in order to obtain primary data through field research (research). Based on the results of the research, it was found that the legal arrangements for Social Institutions were adequate as regulated in the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Social Institutions and Tanjungpinang City Regional Regulation Number 10 of 2021 concerning Community Institutions. Second, in supervising community institutions to pay more attention to the implementation of duties, functions and obligations in social institutions. Third, the constraints/obstacles on community participation and socialization which should be the government's reference for increasing the welfare of the people in the Kelurahan in particular and in the City of Tanjungpinang in general.

Keywords: *Community Institutions, Kelurahan, Tanjungpinang City*

1. INTRODUCTION

The provisions in the 1945 Constitution of the Republic of Indonesia show that the Republic of Indonesia adheres to the rule of law. This provision was not originally stated in the article, but in the explanation of the Constitution of the Republic of Indonesia which was enforced as an inseparable part of the text of the 1945 Constitution of the Republic of Indonesia based on the Presidential Decree of July 5, 1959. In the explanation there is a statement that, Indonesia adheres to understand the rule of law or *rechstaat*, not *machtstaat* based on mere power. The affirmation of the paradigm of Indonesia as a democratic legal state has been regulated concretely in the 1945 Constitution of the Republic of Indonesia. This is stated in Article 1 point 3, which states that the State of Indonesia is a state of law.

The law recognizes the terms legal actions and legal events, both of which have different meanings, what is meant by legal actions are all acts of legal subjects (persons or legal entities) that are intentionally carried out so as to give rise to rights and obligations, while events Law is an event that can have legal consequences. These two things are something that cannot be separated from people's lives, as an example of the functions and benefits of social institutions.

The task of the government and local governments in administering government, especially to the *kelurahan* because of its position which is very close to community service and empowerment, is realized that it is increasing and increasing. This is based on the increasing population growth and the times that demand acceleration of government administration. So the existence of community institutions is an alternative to be able to ease the tasks of the government

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and local government related to the implementation and management of community institutions so that community institutions can play an active role in assisting the tasks of the government and local government.

The existence of the functions and benefits of Community Institutions is very important for local government, especially at the sub-district level and for the community in the kelurahan area. So it is not surprising that the functions and benefits of Social Institutions were formed even though they formally refer to the Minister of Home Affairs Regulations and Regional Regulations. It can be seen that the functions and benefits of Community Institutions, in this case the Village Community Institutions, are to assist the Lurah in carrying out government affairs, development affairs, and community social affairs and community empowerment.

Based on the results of the research, it is known that the implementation of Community Institutions in the village has not yet shown things that lead to the orientation of the development of effective and efficient Social Institutions that are good at carrying out their duties and functions. The less than optimal role of Social Institutions in carrying out their duties and functions can be seen in the activities of Social Institutions that are less proactive towards activities that take place in the community.

Thus the role of law for the whole community in carrying out the functions and benefits of social institutions is also a quite tough task for the government, because the rule of law continues to develop, the population continues to increase every year and society is also increasingly dynamic, while on the other hand effectiveness, the rules and the limited number of government apparatus, the government is assisted by Social Institutions to provide a role to the community.

From the description of the background above, the author feels interested and needs to discuss the existing problems by taking the title Juridical Analysis of the Functions and Benefits of Kelurahan Community Institutions in Tanjungpinang City. The problems in the research that will be discussed in the preparation of this journal can be formulated as follows:

1. What are the Legal Arrangements for the Functions and Benefits of Kelurahan Community Institutions in Tanjungpinang City?
2. How is the Supervision of Village Community Institutions in Tanjungpinang City Implemented?
3. What are the Obstacle Factors in the Development of Village Community Institutions in Tanjungpinang City?

2. IMPLEMENTATION METHOD

The research method describes the entire series of activities that will be carried out in order to answer the main problem or to prove the assumptions put forward. The research method is a method applied by researchers in the research they do. In this study, according to the type, nature and purpose of the specification of legal research by Soerjono Soekanto is a type of empirical or sociological normative legal research or also called applied law research, namely legal research regarding the enforcement or implementation of normative legal provisions (codification, laws or contracts) systematically. in action on every particular legal event that occurs in society. This legal research is supported by primary data,

Legal materials as intended by researchers, especially in the context of carrying out research in the realm of science in the field of law, can be qualified, namely primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials, namely legal materials that are binding and consist of (basic) norms or basic rules, basic regulations, statutory regulations, non-codified legal materials, jurisprudence, treaties and legal materials from the colonial era which are still valid today. Secondary legal materials, which provide an explanation of primary legal materials, such as draft laws, research results, works from legal circles, and so on. Tertiary legal materials, namely materials that provide instructions and explanations of primary and secondary legal materials, for example are dictionaries,

3. RESULTS AND DISCUSSION



After all the required data is collected, the researcher will analyze the data. Furthermore, the data is presented and discussed by connecting the data in accordance with normative juridical studies, expert opinions and applicable laws and regulations.

3.1 Legal Regulations on the Functions and Benefits of Kelurahan Community Institutions in the City of Tanjungpinang

The sub-district government consists of the sub-district head and sub-district officials. The sub-district apparatus consists of the sub-district secretary and other sub-district officials. It is further explained in Government Regulation Number 73 of 2005 concerning Kelurahan that it is stated that the Head of the Kelurahan and the Kelurahan apparatus, where the backbone of governance in the kelurahan is the head of the kelurahan and its devices. Furthermore, the sub-district government is the implementation of government affairs with the sub-district government in regulating and managing the interests of the local community based on local origins and customs that are recognized and respected in the system of government of the Unitary State of the Republic of Indonesia.

Community Institutions are institutions formed by the community according to needs and are partners of the lurah in community empowerment. The formation of Community Institutions certainly has clear aims and objectives, and its existence is considered important to assist the lurah or village head in serving government affairs, development affairs and community affairs. This is contained in the Government Regulation of the Republic of Indonesia Number 73 of 2005 concerning Villages and has now been replaced by Government Regulation of the Republic of Indonesia Number 17 of 2018 concerning Districts. Furthermore,

Community Institutions have a strategic role in accommodating and channeling community aspirations, empowering, encouraging and supporting the active involvement of the community in development activities, as well as maintaining and preserving the values of mutual cooperation. The existence of community institutions in the past was marked by the spirit of mutual cooperation, even to meet the needs of private citizens. For example, a resident who is building a house will be assisted in mutual cooperation by other residents. This enthusiasm also takes place in community activities for public affairs, such as building footpaths, posyandu, and other public affairs. This condition also makes the duties and responsibilities of the sub-district government in implementing public affairs easier to carry out. when the capacity of the Kelurahan Community Institution can make an active contribution to solving public problems at the village/kelurahan level. This argument then becomes the basis for the government to issue various policies to strengthen community institutions, so that people can solve their public problems independently and sustainably.

Community Institutions according to Article 1 paragraph (2) Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions development supervision, as well as improving village community services. According to the elucidation of Article 10 paragraph (1) of Government Regulation Number 73 of 2005 concerning Kelurahan, what is meant by Community Institutions are "Neighborhood Associations, Citizens Associations, Family Welfare Empowerment, Youth Organizations, Community Empowerment Institutions, or other names."

Based on the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions, the types of Community Institutions include at least:

1. Pillars of Neighbors.
2. Pillars of Citizens.
3. Empowerment of Family Welfare.
4. Youth Organization.
5. Integrated Service Post; and
6. Community Empowerment Institute.

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Problems with Community Institutions based on the provisions of the Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions that in the case of Community Institutions, 61.5% of the heads of social institutions are old figures, with as many as 42.4% of the heads of social institutions have served more than 2 terms of office in the provisions of Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions that the management of Community Institutions can only serve a maximum of 2 terms of office with a duration of 1 term of office of 5 years. In article 8 paragraph 4 and looking at the problem of capacity there is no regeneration process, weak regulations or statutory provisions, and there is no willingness of other figures (alternatives) to replace them.

The next problem with Social Institutions is that almost half of the heads of social institutions become administrators in other Social Institutions, whereas according to the provisions of the Minister of Home Affairs Regulation Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions it is stated that social institution administrators are prohibited from holding concurrent positions in other Social Institutions. According to the results of the study, if there are multiple positions, you can transfer positions first, then for the old position you have to resign from the previous position.

The next problem for Social Institutions is the limited access to legal and permanent financial sources (organizational budgeting) due to the problem of the contribution capacity of citizens, the most active source of budgeting. In terms of the problem of social institutions, it can be seen that the majority of community institutions do not have a permanent secretariat to carry out their activities, which according to the provisions of the Minister of Home Affairs Regulation Number 18 of 2018 concerning Social Institutions that the formation of a community institution is required to have a permanent secretariat (Article 3 paragraph 2 letter e) and problems capacity has implications for the existence of social institutions in contributing to society. The next problem with Social Institutions is the main values of gotong royong, namely collaboration, solidarity,

3.2. Implementation of Supervision of Kelurahan Community Institutions in Tanjungpinang City

Community Institutions are a forum for community participation as village and sub-district government partners who participate in planning, implementing and supervising development, as well as improving community services. The existence of Community Institutions is considered important to assist the village and sub-district government in serving government affairs, development and community empowerment. This is based on the increase in population growth and the times that demand the acceleration of government administration. In order to fulfill the needs and aspirations of the community to realize the values of gotong royong in the midst of the community which functions as a transparent, participatory and accountable sub-district government partner and to establish cooperation and partnerships between communities.

The purpose of establishing a social institution is to maintain and preserve the values of community life based on the values of mutual cooperation and kinship which are the main pillars of social life in Indonesia. The concept of gotong royong according to Koenjaraningrat is "The history of the concept of gotong royong helps, which at first only took the form of a system of exerting additional energy during busy times in farming production, as a system of mutual help between neighbors and relatives in the busyness of their surroundings. households, at parties and at events of death and disaster, were united with the forced labor system whose history began at the time of the Preparatory Committee for Independence in the Japanese era,

Community Institutions have an important role in development in the regions, especially at the kelurahan level, whose formation is also based on the inability of the kelurahan to carry out government, development and empowerment tasks at the same time. So the presence of the Community Institution in order to assist the tasks of the sub-district in this case the task of the lurah cannot be underestimated and has a major influence on the effectiveness of the wheels of government. The village of Kampung Bulang really needs the role of the Community Institution, it



can be seen how government programs that are the obligations of the Lurah are actually able to be implemented properly by the Community Institutions in the Kelurahan Kampung Bulang such as Community Empowerment Institutions, Empowerment of Family Welfare, Youth Organizations, Neighborhood Associations and Pillars. Inhabitant.

Based on the tasks of the lurah who are seconded by social institutions, the tasks of the lurah are related to development that attracts researchers to be studied and investigated more deeply. This is because development in the kelurahan is short-term in nature and requires more comprehensive participation and support by community institutions in the kelurahan environment. Based on the Regulation of the Minister of Home Affairs Number 13 of 2007 concerning the Implementation of Village and Sub-District Competitions, Village and Sub-District Development are all development activities that take place in villages and sub-districts which are carried out in an integrated manner by developing community self-help cooperation.

Based on the author's observations regarding the implementation process of Community Institution supervision in each kelurahan, both institutional supervision and supervision of all Community Institution activities is a form of recognition from the Tanjungpinang City Government and also the acceleration of government services to the community. Then specifically for activities at Community Institutions there are no rules regarding Social Institutions in the Mayor Regulation (Perwako) of Tanjungpinang City.

Seeing this, it is known that the Tanjungpinang City Community Institution refers to the Tanjungpinang City Regional Regulation (Perda) Number 10 of 2021 concerning Social Institutions which is the basis of the Regulation of the Minister of Home Affairs Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions. This has an impact on the form of supervision that occurs in the Tanjungpinang City Village as it is known in the form of actions from the Village in carrying out performance in Social Institutions, each Village issues a Decree (SK) for each member which in the Decree (SK) is explain in detail the rules and implementation in activities so that the Decree (SK) becomes the responsibility of each member in carrying out performance at the Social Institution.

As regarding the form of supervision of Kelurahan Community Institutions in Tanjungpinang City, it can be seen from the role in increasing community participation that has not been maximized, this is from the lack of channeling community aspirations, improving quality and accelerating government services to the community so that they do not run according to applicable regulations as a form of responsibility to the City Government Tanjung Pinang.

The need for responsibility for each Kelurahan in Tanjungpinang City is a very important manifestation in society in the form of supervision so that it is hoped that it is necessary to optimize cooperation with the collaborative and coordinative spirit of the community in carrying out the process of Community Institution activities so that they can enhance a development development in the regions in particular as well fulfilling community needs in order to obtain regularity and integration in following up on community aspirations at the Kelurahan level; this will facilitate implementation so as to produce social institutions that are independent and able to work properly in accordance with applicable regulations.

3.3 Factors Constraining the Development of Kelurahan Community Institutions in Tanjungpinang City

In this section, it is explained about the results of the observations obtained by the author, it is known that there are factors that become obstacles in the development of Village Community Institutions in Tanjungpinang City seen in the obstacles faced in carrying out the functions and benefits of Village Community Institutions in Tanjungpinang City, especially Kampung Bulang Village, Subdistrict Tanjungpinang Timur Tanjungpinang City, among others, on internal factors.

First, the budget problem is a problem that cannot be avoided from every program and activity in social life. This factor is often a very vital inhibiting factor related to the existence of institutions and organizations. The existence of an organization without activities is like a vehicle without fuel. Social institutions are not private institutions and are more social institutions. The

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budget factor is one of the determining factors for the success of the organization, whether it is used for the operational interests of administrative activities or for the operational tasks of the organization itself. In the implementation of its development, the village government is not able to finance all existing development plans. Therefore, the existence of a budget from the regional government and the central government is one of the inhibiting factors in the implementation of physical development in the Village of Kampung Bulang. Although in practice it has not been able to overcome the existing problems, the village government of Kampung Bulang revealed that the main factor for development in Kampung Bulang village is the budget.

Second, the inactivity of members greatly affects the performance of the board. Another internal factor besides budgeting is the membership factor, in which the membership of Social Institutions consists of several members of the community who are already married and indeed the work factor cannot be denied influencing the activeness of members of Social Institutions.

Based on the results of further observations seen on external factors. First, the coaching in the Village of Kampung Bulang is not evenly distributed, there are institutions that accept, and some don't. This problem will have an impact on the Kelurahan later when it does not provide fair and equitable guidance, because it will impact the activeness and presence of social institutions. The author realizes that the development that is not optimal is related to the recent issuance of Regional Regulation Number 10 of 2021 concerning Social Institutions.

Second, the definition of coaching in the Tanjungpinang City Regional Regulation Number 10 of 2021 concerning Community Institutions in article 1 point 18 states Participation is the active participation and involvement of the community in the development planning process. Community participation is a matter of participating in an activity or participation or participation. Considering that the people of the Kampung Bulang Village lack participation in the implementation of empowerment and development. The Head of the Kelurahan Community Institution tries to get the community to be able to participate in empowerment and development activities, this is a big challenge for the Chair of the Kelurahan Community Institution and Kampung Bulang Village Administration because the majority of the community spends a lot of time outside with their respective jobs. Community participation is very important in a program, the community is the main component that must be involved in empowerment. The needs, interests and expectations of the community are important directions for a policy. Providing opportunities for the community to participate is one of the objectives to achieve intensive community welfare. Community participation in empowerment is one of the characteristics or characteristics of a modern administrative system, in this case the community together with government officials become a group in the formulation of the implementation and evaluation of every effort to improve people's welfare. The interests and expectations of the community become an important direction for a policy. Providing opportunities for the community to participate is one of the objectives to achieve intensive community welfare. Community participation in empowerment is one of the characteristics or characteristics of a modern administrative system, in this case the community together with government officials become a group in the formulation of the implementation and evaluation of every effort to improve people's welfare. The interests and expectations of the community become an important direction of a policy. Providing opportunities for the community to participate is one of the goals to achieve intensive community welfare. Community participation in empowerment is one of the characteristics or characteristics of a modern administrative system, in this case the community together with government officials become a group in the formulation, implementation and evaluation of any efforts to improve community welfare.

Third, the participation of members in participating in providing information for the running of community empowerment and development programs is voluntary given personally by everyone who has seen and experienced what is related to village social institutions to obtain data related to these problems. This raises information that is only limited to those who attend meetings and have a high social level. Whereas for members and the community who don't care and don't want to know about the program, they will not get information from the Kelurahan Community Institution.



Fourth, that human resources are still minimal shows the weak level of human resources in the village. This happens because the low level of education of members and the community is one of the obstacles in the implementation of development. Members and people who have low levels of education in Kampung Bulang Village cause a lack of understanding of performance in carrying out activities.

Based on the results of observations made by the author in the Kelurahan of East Tanjungpinang Subdistrict, problems were found regarding the not yet optimal institutional function of Kelurahan Community Institutions in implementing village development. This is shown by the indicators that have not been optimal in Kelurahan Community Institutions in preparing village development plans in accordance with community aspirations so that the resulting development plans are not in accordance with community needs. Example: Village Community Institutions lack understanding and ability on the functions and benefits of Village Community Institutions, especially in channeling community aspirations.

The next indicator of the problem is that the Village Community Institution is not yet optimal in directing members and the community to participate in planning and implementing development programs in the village. Example: Village Community Institutions have not been optimal in disseminating village work programs that have been mutually agreed upon so that people are less motivated and know about the development programs that will be carried out. Then the lack of Village Community Institutions in improving the quality and acceleration of village government services to the community. Example: Village Community Institutions lack cooperation and mutual assistance, both participatory and consultative in the implementation of development programs with urban villages.

In organizational settings, it is also not optimal due to the limited human resources of members, the lack of available budget resources and inadequate facilities to support the implementation of the work. Furthermore, the mobilization of members to assist in the implementation of village development has not been optimal due to the lack of direction and guidance and invitations to members and the lack of willingness and motivation of members. Then the preparation of goals to be achieved has not been optimal due to the decrease in community participation, the lack of shelter for community aspirations related to development planning.

The next indicator is that the division of tasks for each member is not yet optimal due to the lack of ability to match the positions held and the low level of human resources for members. Furthermore, the inadequacy of human resources for members is caused by a lack of ability and competence, the low educational qualifications possessed and the lack of providing guidance to members and the inadequate provision of facilities and infrastructure caused by the lack of budgetary resources owned by Kelurahan Social Institutions.

Thus, if the policy can be implemented, it will result in community welfare efforts. In addition, the policy will provide recognition and protection for all policies, both those that have been and those that have not been implemented. With the effectiveness of these functions and benefits, it is hoped that the community can make good use of community empowerment and create legal certainty, especially in social institutions.

4. CONCLUSION

Based on the description and explanation regarding legal writing that the author has put forward and by looking at it based on theories and research sources, it can be concluded as follows:

1. The legal arrangements for Community Institutions in Kelurahan in Tanjungpinang City are adequate to be implemented optimally based on the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 18 of 2018 concerning Village Community Institutions and Village Traditional Institutions. The Tanjungpinang City Government has also issued Tanjungpinang City Regional Regulation Number 10 of 2021 concerning Social Institutions. These two norms are sufficient to regulate the legal basis, implementation and supervision of Community Institutions at the Village level starting

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- from the Neighborhood Association, Community Association, Family Welfare Empowerment, Youth Organizations, Integrated Service Posts and Community Empowerment Institutions. So that the Village can carry out the duties and functions of Social Institutions that provide benefits to the community.
2. Implementation of supervision in the perspective of Kelurahan Community Institutions in Tanjungpinang City on the role of increasing community participation has not been maximized, seen from the lack of channeling community aspirations, improving the quality and acceleration of government services to the community so that they do not run according to applicable regulations as a form of responsibility to the Tanjungpinang City Government.
 3. Factors that become obstacles/barriers to the development of Village Community Institutions in Tanjungpinang City in improving community welfare are the lack of community participation and socialization of the Social Institution management to the community regarding the parts within the Community Institution. While the efforts of Social Institutions in improving the welfare of the community, namely by increasing community participation and disseminating the existence of Social Institutions to the community.

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