

BUMDes alas musim development regulation in legal aspects of agreement in Alasrajah Village, Blega District, Bangkalan Regency

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Abstract. The village is the smallest unit of territory in the Indonesian government. Where the existence of the village is expected to be able to make the spearhead of the state in the development of an independent state economy, the spirit of independence and creativity in building the village economy, one of which is the existence of BUMDesa. BUMDesa is a business entity whose capital is wholly or mostly owned by the Village through direct participation sourced from Village wealth separately so that it can manage assets, services and other businesses for the welfare of the community in the Village. Alasrajah Village has a BUMDesa called BUMDesa Alas Musim which is engaged in tourism, trade and rental business. BUMDesa as a village-owned enterprise that aims to improve the community's economy needs a careful plan on what must be done to achieve the goal of forming BUMDesa. This research uses empirical juridical research called field research, which enforces or implements normative legal provisions In line with that, there is a need for a strategy or regulation in the development of BUMDesa. In running its business BUMDesa really needs business law arrangements in order to create order in business activities, such as agreements with second parties. The results of interviews with the people of Alas Rajah Village Purpose and Village Office are indeed Alas Musim BUMDes have good potential in the field of natural resources, the purpose of this study is to determine the position and authority and responsibility of the parties to the legal aspects of the BUMDesa agreement with the Second Party in Alasrajah Village.

1 Introduction

The State of Indonesia is a State of Law, this arrangement is contained in the explanation of the 1945 Constitution which states that "The State of Indonesia is based on law (*rechstaat*) not based on mere power (*machstaat*). One of the objectives of the establishment of the State of Indonesia is contained in the Preamble to the 1945 Constitution (hereinafter referred to as the 1945 Constitution) contained in the fourth paragraph, namely "promoting general welfare". Based on the purpose of the state, it can be said that the State can be used as a tool to be able to act in the interests of the people so that the goal of the welfare of the people can be achieved. In an era of globalization and rapid technological advancement, sustainable development can no longer be the sole responsibility of governments or formal institutions [1]. Village communities, as important pillars in the social and economic structure of the country, also have an active role in exploring local potential and realizing common prosperity.

The village is the smallest unit of territory in the Indonesian government. Where the existence of the village is expected to be able to make the spearhead of the state in the development of an independent state economy, the spirit of independence and creativity in building the village economy, one of which is the

existence of BUMDesa. BUMDesa is a business entity whose capital is wholly or mostly owned by the Village through direct participation sourced from separate Village wealth so that it can manage assets, services and other businesses for the welfare of the community in the Village. The establishment of BUMDes represents the implementation of the authority owned by the village as stipulated in Law No. 06 of 2016 concerning Villages, Government Regulation No. 43 of 2014 concerning the implementation of Law No. 06 of 2014 concerning Villages [2]. The substance and philosophy of BUMDesa must be interpreted with the spirit of others and self-help as an effort to strengthen the economic aspects of village government. Furthermore, Article 33 paragraph (1) of the 1945 Constitution states that the economy is structured on the basis of family principles [3]. Based on this mandate, BUMDesa is also based on the spirit of kinship and cooperation.

Alasrajah Village is a village located in Blega District, Bangkalan Regency. Alasrajah Village has a BUMDesa called BUMDesa Alas Musim which is engaged in tourism, trading and rental business. BUMDesa as a village-owned enterprise that aims to improve the community's economy needs a careful plan on what must be done to achieve the goal of forming BUMDesa. In line with that, there is a need for a strategy or regulation in the development of BUMDesa [4].

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In carrying out its business, BUMDesa really needs business law regulation in order to create order in business activities. Furthermore, to develop the Alas Musim BUMDesa business, Alasraja Village is also very necessary to make agreements with various parties such as lease agreements, cooperation agreements, sale and purchase agreements and other legal relationships [5]. Mr. Muhari also said that the Alas Musim BUMDesa Alasraja Village has just pioneered so that it still needs development in all aspects, especially in the legal aspects of the agreement. Not only that, after the author conducted interviews with residents around Alas Rajah Village, Blega District, Bangkalan Regency, there are indeed many people who sell potential village products, there is no legal power to protect local wisdom owned by Alas Rajah Village, such as the example of brick making that still has not registered a CV to have a name and legal force [6].

As a legal entity, BUMDesa can be binocularized from various angles, for example from the economic, social, public policy, and also from the legal side. In this study, consultations were carried out related to legal and regulatory aspects related to BUMDesa [7]. The problem is the lack of understanding of rural communities and BUMDesa managers regarding regulations related to BUMDesa. This of course will affect the management and development of BUMDesa so that the purpose of the existence of BUMDesa is difficult to achieve. The purpose of this activity is to find out the position and authority of the parties in the legal aspects of the BUMDesa agreement with the second party and to find out the responsibilities of the parties in the legal aspects of the Agreement [8].

2 Methods

The implementation of this research activity was carried out in Bangkalan Regency. The object of research is the Regulation on the Development of BUMDesa Alas Musim in the Legal Aspects Of Agreements In Alas Rajah Village, Blega District, Bangkalan Regency [9]. The choice of research location in Alasraja Village is because Alasraja Village has abundant natural resources and if developed properly it will have the potential to increase the economic development of the community. This type of research is empirical juridical or called field research, which examines applicable legal provisions and what happens in reality in society [10]. Empirical juridical research is legal research on the enactment or implementation of normative legal provisions in action on any particular legal event that occurs in society [11]. This empirical juridical research uses primary and secondary data, namely through interviews conducted with informants, binding legal materials, which include laws and regulations related to the problem topic, and non-binding legal materials that provide explanations of primary legal materials that are the processed opinions or thoughts of experts or experts [12].

3 Result and discussion

In this study, several important things related to BUMDesa regulations were presented. First, BUMDesa is an entity established based on Village Deliberation. Village Deliberation is an important forum where stakeholders (Village Consultative Body, Village Government, and Village community elements) gather to deliberate on strategic matters in the implementation of Village Government, including the establishment of BUMDesa to advance the welfare of the Village itself [13]. This forum is held at least once a year. Related to the establishment of a BUMDesa, Village Deliberation becomes an initiation forum which, if mutually agreed, the formation of BUMDesa is then determined by village regulations [14].

The authority to form village regulations is actually one of the implications of regional autonomy which requires villages to regulate and take care of the interests of local communities based on local origins and customs that are recognized and respected in the Unitary State system of the Republic of Indonesia. Therefore, villages can form village regulations when the interests of the community must be regulated, including the interests of welfare and the advancement of human resources in the village through the establishment of BUMDesa.

In the perspective of management, this socialization highlights how BUMDes will be organized and operated. This view is inseparable from the organizational elements carried out by BUMDes managers such as [15]:

1. Organizational structure, how BUMDes will be established, with a clear management structure, such as management boards, managers, and operational staff
2. Project planning and management, how BUMDes will plan, implement, and manage economic projects, and how to measure the performance and sustainability of the project
3. Human resources, how BUMDes will involve and train village members, both those who are directly involved in BUMDes operations and who act as consumers or shareholders.

In addition, in the view of the regulatory perspective, socialization law highlights the rules and regulations that apply to BUMDes, including [16]:

1. Registration and legality, the BUMDes registration process is in accordance with local laws, including tax requirements, business licenses, and other legal arrangements that must be followed
2. Governance, how BUMDes will be supervised and regulated, including issues such as financial reporting, auditing, and disclosure of relevant information.
3. Rights and obligations of members, rights and obligations of BUMDes members, as well as mechanisms to decide important matters such as profit allocation, budget changes, and selection of BUMDes management.

Based on the views of academics conveyed by the head of the Blega Kabupaen Bangkalan sub-district, indeed in the regulation many legal aspects are still not fulfilled such as sales licensing where the surrounding waraga are still blind to the law and there are obstacles that become neglected some activities in the village such

as the election of village heads who become dividers between communities [17].

4 Conclusion

In this case, the impact felt during research in Alas Rajah Village is the lack of awareness of the village government regarding legal regulations. Therefore, during our research in Alas Musim Village, Blega District, Bangkalan Regency provided an overview of how to increase understanding of BUMDes and increase awareness of BUMDes Management about the importance of having a legal entity in the village. Therefore, the need for the establishment and management of good BUMDes so that the welfare goals of rural communities are achieved, the existence of BUMDes as a business unit at the Peleu village level is utilized optimally for the development of the village economy can be seen from the aspects of economy, management and applicable legal regulations.

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