



FUNCTIONS OF THE VILLAGE DELIBERATIVE BODY IN SUPERVISION OF VILLAGE GOVERNMENT BASED ON VILLAGE LAWS AND REGULATIONS AND ISLAMIC LAW

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ABSTRACT

This research aims to: 1) identify and analyze the regulations of the Village Consultative Body in carrying out government supervision. village ; 2) knowing and analyzing the function of the Village Consultative Body in supervising government village . Research method. This research is a normative legal research and the approaches used are the legislative approach , conceptual approach and historical approach. The results of the research show that (1) The regulation of the Village Consultative Body in carrying out government supervision village . The Village Representative Body (BPD) in Law Number 22 of 1999 is a village legislative body that functions to protect customs, in the Minister of Home Affairs Decree No. 64 of 1999 concerning General Guidelines for Village Regulations . The new Law on Regional Government, namely Law No. 32 of 2004 as a replacement for Law No. 22 of 1999, regulates the existence of the Village Representative Body (BPD) which has changed its name to the Village Consultative Body (BPD). (2) The Function of the Village Consultative Body in the Implementation of Village Government According to Village Government Regulations. Law Number 6 of 2014 explains that the function and role of the Village Consultative Body as stipulated in Law Number 32 of 2004 is weakened by limiting it to legislation and representation. Its role, function and position are further narrowed in Law Number 6 of 2014 concerning Villages, the legislative function of the BPD is limited. The alignment between legal regulations and Sharia principles demonstrates that Islam makes a significant contribution to the development of village governance. Effective oversight can prevent irregularities and promote just and transparent governance. By implementing the values of trust, shura, and amar ma'ruf nahi munkar, the BPD can become a dignified oversight institution.

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Introduction

Regulations since pre-independence and post-independence of the Republic of Indonesia until now are direct orders from Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which stipulates: "The Unitary State of the Republic of Indonesia is divided into provincial regions, and the provinces are divided into districts

and cities, each of which has a regional government regulated by law" (Suriadi & Amir, 2024) . Article 200 of Law Number 32 of 2004 concerning Regional Government stipulates: "In the district/city regional government, a village government is formed consisting of the village government and the village deliberative body." The division of the territory of the Republic of Indonesia in this law places the village as part of the sub-district and has a state structure with a regional government above it. Law Number 32 of 2004 was later declared invalid and replaced by Law Number 23 of 2014 concerning Regional Government (Suriadi & Amir, 2024).

Based on Article 2 of Law Number 23 of 2014, the Unitary State of the Republic of Indonesia is divided into provincial areas and the provincial areas are divided into districts and cities. Districts/cities are divided into sub-districts and sub-districts are divided into urban villages and/or villages. Districts/cities form sub-districts in order to improve Coordinating the implementation of government, public services, and empowerment of village/sub-district communities. One of the duties of the sub-district head is to guide and supervise the implementation of village and/or sub-district activities (Haryani, 2015).

The provisions in this law regarding village regulations are listed in Chapter XVIII. In this chapter, village regulations consist of only two articles, namely Article 371 and Article 372. This law does not explain in detail the structure of the village government and the authorities granted. This is very different when looking at Law Number 32 of 2004 concerning Regional Government which includes 16 articles regarding village regulations from Article 200 to Article 216. In this law there are very few regulations regarding villages (only two articles). In Article 371 of Law Number 23 of 2014 it states that the regulation of village authority is included in the law related to village.

Village development planning will be implemented through village development deliberations between the government and the Village Consultative Body (BPD). In this case, the village government and the Village Consultative Body (BPD) serve to accommodate and channel community aspirations to meet their living needs and livelihoods. Therefore, the question in this regard is whether the Village Consultative Body has truly carried out its primary duties and functions in village development planning as mandated by law, or whether there are other factors supporting village development planning.

The Village Consultative Body (BPD) is inseparable from the doctrine of villages as autonomous regions. According to the Village Renewal Development Forum (FPPD), it explains:

Governance in "autonomous villages" is framed by a modern democratic system: elections and representation. Elections and representation are minimal indicators of procedural democracy that must exist in village governance. Furthermore, the concepts of representation and deliberation cannot be diametrically opposed, such as opposing the Village Representative Body (representative model) and the Village

Consultative Body (deliberative model), or opposing the concepts of elections (*voting*) and deliberation. The concept of deliberation is not actually a forum or institution (such as the Village Consultative Body or Village Consultative Institution), but rather a collective process for decision-making. Therefore, to build a deliberative democracy (consensus), which is very limited in number, it is possible to establish other, larger institutions such as the Village Consultative Assembly or a more fluid forum such as a citizens' forum. The most important thing in deliberative democracy (consensus) is the process of collective discussion and debate to seek the common good, which goes beyond the election process (*voting*).

In an effort to realize the implementation of democracy in the implementation of village governance in order to be able to mobilize the community to participate in development and the implementation of village administration, every decision taken must be based on deliberation to reach consensus. Therefore, the Village Consultative Body has the function of protecting customs, establishing village regulations together with the Village Head, accommodating and channeling community aspirations, and overseeing the implementation of village regulations and village head regulations, proposing the appointment and dismissal of the Village Head.

Due to the importance of village regulations in the administration of village government, the creation of village regulations should be carried out carefully and in accordance with the provisions and requirements, including the prescribed format and systematics. Failure to meet any of these requirements could result in the village regulations not having legal force and binding force. The role, function and position are increasingly narrowed in Law No. 6 of 2014, the legislative function of the BPD is limited. Now it is outside the structure of village government administration. This can be seen from the definition of BPD according to Article 56 paragraph (1) of Law No. 6/2014 which states: "The Village Consultative Body or what is called by the name others are institutions that carry out government functions whose members are representatives of the village residents based on regional representation and determined individually democratic". Based on the description above, the author is interested in conducting research and writing in order to compile a thesis with the title: "The Function of the Village Consultative Body in Supervising Village Government Village Based on Legislation Regarding Villages With the problem formulation (1) Village Consultative Body Regulations in Implementing Village Government Supervision (2) Village Consultative Body in Implementing Village Government in Accordance with Government Regulations (3) The Function of the Village Consultative Body in Village Government Supervision Based on Village Regulations and Islamic Law.

Method

A method is an expression of how the mind works, so that the resulting knowledge has certain rational and tested characteristics. A research method is a technical

description of the methods used in research. This research is a normative legal research. The legal research approaches used by the author in this research are: (1) Statute approach. (2) Conceptual approach. (3) Historical approach. The collection of legal materials is carried out through an inventory and identification of laws and regulations, court decisions and law books to then classify and systematize the legal materials according to the research problem. In this research, the deductive analysis method is used, namely an analysis method by analyzing the laws and regulations related to the formulation of the problems contained in this research and then correlating them with several theoretical principles which are the basis or basis of analysis in writing this research as a step to find conclusions.

Funding and Discussion

Regulation of the Village Consultative Body in Carrying Out Government Supervision Village

The Village Consultative Body has the functions as stated in Article 104 of Law No. 22 of 1999 concerning Regional Government, namely; "protecting customs, making village regulations, accommodating and channeling community aspirations, and supervising the implementation of Village Government." The first function: protecting customs and traditions is clarified in Article 36 paragraph (1) letter (a) of the Minister of Home Affairs Decree No. 64 of 1999, "protecting means maintaining the preservation of customs and traditions that live and develop in the village concerned as long as they support the continuity of development."

At the implementation level, these provisions prevent the BPD from optimally performing its functions. It appears that what is stipulated in legislation is not always easy to understand, let alone operationalize. Legal language often gives rise to various interpretations, which can lead to different practices. Inevitably, practices that are far from the spirit of the law can arise. For example, BPD members experience confusion when experiencing (and implementing) the function of protecting customs as formulated in the law.

In areas still strongly entrenched in local customs, this function is less relevant because customs are not the responsibility of the local parliament established by the state. In West Sumatra, customs are not the responsibility of the Nagari representative body, but rather the Nagari Customary Council (KAN) and the Customary and Sharia Council. Therefore, to empower the BPD, relying solely on the regulatory framework is not sufficient. We must go *beyond* the law by entering into broader theoretical understanding grounded in an empirical context. It is not surprising that if there are regulations that are less relevant to the local context, they can easily give rise to serious problems in their implementation.

The BPD also has the function of accommodating and channeling community aspirations as explained in Article 36 paragraph (1) letter d of the Minister of Home Affairs Decree No. 64 of 1999 which states: "accommodating community aspirations, namely handling and channeling aspirations received from the community to authorized officials or agencies." In carrying out this function, the BPD is highly dependent on the level of community criticality. If the community is willing to collaborate to express their desires, it will certainly facilitate the BPD's role. Essentially, the BPD's position allows the community to participate in the process of making certain village policies, as regional autonomy and democratization have opened up political space for citizens to actively participate in the governance process.

Conversely, if the BPD is able to swiftly absorb a number of community aspirations, there is great hope that village life will run smoothly and orderly. By conveying community aspirations by the BPD, the Village Government will follow up on what is desired to be realized in village life. Therefore, the relationship between the BPD and the community cannot be separated from one another. The renewal of the existence of village legislative institutions after the reforms must be welcomed by maximizing their role. Quoting Hans Antlov's opinion:

"The BPD was created to deepen and diversify the opinions of the village community. The voice of the citizens will balance the power of the Village Head which in the past was very strong. However, involving the people is not yet an adequate step. We also need to look closely at who is involved and how their involvement is carried out. Who sets and controls the BPD agenda? How are the BPD decisions reached? If only the village elite participates in this new forum and what if the poor and marginalized people who attend the meeting act passively in the back row following the lead of the patrons, then not much things that can be obtained"

Weak community participation and their lack of concern for the running of village government are the reasons why the Village Community Resilience Institute (LKMD) is still maintained. In fact, in several districts in North Sumatra, the LKMD has been deliberately retained, as it serves as a forum for village aspirations. The LKMD is also considered representative in shaping village policies, despite proven bias by village elites.

Furthermore, suspicions have arisen that by retaining this institution, village heads retain the power to counterbalance the BPD. In fact, in several districts in North Sumatra, the LKMD is deliberately retained, as it serves as a forum for village aspirations. The LKMD is also considered representative in shaping village policies, despite evidence of village elite bias. Furthermore, suspicions have arisen that by retaining this institution, village heads retain the power to counterbalance the BPD.

The formalization of the BPD tends to add to the long list of biases faced by village elites in delegative democracy (representative democracy). The BPD's ability to foster

dialogue with the village community is a particular issue. This is why BPD appreciation is not necessarily accepted and achieved by the people, requiring prior discussion in a joint forum. If what occurs in a village is the neglect of villagers, the community empowerment process is deemed a failure. The main elements of the community empowerment process are the granting of authority and the development of community capacity. Therefore, if a social class in a village lacks these two elements, it can be said to be marginalized.

Furthermore, if the village head's revised accountability report is rejected a second time, the BPD can propose the village head's dismissal to the Regent. Thus, the BPD is trusted as a representative of the people, with the right to assess the level of success achieved by the Village Government. The implications of the establishment of the BPD are profound. The most obvious is the shift in political power, so that village politics is no longer centered on the village head. The BPD's legislative, control, and aspirational functions can shift the village head's political position and function, as well as their interests. Consequently, a political tug-of-war in the village is rife with competing interests.

While ideally, the BPD could bring a new perspective to village governance and change the social and political dynamics of the village, which previously tended to be centralized and neglected checks and balances, its performance remains shrouded in contradictory problems. These problems have the potential to backfire and gradually destroy democratic values in the village. Legal formal issues, the social base of BPD members, internet dynamics, and interactions with external parties are complex issues. The BPD's suboptimal role is marked by its inability to fully absorb community aspirations. This is exacerbated by the ongoing problem of elitism. Like the DPRD, the BPD appears to be a form of elite oligarchy lacking in awareness and concern for community life.

The provisions of Article 209 of Law No. 32 of 2004 have implications for the loss of the control function of the village legislative institution as regulated in Article 104 of Law No. 22 of 1999. Its authority has changed fundamentally and become very limited. The role of Bamusdes is limited to policy making, without having the right to conduct supervision whether the policy is implemented by the Village Government, which is again weakened as was the case with LMD during the New Order era. Although its position as a legislative institution is separated from the Village Government which acts as an executive institution, Bamusdes no longer has the right to control the running of village government.

As a consequence, Bamusdes does not have the right to hold the village head accountable. The village head's accountability report (LPJ) must be submitted to the Regent/Mayor. Bamusdes only receives the LPJ statement report in Article 15 paragraph (2) of Government Regulation 72 of 2005 concerning Villages. The provisions of Article 209 of

Law No. 32 of 2004 have implications for the loss of the control function of the village legislative institution as regulated in Article 104 of Law No. 22 of 1999. Its authority has changed fundamentally and become very limited. The role of Bamusdes is limited to policy making, without having the right to supervise whether the policy is implemented by the Village Government, which has weakened again, as was the case with the LMD during the New Order era. Although its position as a legislative institution is separated from the Village Government which acts as an executive institution, Bamusdes no longer has the right to control the running of the village government (Junaedi, 2023).

Explanation of Article 15 paragraph (4) of Government Regulation No. 72 of 2005, the capacity of Bamusdes allows it to simply ask critical questions or report on the accountability of the village head, but not in the capacity to reject or accept. This is different from the provisions of Law No. 22 of 1999 where the village head is required to provide an accountability report to the people through the BPD (Article 102). This shows that the weak position of the amusdes as an element of village government is increasingly apparent. Because its control function has been lost, Bamusdes only has the right to propose notification of the village head if it is proven to have violated the provisions of the law, which is submitted by the Bamusdes leadership to the regent/mayor through the sub-district head, based on the decision of the Bamusdes meeting as stated in Article 17 paragraph (3) of PP No. 7 of 2005.

The change in village status and the loss of the Village Consultative Body's (Bamusdes) control function has created a mutually beneficial symbiosis between the central government and the village head. Both feel they benefit equally. The central government automatically elevates the village head as a "golden boy," allowing him to exercise his power as desired. Furthermore, the position of village head is not merely a social position or prestige, but also hinges on a hidden agenda of power struggles and access to the village's economic resources. The reduction in the authority of the Village Consultative Body (Bamusdes) in this law has a background and reasons. One of them is to position the Bamusdes in a less dominant position, as stipulated in Law No. 22 of 1999. With the issuance of this law during the administration of President BJ Habibie, the BPD's actions in village government tended to be excessive. In fact, the village head considered the BPD to have exceeded what had been outlined for it.

The BPD was accused of violating legislative provisions. Therefore, it is understandable, the reduction of Bamusdes aims to establish a *checks and balances mechanism* and a more harmonious relationship between the Village Government and Bamusdes, without the need for various problems that cause conflict between the two. Unfortunately, this approach has actually weakened the position of Bamusdes vis-à-vis the Village Government, allowing it to roam freely, because there is no longer an institution to oversee its executive role in village government (Ghofar et al., 2022).

When Law No. 32 of 2004 is compared with its implementing regulations, an oddity emerges. Law No. 32 of 2004 clearly states two functions of the Village Consultative Body (Bamusdes): establishing village regulations and accommodating and channeling community aspirations. The explanation of Government Regulation No. 72 of 2005 states that the Bamusdes function is to "supervise the implementation of village regulations in order to strengthen the performance of the Village Government." This oddity is reinforced by Article 35 of Government Regulation No. 72 of 2005, which states that supervision of the implementation of village regulations and village head regulations is one of the Bamusdes's authorities. This contradiction has caused confusion for both interpreters and implementers of the two laws. However, because Law No. 32 of 2004 serves as the primary basis, the widespread belief is that the function of the Village Consultative Body (Bamusdes) is limited to establishing village regulations and channeling community aspirations.

Law Number 6 of 2014 concerning Villages reaffirms village autonomy based on village identity, accommodating the diversity and uniqueness of each village's culture, within the unitary state of the Republic of Indonesia. Law 6 of 2014 concerning Villages illustrates the state's intention to automate villages, with various village government independences such as general elections for village leaders, village budgets, a kind of village DPRD, and the independence of village regulation making such as regional regulations, causing the autonomous regions of the Republic of Indonesia to become provinces, districts or cities, and villages. Reform has reached its roots, awareness of the village and hamlet constitution is predicted to encourage a reform process based on genuine regional autonomy.

The working relationship between the village head and the BPD is partnership, consultative and coordinative. Partnership in the sense that the village head and the BPD collaborate in implementing Village government can be seen from the Implementation of Village Government duties, namely, the village head leads the implementation of Village government based on policies jointly determined by the Village Consultative Body, the village head establishes Village Regulations that have received joint approval from the Village Consultative Body, the village head prepares and submits a draft Village Regulation regarding the Village Revenue and Expenditure Budget (RAPBDes) to be discussed and determined together with the BPD and the village head provides a report on the Implementation of Village Government Information at the end of each fiscal year to the Village Consultative Body.

While the working relationship between the village head and the BPD in the form of consultation is carried out in certain matters, such as the village head in the formation of village community institutions, the appointment of village officials or staff, activities or commemorations of national or religious holidays and matters concerning village

government. The working relationship in the form of coordination between the village head and the BPD can be seen from the implementation of programs or activities originating from the Government, Regional Government to the Village Government, such as the Rice for Poor Families (Raskin) program, Social Protection Card (KPS), Healthy Indonesia Card (KIS), Smart Indonesia Card (KIP) and Prosperous Family Card (KKS) or other programs before being implemented are first coordinated with the BPD to facilitate their implementation and supervision (Abdulah et al., 2019).

The working relationship between the village head and the BPD in implementing democratic Village Government must be aligned and compact because it is for the sake of realizing the welfare of the Village community. In achieving democratic governance between the village head and the BPD and other Village institutions, the relationship pattern must be balanced and run professionally according to their respective positions, duties and functions and carried out in good faith. The village head and BPD must continue to sit together to consult and coordinate and cooperate with each other by holding meetings or deliberations in matters of organizing Village government, implementing Village development, Village community development and Village community empowerment. Village deliberation is a manifestation of deliberative democracy, namely a decision-making model using deliberation to reach consensus on various problems faced (Suyatna, 2021).

The Village Deliberation is the highest forum for decision-making on strategic village issues. In the administration of village governance, community participation in development activities is highly expected. In carrying out development tasks and providing services to the community, the village head must pay close attention to suggestions and input from the Village Deliberative Body and the village community. (Efendi & Ibnu Sholeh, 2023). To build a democratic government, the village head and the Village Consultative Body must synergize well and have the same mindset. To create a comfortable and safe atmosphere in the implementation of Village Government, the key is partnership, consultation, coordination, harmony, and synergy between the village head and the BPD so that the resulting Village government policies, activities, and programs can be jointly accounted for to realize progress, justice, and the welfare of the Village community.

The Village Consultative Body in the Implementation of Village Government According to Government Regulations

Law Number 6 of 2014 explains that the function and role of the Village Consultative Body as stipulated in Law Number 32 of 2004 is weakened by limiting it to legislation and representation. This occurs even though its position is equal to the village head as the organizer of village government. Its role, function and position are further narrowed in Law Number 6 of 2014 concerning Villages, the legislative function of the BPD is limited.

The BPD according to Article 56 paragraph (1) of Law Number 6 of 2014 states:

The Village Consultative Body or known by another name is an institution that carries out government functions whose members are representatives of the village population based on regional representation and are appointed democratically. This is then emphasized in Article 26 paragraph (1) which states: "The Village Head is tasked with organizing Village Government, implementing Village Development, fostering Village communities, and empowering Village communities."

This provision is contrary to the provisions of Law Number 32 of 2014 which is emphasized in Article 1 number 8 of Government Regulation Number 72 of 2005 concerning Villages, that:

The Village Consultative Body or referred to by another name, hereinafter abbreviated as BPD, is an institution that is the embodiment of democracy in the implementation of village governance as an element of village governance (Meng et al., 2022). The development of the Village Consultative Body (BPD) according to Law Number 5 of 1979, Law Number 22 of 1999, Law 32 of 2004 and Law Number 6 of 2014, as can be seen in the following table:

Table 1. Development of BPD since the 1979 Law to 2014

Indicator	CONSTITUTION			
	Number 5 of 1979	Number 22 of 1999	Number 32 of 2004	Number 6 of 2014
Term	Institution Deliberation	Body Village Representative	Body Deliberation Village	Body Deliberation Village
Position	As government village, located under the village head	As organizer Government village, parallel to the Head Village.	As Government Organizers village, equal to the village head	Not as an element organizer village government, not on the same level as the Village Head, is outside the structure village government
Function	Deliberation	Oversight	Legislation -	Legislation

		Legislation Representative Budget	Representative	(limited) Representative Supervision
Affirmation in the Law/PP	Not yet, still through interpretation in the article certain.	Nothing, still Through interpretation in certain articles	Affirmed in Article 17 of PP 72 of 2002 2005	Not yet, still Through interpretation in certain articles
Prospective members	Head of Hamlet, Leader institution social, Leader Society	Came from circles certain, which qualify - customs - religion - social organizations - politics - group profession - elements leaders public	Representation group certain, such as: - RW Head - Customary leaders - Professional groups - Religious leader - Character or leaders other communities	Free of origin qualify, based on regional representation
Election of members	Deliberation Village Head and Village Secretary (<i>ex oficio</i>) becomes chairman and vice chairman	Direct election	Deliberation and consensus	Direct election or deliberation

This definition provides an understanding that the BPD is not an element of village governance. This institution does have governmental functions, but it stands alone outside the village government structure. According to Ardhiwinda, being outside the village government structure subverts the BPD's functions and role, which in turn diminishes its legitimacy in carrying out those functions. According to Sutoro Eko, the new position of

the BPD has the potential to create several positive and negative impacts on the relationship between the village head, the BPD, and the community. *First*, the strengthened political function of the BPD will strengthen the control and legitimacy of the village head's power. At the same time, village deliberations will create togetherness between the village government, the BPD, community institutions, and community elements to develop and implement the vision and mission of village change. This can lead to the avoidance of direct conflict between the village head and the BPD. *Second*, having legal power to organize government, such as establishing the Village Budget and Village Regulations, a village head who desires to abuse his power may ignore agreements established in joint discussions between the village head and the BPD or result in agreements in village deliberations. This action is legally justified but politically illegitimate. If this occurs, the BPD's political skills are needed to resolve the problem. Regarding the relationship between the two parties, there are four types of relationships: dominant, collusive, conflictual, and partnership. Of these four relationships, partnership is the best alternative. Through this relationship, democratic and citizen-friendly village policies will be created, if implemented openly.

The village government consists of the village government and the Village Consultative Body (BPD). The Village Government in question consists of the Village Head and Village Apparatus. In accordance with Article 1 number 3 of Law Number 6 of 2014 concerning Villages, it states: "The Village Government is the Village Head or otherwise referred to as such, assisted by Village Apparatus as elements of the Village Government administration." According to HAW Widjaja in his book "Village Autonomy", Village Government is defined as: Village governance is a subsystem of the government administration system, giving villages the authority to regulate and manage the interests of their communities. The Village Head is accountable to the Village Consultative Body and submits a report on implementation to the Regent. To find out the position of the BPD in the content between Law Number 32 of 2004 and Law Number 6 of 2014, seen from the position, function and legal aspects, it is described in the following table:

Table 2. The position and function of BPD according to Law No. 32 of 2004 and Law No. 6 of 2014

Component	Law No. 32/2004	Law No. 6/2014
Definition	The institution that is a manifestation democracy in the implementation village government as an element organizer village government	The institution that carry out functions the government that its members are representatives of the population Village based on regional representation And determined by democratic

Position	BPD as an element organizer village government. BPD authorized and participate organize and manage village	As a village institution which are involved carry out functions government, but not fully participating organize and manage village
Function of Law	Legal/legislative function strong: Determine joint village regulations Village head	Weak legal/legislative function : Discussing and agree on the Draft Joint Village Regulations Village head

The Function of the Village Consultative Body in Supervising Village Government Based on Village Legislation and Islamic Law

Based on research findings, the Village Consultative Body (BPD) plays a central role as an institution that carries out oversight functions over the implementation of village governance. In the context of Islamic law, this oversight function aligns with the principle of *hisbah*, which emphasizes the importance of social oversight for the benefit of the community (Suryani, 2020). The BPD's role is to ensure that village governance is transparent and accountable. Oversight is carried out on program planning, budget implementation, and final activity evaluations. This demonstrates the conceptual alignment between modern governance and the control principles of sharia. Thus, the BPD is a crucial instrument in maintaining the morality and ethics of village governance.

Further findings indicate that the BPD's supervisory practices still face several obstacles, such as low member capacity, minimal understanding of regulations, and limited coordination with the village government (Rahmawati, 2021). From an Islamic legal perspective, weak supervision can lead to opportunities for abuse of power that are inconsistent with the principles of trust and justice. Therefore, strengthening the competence of BPD members needs to be prioritized to achieve effective supervision. This condition aligns with the principle of *al-umara' ra'in wa mas'ulun 'an ra'iyatihi*, which states that every leader is responsible for the tasks they undertake. Good implementation of supervision is believed to be able to improve clean and integrated village governance.

The research also found that the Village Consultative Body (BPD) has carried out its legislative function by providing input in the drafting of Village Regulations (Perdes). From an Islamic legal perspective, this function of providing advice and considerations falls within the concept of *shura*, or deliberation, to reach joint decisions that benefit the public (Al-Faruqi, 2019). The BPD serves as a strategic partner for the village head in formulating the direction of village development policies. The deliberation process emphasizes that village governance is not authoritarian but rather participatory. Therefore, community involvement in the village legislative process through the BPD

embodies the implementation of sharia values within the local government system. This normative framework provides a strong foundation for achieving democratic village governance.

Furthermore, research shows that the Village Consultative Body (BPD) also oversees the use of village funds to ensure they are appropriately targeted (Hasanah, 2022). Oversight of public funds is highly emphasized in Islam to prevent misuse and *corruption*, which are considered reprehensible acts. The principle of *trustworthiness* serves as a moral guideline for village fund managers to ensure they do not deviate from the public interest. The BPD plays a role in reviewing financial reports, evaluating activities, and verifying evidence of budget use. Strengthening budget transparency through the publication of information is also a monitoring strategy. Therefore, sound village financial management is an indicator of the implementation of Islamic legal values in modern governance.

In terms of institutional relations, the BPD is obligated to communicate with the village head as a working partner, not as a political opponent. In Islamic law, this relationship reflects the concept of *ta'awun*, or mutual assistance for the good and welfare of the community (Nasution, 2020). However, research shows that political dynamics often influence the effectiveness of communication between the two parties. Therefore, a professional, open attitude is needed, prioritizing deliberation in resolving differences. With harmonious communication, village governance will be more effective and conducive. Islamic spiritual values can serve as an ethical foundation for working together for the benefit of the village community.

Research has found that the community plays a significant role in supporting the BPD's oversight function through active participation. In Islam, community participation is part of *amar ma'ruf nahi munkar*, which means encouraging good and forbidding evil (Al-Ghazali, 2018). As a representative of the community, the BPD must act as a bridge for public aspirations so that village policies align with the real needs of residents. Community involvement strengthens the BPD's legitimacy in overseeing village government. However, the level of community participation varies depending on the socialization and social culture of the village. Improving village legal literacy is key to enabling communities to critically and constructively monitor village government.

On the other hand, research also shows that the BPD's oversight mechanism is not yet fully documented. Islam encourages administrative record-keeping, as stipulated in Surah Al-Baqarah, verse 282 of the Quran, regarding the importance of recording transactions. Supervisory documentation will facilitate evaluation and strengthen legal evidence in the event of irregularities (Fathurrahman, 2019). Therefore, the BPD needs to establish an organized, systematic, and accountable supervisory administration system. A track record of supervision will help improve performance quality in the future. Documentation also serves as material for public information publications to strengthen

transparency.

Based on the analysis, the integration of Islamic legal values into the function of the Village Consultative Body (BPD) can be seen in the principles of trustworthiness, justice, deliberation, and social oversight. These values align with the objectives of Islamic law, namely, safeguarding the common good and preventing harm (*jalbul mashalih wa dar'ul mafasid*) (Huda, 2020). The BPD needs to place Islamic ethics as the moral foundation in carrying out its duties. Therefore, although the BPD is a formal institution in modern governance, sharia values provide a soul for supervisory practices, making them more meaningful. The implementation of Islamic law will strengthen the moral, spiritual, and social aspects of village governance. Therefore, this integration deserves to be maintained and strengthened.

The study concluded that improving the quality of the BPD's oversight can be achieved through village legal training, increasing member capacity, digitizing administration, and strengthening community participation. Islam emphasizes the importance of *tathwir* , or the development of knowledge and human resource capacity. When member quality improves, the oversight function will be more optimal, in accordance with sharia objectives. Village governments and relevant agencies need to collaborate in this capacity building. Thus, effective oversight is not solely the responsibility of the BPD, but rather a synergy between government and community elements. Continuous improvement efforts ensure more professional village governance (Haqqani, 2025).

Finally, the research findings confirm that the Village Consultative Body (BPD) has a strategic function in overseeing village governance based on an Islamic legal perspective. The alignment between legal regulations and sharia principles demonstrates that Islam significantly contributes to the development of village governance. Effective oversight can prevent irregularities and promote just and transparent governance. By implementing the values of amanah (trust), syura (shariah), and amar ma'ruf (enjoining good and forbidding evil), the BPD can become a dignified oversight institution. This research opens the way for further studies on the integration of Islamic law into village oversight. This is an important academic contribution to sustainable village development (Triwibowo & Adam, 2022).

In the same context, a study of the implementation of hisbah, syura, and amar ma'ruf nahi munkar within Village Regulations and Islamic Law demonstrates efforts to harmonize religious values with local governance structures. Hisbah, syura, and amar ma'ruf nahi munkar are fundamental Islamic concepts relevant for community life, including at the village level. Although Village Regulations do not explicitly use these terms in formal institutional formats, except in certain regions such as Aceh with its Wilayatul Hisbah, their basic principles are integrated into village oversight, deliberation,

and moral development mechanisms (Mohiuddin, 2015).

Hisbah, in ensuring Islamic law, serves as a community oversight institution that carries out its obligations and prevents irregularities, particularly in public and market affairs, for the common good. In the context of Indonesian villages, its function is realized through various oversight mechanisms stipulated in Village Regulations and customary norms. This includes oversight of village financial management, transparency of development programs, and ensuring equitable distribution of aid. Although there is no formal "Muhtasib" (hisbah officer), this role is carried out by the Village Consultative Body (BPD), community leaders, and the village's internal supervisory body to ensure there are no abuses that harm residents.

Shura (consultation) is a principle of decision-making in Islam that emphasizes the importance of participation, consideration of opinions, and context. In village governance, the principle of shura is fully adopted through the Village Consultative Assembly (Musdes) mechanism mandated by Village Regulations. Musdes serves as the primary forum for the village government, BPD, and community elements to discuss and agree on village policies, such as the Village Medium-Term Development Plan (RPJMDes) and the Village Revenue and Expenditure Budget (APBDes). This process reflects the values of shura to reach decisions that are beneficial for the entire village, in accordance with Islamic teachings.

Amar ma'ruf nahi munkar (enjoining good and forbidding evil) is a collective obligation (fardu kifayah) for Muslims to maintain a moral social order. At the village level, this principle is implemented through da'wah activities, religious study groups (masjid taklim), and the active role of religious and community leaders in moral development. Village Regulations support these efforts by facilitating religious and social activities that promote good values (ma'ruf) and prevent negative actions (munkar) such as alcohol consumption or theft. The successful implementation of these values has a positive impact on increasing social awareness and harmony among villagers (Purwanto et al., 2024).

Studies show that Village Regulations function as formal legal instruments that adapt and institutionalize Islamic legal values that exist within the community. This harmonization creates a legitimate framework for realizing Islamic and democratic village governance. The values of hisbah, syura, and amar ma'ruf nahi munkar serve not only as ethical norms but also as the philosophical foundation for Village Regulations in regulating community life, ensuring welfare, justice, and maintaining social order in line with sharia principles. Strengthening the role of religious leaders and providing in-depth religious education are crucial for the sustainable implementation of these values in the community.

Conclusions

Based on the things described above, the author's conclusions include: (1) Regulation of the Village Consultative Body in carrying out government supervision village . The Village Representative Body (BPD) in Law Number 22 of 1999 is a village legislative body that functions to protect customs, in the Minister of Home Affairs Decree No. 64 of 1999 concerning General Guidelines for Village Regulations . The new Law on Regional Government, namely Law No. 32 of 2004 as a replacement for Law No. 22 of 1999, regulates the existence of the Village Representative Body (BPD) which has changed its name to the Village Consultative Body (BPD). (2) The Village Consultative Body in the Implementation of Village Government According to Village Government Regulations. Law Number 6 of 2014 explains that the function and role of the Village Consultative Body as stipulated in Law Number 32 of 2004 is weakened by limiting it to legislation and representation. This occurs even though its position is equal to the village head as the organizer of village government. Its role, function and position are further narrowed in Law Number 6 of 2014 concerning Villages, the legislative function of the BPD is limited.

This provision contradicts the provisions of Law Number 32 of 2014 as emphasized in Article 1 number 8 of Government Regulation Number 72 of 2005 concerning Villages, which states that the BPD is an institution that embodies democracy in the implementation of village government as an element of village government administration. (3) The Village Consultative Body (BPD) plays a strategic role in overseeing village governance based on an Islamic legal perspective. The alignment between legal regulations and sharia principles demonstrates that Islam significantly contributes to the development of village governance. Effective oversight can prevent irregularities and promote just and transparent governance. By implementing the values of amanah (trust), syura (shariah), and amar ma'ruf (enjoining good and forbidding evil), the BPD can become a dignified oversight institution. This research opens the way for further research on the integration of Islamic law into village oversight. This is an important academic contribution to sustainable village development.

Conflict of Interest

The manuscript author has absolutely no financial or non-financial conflict of interest regarding the subject matter or material discussed in this manuscript.

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