



The problems in carrying out the role and duties of Tuha Lapan (Head of Customary Law) in assisting the pemerintahan gampong (Village Government)

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Abstract

The government respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of the community, based on Article 18B Paragraph (2) of the 1945 Constitution, these provisions are included in the village government system that has traditional structures or institutions and still grows its customs. Based on Law Number 6 of 2014, it states that the Village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of local communities based on community initiatives, rights of origin and/ or traditional rights that are recognized and respected in the government system of the Republic of Indonesia, specifically for Aceh Province called Gampong (village), the provisions of Law Number 11 of 2006 concerning the Government of Aceh Gampong or other names are the unity of a legal society that is subordinate to the Mukim and is headed by a keuchik or other name that has the right to administer its own domestic affairs, The implementation of the Gampong government is also known as Tuha Lapan Gampong which was formed in agreement with Tuha Peut (Village Parliament) and Keuchik Gampong Fort Pidie regency which is contained in Qanun Sigli City Regency. However, what has happened so far is that the role of Tuha Lapan Gampong has not been seen in the implementation of the Gampong government. This research was conducted with the aim of finding out whether the authority of Tuha Lapan Gampong in Pidie Regency reflects the needs and aspirations of the Gampong community, How tupoksi Tuha Lapan in the Gampong Government to help the Gampong Government and whether the constraints in carrying out the role and duties of Tuha Lapan in assisting the Gampong Government.

Keywords: Tuha Lapan (Head of Customary Law); Pemerintahan Gampong (Village Government); Keuchik (Village Chief); Tuha Peut (Village Parliament)

Introduction

The village was a complete autonomous government before the current government was formed. The village has a system of self-government in its traditional form that until recently has remained alive in the community. Therefore, the government (state) respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of the community based on Article 18B Paragraph (2) of the 1945 Constitution, these provisions are included in the village government system which has a traditional structure (institution) inherent to the present. Village autonomy has the authority and obligation to regulate and take care of its own government affairs and community interests based on the right of origin and socio-cultural values that exist in the community to grow and develop following the development of the village (gampong as it is called in Aceh). In carrying out these authorities and obligations, the village government always upholds the norms in the laws and regulations, by upholding these norms affirming that the village is an inseparable part of the Republic of Indonesia and Regional Government. The purpose of organizing autonomous government to the village government is to realize the welfare of the community, because currently the village is one of the democratic governments (deliberation) and upholds social and cultural values.

According to the Big Dictionary of Indonesian (KBBI) a village is "a group of houses outside the city which is a unit, kampong, hamlet, and hicks or hamlets (in the sense of inland areas as opposed to cities), as well as places, land, areas".

The definition of a village based on the provisions of Law Number 6 of 2014 concerning Villages (Village Law) states that "A village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of local communities based on community initiatives, rights of origin and/or traditional rights that are recognized and respected in the government system of the Republic of Indonesia".

Research Method

The research method uses Empirical Juridical research using a statutory approach, a concept approach, and a historical approach, Sampling of research objects to obtain data can be represented by respondents and

informants. Data collection in this study is carried out through literature research and field research analyzes data using qualitative analysis in depth by exploring the principles, values and main norms contained in it.

Problems in Carrying Out the Role and Duties of Tuha Lapan (Head of Customary Law) in Assisting the Pemerintahan Gampong (Village Government)

The administrative leadership system in gampong in Aceh is inseparable from the background, history and development of the community derived from customary law, known as "adat ngon hukom, lagei zat ngon sifeut", which confirms that customs and laws are interrelated and inseparable in Acehnese society.^[1]

The Pemerintahan Gampong (village government) institution consists of Tuha Peut (Village Parliament) and the gampong (Keuchik) government along with the gampong device that helps the gampong government, the institutions in gampong, especially Aceh Province, are different from other regions, because Aceh Province, especially at the gampong level of people who are still alive and integrated with customs, this custom is a historical descendant of previous ancestors with the current customary government system that still exists and continues to be maintained in government gampong.^[2]

Indigenous government is in principle a legacy of the previous local community government for generations that is still recognized and fought by local indigenous peoples to be able to function to develop welfare and local socio-cultural identity. Therefore, gampong is a unitary customary law community that has historically had territorial boundaries and cultural identities formed on a territorial basis that is authorized to regulate and take care of the interests of the gampong community.

Basically, the unity of indigenous peoples is formed based on three basic principles, namely genealogical, territorial, and/or genealogical combination with territorial, what is meant in the Village Law is the unity of indigenous peoples which is a combination of genealogical and territorial.^[3]

The presence of indigenous peoples is inseparable from the order of government during the previous ancestors, the most important thing is that the presence of indigenous peoples is a form of diversity that has characteristics, cultures and cultures that are different from one another.^[4]

In practice, the obstacles of Tuha Lapan in carrying out their duties and functions are:

There is often an inharmonious relationship between the Pemerintahan Gampong (Keuchik and its Apparatus) this can be seen in the process of preparation and development carried out by the Pemerintahan Gampong because it is not in line with the Tuha Lapan who have different views, often also occurs in the implementation of gampong regulations sometimes there are still obstacles in the field that make the relationship between the Pemerintahan Gampong institutions not harmonious at a certain time.

The role of Tuha Lapan with Tuha Peut (Village Parliament) gampong can be said to be more dominantly carried out by Tuha Peut (Village Parliament) gampong, the two institutions are both formed from community representatives who carry the aspirations of the community and supervise the implementation of the gampong government, but the roles of the two institutions are different, Tuha Peut (Village Parliament) can take decisions together with the Pemerintahan Gampong and form Qanun and or Gampong regulations, this is what distinguishes the role of Tuha Lapan cannot take on the role because it is indeed a factor of Tuha Peut (Village Parliament) institutions that are directly ordered under the laws and regulations.

The implementation of the functions of Tuha Lapan, which is considered to be minimal, of course cannot be separated from a number of factors that influence it, including the operational budget to perform very few tasks and functions compared to the operations of keuchik and Tuha Peut (Village Parliament) gampong.

The importance of cooperative relations between Tuha Lapan and the Pemerintahan Gampong and Tuha Peut (Village Parliament) institutions in the implementation of gampong government, through harmonious relations between Pemerintahan Gampong institutions shows the existence of a good government system in carrying out their duties and functions. When viewed based on Law Number 6 of 2014 concerning Villages that the position of Tuha Peut (Village Parliament) and Tuha Lapan institutions representing elements of the community has described their representative functions by emphasizing the meaning of the gampong consultative institution or what is referred to by another name according to their respective regions, the presence of Tuha Lapan institutions aims to carry out the functions of the gampong government, all its members contain people who have expertise in certain fields and represent the whole element of a democratically established society .

Judging from its position, keuchik as the government of gampong and Tuha Lapan have the same position, that is, they are both parallel gampong institutions, that is, the two gampong institutions do have the same position, but with different functions. The functions and duties of Tuha Lapan based on Qanun Gampong Fort Sigli City Regency in 2016 the establishment of the Tuha Lapan gampong institution in Article 5 states that:

1. The Tuha Lapan Institution as referred to in Article 2 shall have the following duties:
 - a. Empowering the gampong community.
 - b. participate in the planning and implementation of development, and
 - c. Improving gampong community services.
2. In carrying out the duties of as referred to in paragraph (1), the Tuha Lapan institution has the following functions:
 - a. accommodating and channeling the aspirations of the community t
 - b. instilling and fostering a sense of unity and unity of society
 - c. improving the qualities and improving the service of the Pemerintahan Gampong to the gampong community

- d. develop plans, implement a plan, control, preserve, and develop development outcomes in a participatory manner
 - e. Growth, Develop and mobilizing initiatives, participatory, self-help, and community mutual aid
 - f. Improving the well-being of the exit.
 - g. Improving the quality of human resources.
3. In carrying out the function of gampong development planning, Tuha Lapan assists the Pemerintahan Gampong in terms of:
 - a. Inventory all the potential of gampong in the form of Natural Resources (SDA) and Human Resources (HR) which can be utilized both as subjects and as objects of development of the gampong community.
 - b. Prepare medium-term development plans and work plans of the Pemerintahan Gampong in accordance with the potential and needs of the gampong.
 - c. Together with Keuchik to compile the annual work program of the Pemerintahan Gampong and the Gampong Revenue and Expenditure Budget Draft.
 4. In the implementation of gampong development, Tuha Lapan assists the Pemerintahan Gampong in terms of:
 - a. implement development programs and activities in gampong both sourced from the Government, Provincial Government, Regency Government and those sourced from non-governmental sources;
 - b. encourage active and positive community participation;
 - c. fostering the development of the spirit of self-help and mutual cooperation of the gampong community in development;
 - d. fostering orderly, safe and dynamic societal conditions; and
 - e. Together Keuchik explores and improves the source of Gampong's Original Income.

In addition to the obstacles and obstacles mentioned above, Keuchik as a gampong leader in making and deciding strategic policies to consult with the Tuha Lapan Gampong who have as consideration, indirectly the duties and functions of Tuha Lapan Gampong run and have a good relationship with the gampong government. Tuha Lapan gampong have an obligation to dig, collect and channel the aspirations of the gampong people to the gampong government.

From the aspect of authority, there is an additional authority of the gampong in addition to the authority based on the right of origin as recognized and respected by the state. It appears that the principle of subsidiarity underlying the Village Law provides flexibility in determining local-scale authority and making decisions locally for the benefit of the gampong community.

The consequences of this increase in authority allowed gampong to develop its autonomy for the benefit of local communities. The implication is that gampong can use financial resources coming from the state and local governments to develop all existing, emerging authorities, and a number of other authorities that may be assignments from village authorities.^[5]

Gampong-gampong which is autonomous based on laws and regulations. in carrying out the Pemerintahan Gampong cannot be separated from the governance system, in the implementation of the gampong and Tuha Lapan government governance systems must be based on the principles of good governance, in a legal state including gampong as a jurisdiction must experience various problems related to the implementation of gampong government.^[6] This can be avoided if the government of gampong and Tuha Lapan gampong in carrying out their duties and functions heeds laws and regulations based on the general principles of good governance.^[7]

To realize this ideal, of course, funds are needed that will be used for the operation of the Pemerintahan Gampong including Tuha Lapan gampong in carrying out their duties, in line with the regulation of gampong with its own laws and regulations, the authority that gampong has in the implementation of the Pemerintahan Gampong becomes even greater.^[8]

The problem so far is inseparable from the operational costs of each Pemerintahan Gampong institution, because one of the factors for the success or failure of the implementation of the Pemerintahan Gampong is inseparable from the costs, in terms of the use of these costs the Pemerintahan Gampong through keuchik is responsible for the use of these funds to the government and the community.

The amount of Tuha Lapan operational costs is far compared to the Tuha Peut (Village Parliament) institution, this is one of the obstacles in the implementation of the duties and functions of Tuha Lapan in the community which is classified as minimal operational costs within one year for the implementation of the Pemerintahan Gampong of Pidie Regency, especially Sigli City Regency, even for the gampong apparatus there has also been a reduction in the budget for the last two years.^[9]

The issue of budget for the implementation of the Pemerintahan Gampong has been limited for the past two years which indirectly affects the implementation of the gampong government, especially the eight gampong tuha, this is a problem for the eight tuha not running optimally.

This Tuha Lapan institution works not because of the budget but the history of this Tuha Lapan institution since a long time ago in Aceh, especially in Pidie, it is an institution that is respected by the community because it is filled with knowledgeable people. However, due to the shift in the (material) value of the community where

every activity must be available a budget, the Tuha Lapan institutions are not running today because they do not have a budget.^[10]

Gampong, whose life has been working together in the development of gampong and others, we have lost a little culture of mutual cooperation, today's big budget given to gampong has become its own value for every institution and administration of gampong government. Currently the budget is a big problem in gampong both in its implementation and the management of the budget by Tuha Peut (Village Parliament) institutions, Tuha Lapan and the gampong government. The presence of Tuha Lapan consisting of community representatives and having the ability (expertise) in their fields is expected to be able to supervise the running of the gampong government.

There are three other factors that are obstacles to the tuha eight in terms of education, advice and infrastructure, and the welfare of gampong devices. First, education, namely not all gampong and Tuha Lapan devices meet higher educational qualifications, so that with the shift and changes in the implementation of the Pemerintahan Gampong regulated in Law No. 6 of 2014 concerning Villages and Qanun Pidie Regency Number 8 of 2011 concerning the Gampong Government, there are few obstacles in its implementation.

Secondly, these suggestions and infrastructure are one of the obligations and important must be in gampong, to support the success of every program, activity, function and authority of the Tuha Lapan institution, it must receive serious attention by the gampong government. and Thirdly welfare is one of the important factors that can influence the role or not actively of Tuha Lapan in carrying out its duties and authorities, where not all members of Tuha Lapan have a fixed income so they have to do other work to obtain daily income to meet their needs, there are members who are from farmers, fishermen, sales so that the concentration of their duties and functions as Tuha Lapan is set aside.

These factors have an impact today on the performance of the Tuha Lapan Gampong in Pidie Regency which is not optimal, this problem cannot blame one institution, all gampong devices or institutions are responsible for the implementation of the Pemerintahan Gampong to build gampong even better in the future.

Conclusion

The duties and functions of Tuha Lapan in the gampong government to assist the gampong government, the relationship between tuha lapan and the gampong government is partnership, consultative and coordinative. In addition, the working relationship between the gampong government and tuha lapan in carrying out a democratic gampong government is required to be in line and compact because in order to realize the welfare of the people of Tuha Lapan Gampong has an indirect responsibility for the development of gampong, especially the empowerment of the gampong community, because the purpose of the formation of the tuha lapan institution can contribute to gampong to the gampong development program carried out by the gampong government, that role should be performed by the Tuha Lapan Gampong.

Obstacles in carrying out the roles and duties of tuha lapan in assisting the gampong government, some of these obstacles are the disharmonious relationship between the gampong government between fellow gampong government organizers, the relationship between the tuha lapan institution and the tuha peut gampong is more dominant in appearing in front of the community by tuha peut gampong in the implementation of the gampong government, and finally the function of the Tuha Lapan Gampong which is considered to be still lacking in these factors due to the lack of budget for operationally carrying out duties and functions as a Tuha Lapan Gampong institution.

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