

Nagori Government: Legal Review of State Administration (A Study of Nagori Rabuhit, Simalungun Regency, Indonesia)

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Abstract: Maujana Nagori (Regional Deliberation Body in Simalungun Regency) is a form of regional democracy. The problems of this institution are not only related to its' delegation system, but also in organizing function implementation of Nagori Government. Identification of problems in this research are how well is Nagori Government according to Regional Regulations of Simalungun Regency no. 13, year 2006; how well is the function implementation of Maujana Nagori in Nagori Rabuhit of Simalungun Regency, as well as what are the obstacle and solution in the function implementation of Maujana Nagori. This is a descriptive research with normative juridical approach. Law materials being used are taken from primary, secondary, and tertiary law materials. Techniques of collecting data are library research and field study. The data analysis is a qualitative. The result of study is that the function implementation of Maujana Nagori in Nagori Rabuhit does not run well, especially the legislative function. Meanwhile, the function implementation of budgeting and supervision works well. There are some important things to be noticed in the function implementation of Maujana Nagori, namely coaching and supervision. The obstacles faced by Maujana Nagori are the lack of human resources, the lack of skill, inadequate special training, there is no special field during supervision, inadequate technical guidance, inadequate funding, and no infrastructure. Solutions to be done namely: improving human resources, supplying operational funding, improving coordination among fellow members of Maujana Nagori with Pangulu and its' apparatus, creating socialization, and providing infrastructure.

Keyword: Nagori Government, Maujana Nagori, state administrative law

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I. INTRODUCTION

Regional regulation as a form of legislation law which is relatively new, is a further explanation of higher legislation law by considering social and cultural condition of local people. Because they are relatively new in the practice of Regional Government organization, they often ignore the regional regulation. The implementation of regional regulations are arranged in Laws no. 6 year 2014 about regional and government regulations no. 43 year 2014 about regulation of laws implementation no. 16 year 2014 about regional as well as government regulations no. 47 year 2015 about changes toward government regulations no. 43 year 2014 about village. Even though the regional regulations are not popular and many from the government and local people who ignore the regional regulations (PERDES), but the basic principles as the base of management thinking about regional are still valid, they are¹ diversity, participation, authentic autonomy, democracy, and community empowerment.

Through decentralization and de-concentration principles as the very important parts in the system of democratic countries² and regional regulations, they have roles to fulfill and manage heterogeneity condition within a country, and village regulations have a role as the explanation and cluster for regional regulations which make the rules of heterogeneity becomes more creative. The reformation of regional government is intended to renew and strengthen the elements of democracy in the form and arrangement of regional government³. Regional government also becomes the spearhead in regional government system that will connect and interact directly to society.

As the embodiment of democracy, Regional Deliberation Body is formed in the regional, which is appropriate to the developing culture in respective regionals, and it is functioned as legislation and supervision institution in terms of implementing Regional Regulation, Income Budgeting, and Regional Expenditure as well

as the decision from Head of Regional, also to keep and distribute people's aspiration. One implementation of these regional regulations is the establishment of Maujana Nagori in Simalungun Regency.

In line with the development of regional autonomy, the government of Simalungun Regency consider that it is needed to issue Regional Regulations of Simalungun Regency no. 13 year 2006 about Nagori Government which stated that Regional Deliberation Body (Badan Permusyawaratan Desa/BPD) is changed to Maujana Nagori as the element of organizer for Nagori Government that has the function to establish Nagori Regulations with Pangulu, to keep and distribute the aspirations of society. Maujana Nagori should sit together with Pangulu to discuss, to confer, and to state plans and decisions of Nagori which all will lead the raise of society's welfare. Regional Deliberation Body or commonly named as Maujana Nagori in Simalungun area has many functions, namely legislation function, budgeting function, and supervision function. Therefore, members of Maujana Nagori are expected to cooperate well with the Pangulu and should be able to collect all potentials existing in Nagori⁴. The function of BPD or commonly named as Maujana Nagori in Simalungun area, has the authority to formulate and establish policies as well as regulations of Nagori, and still guided to existing regulations and should not contradict with higher level regulations.

In line with the development of regional autonomy or village autonomy in Nagori, the part of Maujana Nagori members cannot be felt yet significantly when doing its legislation function. Thus, the role of society is still lacking in the process of implementing the government at Nagori level.

II. THE LEGAL BASIS IN THE ESTABLISHMENT OF NAGORI GOVERNMENT, ORGANIZATION STRUCTURE, AND THE FUNCTION OF NAGORI GOVERNMENT

Regional Government of Simalungun Regency no. 13 year 2006 about Nagori Government is used as the legal basis of establishing Nagori Government in Simalungun Regency. Regional Regulation of Simalungun Regency no. 13 year 2006 about Nagori Government refers to how a region operate government, manage the state financial data, and to establish policies according to regional regulations which have been established previously⁵.

In the general clause of Regional Regulation of Simalungun Regency no. 13 year 2006 about Nagori Government, it is mentioned that Nagori Government is an implementation of government issues by Nagori Government, and Maujana Nagori in managing and taking care of local society is according to the origin and local custom which are approved and respected in the government system of The Unitary State of Indonesian Republic⁶. Moreover, Nagori government is set in Chapter III about the arrangement of Nagori Government which is consisted of 33 clauses, started from Clause 55 to Clause 87.

The arrangement of Nagori government is divided into some parts, namely:

- a) First Part : The arrangement in Nagori Government (Clause 55)
- b) Second Part : The Position of Task and Function of Pangulu (Clause 56 to Clause 58)
- c) Third Part : The Position of Tungkat Nagori (Clause 59 to Clause 68)
- d) Fourth Part : The Conditions for Tungkat Nagori (Clause 69)
- e) Fifth Part : The Candidacy, Appointment, and Working Period for Tungkat Nagori (Clause 70 to Clause 74)
- f) Sixth Part : The Prohibition for Tungkat Nagori (Clause 75)
- g) Seventh Part : The Investigation Act toward Tungkat Nagori (Clause 76)
- h) Eighth Part : The Administrative Act toward Tungkat Nagori (Clause 77)
- i) Ninth Part : The Dismissal of Tungkat Nagori (Clause 78 to Clause 80)
- j) Tenth Part : The Working System of Nagori Government and Tungkat Nagori (Clause 81 to Clause 87)

In the Regional Regulation of Simalungun Regency no. 13 year 2006, Nagori administration and Maujana Nagori are formed in Nagori⁷. Meanwhile the arrangement of Nagori administration⁸ is consisted of Pangulu and Tungkat Nagori, with the arrangement as following:

1. The Leader Element, a Pangulu who is in charge to lead the Nagori Government, who has the authority to manage and take care of society according to the origin and local custom, as well as the condition of social and culture of local society, to build Nagori, and empower the society of Nagori.
2. The Assistant Elements for Pangulu (Tungkat Nagori), consisted of⁹:
 - a) The Staff Elements, which are the service elements such as the Secretary of Nagori and the Heads of Issues;
 - b) The Executive Elements, which are the element of executive for field technical such as Farming Tutor of Nagori and security which amount is adjusted to the needs of Nagori;
 - c) The Area Elements; which is the help for Pangulu in Nagori area, for example Gamot which amount and mention are according to the needs and conditions by social and culture of local people.

Maujana Nagori has the position as the element organizer of Nagori Government of. Maujana Nagori is in equal position and becomes a partner for the Nagori Government.¹⁰ Therefore, in organizing the Nagori

administration, there are two institutions formed namely Nagori Government and Maujana Nagori. Nagori Government has a role to execute policies from the higher Government and policies from Nagori.

To be more concise, the function of Maujana Nagori has been mentioned in Clause 98 in Regional Regulation of Simalungun Regency, no. 13 year 2006 about Nagori Government, Maujana Nagori has a role to establish Nagori regulations together with Pangulu, to keep and distribute the aspiration of society. However, in context of both Regional Regulations of Simalungun Regency no. 13 year 2006 about Nagori Government and Regional Regulations of Simalungun Regency no. 12 year 2000 about the Establishment of Maujana Nagori are controlled explicitly in both laws. However in the implementation of Nagori Administration, the functions of this regional legislative institution are: 1) Legislation Function; 2) Budgeting Function; and 3) Supervision Function.

III. THE FUNCTION IMPLEMENTATION OF MAUJANA NAGORI IN NAGORI RABUHIT, SIMALUNGUN REGENCY

Nagori Rabuhit is one of nine Nagori in Gunung Maligas Sub-district, Simalungun Regency. The dimension of Nagori Rabuhit is 1212.5 Ha or approximately 13.65 Km²; 1032 Ha for farming area and 180Ha for residence area.

According to the story from some people and elders in this area, this Nagori (village) was established in around 1895. The first ethnic to build a house here was Batak Simalungun Ethnic. The founder's name of this Nagori is King Mentaling Saragih. The society living in this Nagori consisted of local people who had been living long before the establishment of PTPN IV (PT. PERKEBUNAN NUSANTARA IV) Unit Kebun Laras (Laras Farm Unit). Before PTPN IV was established, majority of people in Nagori had worked as food sellers. Caused by the increasing number of people, the residence areas were increased and people started working as labors in PTPN IV Unit Kebun Laras or became breeders. From that time, this Nagori has been developing from year to year until now. The majority of residence in this current Nagori Rabohit are Javanese and Bataknese Ethnics.

Nagori (regional) Government in Nagori Rabuhit is similar to regional government in other sub-district, and is obliged to service the society by trying as hard as possible to fulfill the aspiration and importance of people in Nagori. In order to make Nagori Rabuhit government to work well, it needs an organization structure. Every administration should have an organization structure, the same thing goes to Nagori Rabuhit Government. The existence of an organization structure within a government shows that there is a division of works and how the function or different events being coordinated. Besides, an organization structure in government also shows specialization of works, command channels, as well as report delivery. Here is the organization structure of government inside Nagori Rabuhit Government.

Nagori Rabuhit Government has several functions as explained below:

1. Legislation Function

This Legislation Function is shown in the involvement of Maujana Nagori in validating Nagori Regulation (Peraturan Nagori/PerNag). It is mentioned in Regional Regulation of Simalungun Regency no. 13 year 2006 about Nagori Administration in Clause 99, mentioning that task and authority of Maujana Nagori are:

- a) Discussing the plan for Nagori Regulation with Pangulu;
- b) Implementing the supervision for Nagori Regulation and Pangulu Regulation;
- c) Proposing the appointment and dismissal of Pangulu;
- d) Establishing the committee for Pangulu election;
- e) Exploring, keeping, collecting, and formulating the aspiration of society;
- f) Arranging the rules of Maujana Nagori.

2) Budgeting Function

Budgeting can be assumed as a plan for resources and budget allocation to reach the targeted goal in a particular period of time, which is usually for one year ahead. A plan for funding resource surely explores funding resources that are available both from inside and outside of the village. Revenue and Expenditure Budget of Nagori (APBNagori) also has a time dimension that shows dynamic process along the time.

Nagori (regional) as an autonomous area, should be able to develop itself in order to be independent. That is why, every Nagori should not only expect the support from the government as well as the local government, but they should also be able to have their own funding resources. Funding resources of Nagori Rabuhit are controlled and arranged in Revenue and Expenditure Budget of Nagori (APBNagori).

The implementation of issues of Nagori Government in Nagori Rabuhit is also funded by Revenue and Expenditure Budget of Nagori (APBNagori), support of the government, and regional government¹¹. In Clause 72 Chapter (1) of Laws no. 6 about Regional, the income of a regional should come from:

- a) Regional income is consisted of business result, asset result, self-employed and participation, mutual cooperation, and other income of the village;
- b) The allocation of Revenue and Expenditure Budget of the Nation;
- c) The part of regional tax and regional retribution of regency/city;
- d) The allocation of village funding which is a part of funding balance received by regency/city;
- e) Monetary support and Regional Revenue and Expenditure Budget for Province and Revenue and Expenditure Budget for Regency/City;
- f) Grant and donation which are not binding from third party; and
- g) Other legal income of the regional.

3. Controlling Function

Maujana Nagori of Nagori Rabuhit in organizing nagori (regional) starts from the planning which is marked by keeping the aspiration of society and forming Nagori Regulation. Control in implementation conducted by Nagori Government to a supervision ended with accountability request to Pangulu as the organizer, one of the functions owned by Maujana Nagori in Nagori Rabuhit is to supervise the performance of Pangulu. Supervision done by Maujana Nagori is guided by the policy agreed collectively, which is a work program, Revenue and Expenditure Budget of Nagori, as well as various Legislations by Nagori Government¹².

Supervision done by Maujana Nagori in Nagori Rabuhit toward the performance of Pangulu can be either preventive supervision or repressive supervision. However, internal supervision can also be done by Maujana Nagori because Maujana Nagori is also a part of organizer for Nagori Administration, together with the Pangulu. So Maujana Nagori can directly supervise the performance of Pangulu in order to produce sincere and authoritative apparatus supported by a management system from the government which is powerful and successful, as well as supported by participation from society, constructed and controlled in the form of control social which is objective, wholesome, and responsible¹³.

The objective of supervision function by Maujana Nagori is to make an event proceeds well according to the plan and reaching a programmed result. So the indicator for the supervision function implementation of Maujana Nagori is to keep the aspiration of society in Nagori and to supervise the performance of Nagori Administration. According to the result of interview, the function of supervision from Maujana Nagori in Nagori Rabuhit works well completely.

C. The Obstacle in the Function Implementation of Maujana Nagori in Nagori Rabuhit, Simalungun Regency

The obstacles faced by Maujana Nagori in the Nagori Rabuhit are¹⁴:

1. The limitation of Human Resources of Maujana Nagori.

- a. This is caused by the common education level of Maujana Nagori members who only finished until Elementary School. Therefore, most of Maujana Nagori members who do not understand and even do not know for sure what is the real function of Maujana in organizing the Nagori administration.
- b. Lack of skill owned by Maujana Nagori members related to the function in organizing the Nagori Government. This is cause by the lack of education for Maujana Nagori members. In the end, Maujana Nagori members become awkward with technology and resulted to low skill of Maujana Nagori.
- c. Maujana Nagori does not receive special trainings to increase knowledge about the main job and functions, therefore Maujana Nagori does not really understand its' respective job and function.
- d. Maujana Nagori does not have specific fields for supervision. Maujana Nagori only owns three fields namely government field, society field, and development field.
- e. The lack of technical guidance from regional government especially in legislation field. The effect is Maujana Nagori cannot make any regulation yet in Nagori Rabuhit.
- f. Low payment or funding accepted by Maujana Nagori. Maujana Nagori only receives support from the village according to available monetary in Nagori. So there is no specific support from regional government for Maujana Nagori. Therefore, Maujana Nagori cannot do their job maximally.
- g. No infrastructure for Maujana Nagori. Office building, working room, and the hall for Maujana Nagori are not provided by regional government. It affects the performance of Maujana Nagori when doing their function; they have to borrow the office of Nagori Rabuhit Government¹⁵.

In every obstacle, both in organizing Nagori Government and function implementation of Maujana Nagori, there will be a solution for them. Possible solution to be done to overcome the obstacles in function implementation of Maujana Nagori in Nagori Rabuhit¹⁶, are as follow:

1. Increasing Human Resource.
2. The government of Simalungun Regency creates monetary plan specifically for Maujana Nagori that comes from Regional Revenue and Expenditure Budget and it is expected to supply Maujana Nagori operational fund and to support the welfare of Maujana Nagori in each Nagori spread in Simalungun Regency especially Nagori Rabuhit, to improve and to foster the performance of Maujana Nagori.

3. Increasing the coordination among members of Maujana Nagori with Pangulu and his apparatus.
4. The need of special attention from regional government by doing socialization and giving awareness about the job and function of Maujana Nagori related to steps in making Nagori Regulation, Revenue and Expenditure Budget of Nagori, as well as supervision in organizing Nagori government through Short Course (Pendidikan Kilat) and Training Center to be able to become a village legislative institution that functions optimally.

IV. CONCLUSION

According to the result of research about Legal Review of State Administration toward Function Implementation of Maujana Nagori According to Regional Regulations of Simalungun Regency no. 13 year 2006 about Nagori Government (A Study of Nagori Rabuhit, Simalungun Regency), therefore the writer can conclude that in forming the Nagori Government (Regional Government), there is a legal basis to be followed, both by the government and the society in Nagori. Legal basis in forming the Nagori Government, such as Constitution of Republic of Indonesia year 1945, Laws no. 6 year 2014 about Village, Government Regulation n. 43 year 2014 about Organizing Regulation of Laws no. 6 year 2014 about Regional, and Regional Regulation of Simalungun Regency no. 13 year 2006 about Nagori Government.

Nagori government is the organization of Nagori Government, consisted of Pangulu and Tingkat Nagori. About the main job for Maujana Nagori is controlled in Clause 99 of Regional Regulation of Simalungun Regency no. 13 year 2006 about Nagori Government and Maujana Nagori functions namely Legislation Function, Budgeting Function, and Supervision Function. Nagori Rabuhit Government is one of 9 Nagori in Gunung Maligas Sub-district, Simalungun Regency. As a form of democracy, therefore in the Nagori (regional) a legislative body is formed, which is commonly known as Maujana Nagori (Regional Deliberation Body) including the one in Nagori Rabuhit. In doing its function in Nagori administration, Maujana Nagori is not free from obstacles. Obstacles faced by Maujana Nagori in Nagori Rabuhit namely the limitation of Human Resource, the lack of skill, no special training, no specific field in supervision, the lack of technical guidance from regional government especially in legislation field, the lack of honorarium or funding, and no infrastructure for Maujana Nagori. Solution to be done in order to overcome the obstacles in function implementation of Maujana Nagori in Nagori Rabuhit namely; increasing Human Resource, the government of Simalungun Regency to create financial plan specifically for Maujana Nagori, which comes from Regional Revenue and Expenditure Budget, increasing the coordination among members of Maujana Nagori with Pangulu and his apparatus, the need of special attention from regional government by doing socialization giving knowledge about the job and function of Maujana Nagori, and giving infrastructure.

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