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Covid19 Disaster: Examining the Role of the Village Head in Settlement of Civil Cases

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Abstract: This study aims to determine the authority and role of the village head in resolving civil cases currently being faced during the Covid-19 pandemic. This study uses a normative juridical research method. The results of this study indicate that the Village Head has the authority to lead the administration of village governance, establish village regulations, foster village community life, and foster peace and order in the village community. Then the authority of the Village Head One way to resolve civil dispute cases is by facilitating, mediating, and coaching as well as motivating the public to resolve disputes between the two parties. The role of the Village Head in resolving civil dispute cases is as a peace judge before entering the realm of litigation. It was found that the role is the same as that of judges in the realm of litigation, in that the village head becomes a facilitator in civil matters or cases, plays a passive role but is oriented towards mitigating more widespread conflicts within his territory. The COVID-19 pandemic has reduced the resolution of disputes into the realm of litigation, but many have been resolved by village heads as an anticipatory measure against the spread of the virus. The results of this study recommend that the role of the village head can carry out the function of a judge in resolving civil issues through training organized by relevant institutions for the settlement of civil cases.

Keywords: Role, Authority, Village Head, Civil Dispute, covid19;

1. INTRODUCTION

The regional autonomy policy in Law Number 23 of 2014 concerning Regional Government and Law Number 6 of 2014 concerning Villages, which regulate and manage government affairs themselves according to the principle of autonomy and co-administration, is directed at accelerating the realization of community welfare through improvement, service, empowerment, and community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equity, justice, privileges and specificity of a region within the system of the Unitary State of the Republic of Indonesia.

The efficiency and effectiveness of regional government administration need to be increased by paying more attention to aspects of the relationship between the central government and the regions and between regions, the potential, and diversity of regions, as well as the opportunities and challenges of global competition within the unitary system of administering state government. (Nuraini, 2017) Regions, regional potential and diversity, opportunities and challenges of global competition by giving the widest possible authority to the regions accompanied by the granting of rights and obligations to carry out regional autonomy in the unity of the state administration system. (Morangki, 2012)

According to Law Number 06 of 2014, a Village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, local community interests based on community initiatives, origin rights, and/or traditional rights that are recognized and respected in the government system. The Unitary State of the Republic of Indonesia. (Moonti, 2019)

The village has the power of law to run its government under the village head and other village officials who are also supervised by the BPD or the Village Consultative Body. The community thinks that the village head only functions as a religious leader or traditional leader, protector, protector, and elder, (Ayano, 2018) further the position of the village head according to article 25 (2) Inlandsch Regulation is: If there is a disagreement between villagers in the legal field civil law, family law, inheritance law, the village head, with the help of community elders, adjudicates the dispute by conciliation. (Nurwita, 2018)

In the provisions of Law Number 6 of 2014 concerning Villages as well as in its Implementation Regulations, namely, Government Regulation Number 43 of 2014 concerning Implementing Regulations of Law Number 6 of 2014 concerning Villages, and ministerial regulations related to the authority of the village head as a mediator do not explain at all regarding how to carry out dispute

resolution, does not regulate the types of cases/disputes, (Zalnieriute et al., 2019) and likewise is not explicitly regulated in relation to the final form of the dispute resolution process between village communities by the village head. This gives rise to norms that look blurry because they only regulate the duties of the village head in fostering village communities with their obligations as mediators to resolve civil cases or community disputes in the village.

The formulation of the problem in this research is what is the authority of the village head in resolving civil disputes and what is the role of the village head in resolving civil cases. The purpose of the research and the benefits of this research are to find out how the authority of the village head is in resolving civil disputes and to find out what is the role of the village head in resolving civil cases.

1.1. Research methods

This research is normative juridical research, carried out by examining various kinds of formal legal rules such as laws, and literature that is theoretical in nature which is then linked to the issues that are the subject of discussion. The research location used by researchers was in Pare-Pare Maradekaya Village, Bajeng District. A population is a unit that has something to do with what is being studied, given that the population is usually very large and wide, it is often impossible to study the entire population. Then a sampling technique is needed, namely, only certain people who represent the population and who have certain characteristics and characteristics are sampled. The type of data used in this study consisted of primary data and secondary data. Data collection techniques used in this study were interviews, observations, and documentation. The data analysis technique used in this study was descriptive qualitative. The data obtained in this study were analyzed qualitatively on primary data and secondary data. The data obtained from the village head and from other literature related to the role and authority of the village head in resolving civil cases will then be described, then analyzed, and concluded deductively, namely from general to specific to answer research problems.

2. DISCUSSION

2.1. Definition/Theory of Authority of the Village Head in Settlement of Civil Disputes

The village head is the person who heads the village. The village head in the village government organization has a position as government leader. In this position, the village head has the main task of leading the village in accordance with Law Number 6 of 2014 concerning Villages, That the village head is in accordance with Article 26 Paragraph (1), it is stated that the Village Head is in charge of administering village governance, carrying out village development, community development villages, and village empowerment. In carrying out the tasks referred to in paragraph (2) letters f and g, the Village Head has authority, namely such as fostering the life of the village community and fostering peace and order in the village community. And emphasized in Article 26 paragraph (4) letter k. states: In carrying out the tasks referred to in paragraph (1), the village head has the obligation to: resolve community disputes in the village.

In connection with the authority stated in this Village Law, the village head as the village community advisor has special authority in resolving community disputes in the village. Based on an interview with the village head, namely Ramli Dg Malli on Wednesday 31 March 2021 at the Maradekaya Village office, on Jalan Sahabu Dg Tinri, Bajeng District, Gowa Regency, who explained that in fact, the village head in exercising his authority seemed to have no limits because in the Regulation The government did not specifically explain what its powers are. However, there are several things or steps taken by the Village Head in resolving disputes, namely facilitating, mediating and coaching, and motivating the community to resolve disputes between residents, especially civil disputes. (Handika et al., 2020; Nurul Qamar, Hikmawati Mustamin, 2017)

Continuing the explanation above related to the obligations of the village head in resolving disputes, especially civil disputes that occur in village communities, (Hardian, 2015) theoretically the village head has the task of maintaining legal life within the village community association, ensuring that the law runs properly. This includes maintaining order and peace in society. Civil disputes are disputes that sometimes lead to conflict. (Kotalewala et al., 2020)

According to Ramli Dg. Malli as the Village Head, that all disputes occurring in the community fall under the authority of the village head without exception. However, in resolving disputes in the community, one of the efforts to resolve them is mediation, where the Village Head acts as a mediator judge in the village for all forms of disputes in the community, (Bali & Adhitama, 2019) the village head mediates between the disputing parties in order to reach an agreement or make peace. (Syuhada et al., 2020)

2.2. *The Role of the Village Head in Settlement of Civil Cases in Maradekaya Village, Bajeng District, Gowa Regency*

Settlement of a legal issue that occurs in rural communities is not always resolved through litigation (through court). (Castellano, 2015) (Chen, 2022) On the one hand the village is a community entity that is privileged by the 1945 Law of the Republic of Indonesia to manage its own household nets. Land dispute conflicts that often occur in Maradekaya Village, Bajeng District, Gowa Regency, are due to the large amount of land that is inherited to become material for land struggles for heirs left behind by heirs where land is indeed very useful for the community to support their needs, where the land can be used as land to achieve or benefit from the results of the land, as well as land prices which are getting higher and higher and are driven by conditions where people are increasingly aware and concerned about their interests or rights. (Hasby, 2020) (Middin et al., 2021) The parties to the dispute will claim their rights or sue other heirs when the heir has died.

According to the village secretary Maradekaya H. Tata, the village head is a person who is respected and has a role in solving problems in the village, one of which is the problem of land disputes. The role of the village head here in resolving dispute cases is very large because the village head is considered a judge of peace, (Rai & Wita, 2014) in the sense that the village head does not decide a case but seeks a way of peace. (Dharma & Nainggolan, 2018) So that is why it was later said that the village head was the judge of peace.

Based on the author's research in Maradekaya Village, Bajeng District, Gowa Regency, by conducting interviews with several parties, one of which was the Village Head, namely Ramli Dg. Malli as the local government discussed one of the civil cases that occurred, namely the dry land dispute where there were reports from community members who entered in 2019 there were 6 (six) cases, in 2020 there were 3 (three) cases, and in 2021 there are 4 (four) cases. There are cases of civil disputes that occur because of inheritance problems, there are also cases that occur because of land boundary issues. The forms of settlement usually end peacefully and some are still in the mediation process.

In this regard, village secretary H. Tata added that this year 2021 there will be 2 (two) to 3 (three) cases involving land disputes, one example of a case is the dry land dispute which has been in dispute for approximately 20 years. it has been a long time but only this year was it resolved through mediation, in which both parties decided to agree on peace.

Dusun Head Pak Jusri added that while I was serving as hamlet head, cases of land disputes that occurred never reached the sub-district, all were resolved at the Village Office and resolved by mediation. Sometimes if there is commotion it is because of provocateurs, as long as there are no provocateurs, nothing will happen.

The settlement process that is generally carried out by the village head is:

- 1) Reporting from the disputing parties
- 2) Calling both parties (mediation)
- 3) Explanation of Chronology by the Village Head
- 4) Invite both parties to show evidence
- 5) Identify the things that have been agreed upon, in the process of carrying out the mediation
- 6) Negotiation and make the final decision

3. Conclusions and recommendations

As a representation of Law Number 6 of 2014 concerning Villages, the Village Head has the authority to resolve a civil dispute case, especially in Maradekaya Village, which states that the Village Head is in charge of administering village administration. In carrying out the tasks as intended, the Village Head has the authority to lead the administration of village governance, establish village regulations, foster village community life, foster peace and order in the village community. So the authority of the Village Head in resolving civil dispute cases is one of the ways that is taken, namely by facilitating, mediating and conducting guidance and motivating the community to resolve disputes between the two parties. The local government must also provide training on mediation for village heads as mediators so that they become professional mediators and village heads in carrying out their duties as leaders in village communities can fully provide justice for village communities in disputes.

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