

Harmonization of Village Development Planning Law in Lampung Coastal in the Village and Local Government Regime

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Abstract

Lampung Province is very strategic in coastal village development because it has a long coastline. The development of villages on the coast of Lampung is a realization of maritime axis and village development programs as a development approach undertaken by the government. However, the development of villages in Lampung Coast is currently not yet optimal from various aspects, one of which is related to the aspects of village legal regimes and local governments. This paper aims to describe the harmonization of village development law on the coast of Lampung within the village and local government regimes. Using the doctrinal approach, it is found that: The harmonization of law of village development in Lampung coastal area in village regime and local government shows that in the regulation of village and local government regulation, the content of village development in the coastal of Lampung formulated is quite consistent between the hierarchy of legislation because of the provincial regulation and regencies governing the village have seen elaboration in the context of coastal development planning in Lampung, but there is still incoherent incoherence from the content of the development of the village territory that is not related to the existing regulations, especially with regard to relational central and local regulations.

Keywords: harmonization, development, village, coastal, Lampung.

1. Introduction

People's welfare is the aspiration of the Unitary State of the Republic of Indonesia as stipulated in the 1945 Constitution. The welfare of the people is characterized by how far poverty alleviation and economic growth is achieved. After the reform, the Master Plan for the Acceleration and Expansion of Indonesian Economic Development (MP3EI) has been established since 2011 through six main corridors including the Sumatra corridor. Through the MP3EI scheme, the progress of development and the economy is encouraged to spread evenly throughout the territory of Indonesia.

Meanwhile, the change of government changed the model of approach to development itself. The maritime axis initiated by the government of Joko Widodo and village revitalization through the enactment of village legislation changed the paradigm of development that has been done so far. The rapid funding of villages and changes to village-based and marine-based development automatically affect the strategy of accelerating and expanding economic development. Village and marine then become an important component in economic development so that the development of coastal villages becomes a necessity.

The change of rural-based and marine-based development approaches was followed by the efforts of local governments to encourage the villages to become empowered. In Lampung, the Movement Building the Village of Sai Bumi Ruwa Jurai or Saburai Village Gate was launched as a rural-based development acceleration program for rural development and rural poverty reduction. Villages in Lampung Province, in addition to getting funding and as the target of the central government program, are also targets of the Saburai Gate program implemented by the Provincial Government of Lampung in the form of financial assistance for the development and promotion of the village's economic potential in Lampung.

Currently coastal villages in Lampung, especially in the Sunda Strait Strategic Area of the Sunda become a massive development target. The villages are also the center of Sumatera Corridor activity which is considered to have development potential, such as food agriculture, tourism, oil and gas, timber and fishery. These activities are also expected to contribute to the development of the Sumatra Economic Corridor as a whole (MP3EI Team, 2011).

The empowerment of coastal villages is key to the expansion and acceleration of the economy, not only in Lampung but also in the national-scale economy. This activity depends on village development planning and policy. However, based on the results of research, this plan is not in accordance with the impression centralistic and not integrated (M. Akib, 2012).

In addition to a centralized and unintegrated approach between national and regional development policies, it is found that development planning policies, between governmental and community needs are not aligned, this is due to the preparation of planning that often fails because it is caused by:

- a. In accordance with the interests of the policy makers;
- b. Constrained by a budgeting system that is often a much-needed development and priorities in the village are dropped or eliminated at the time of budgeting on the grounds that it will be budgeted for the

following year but the next year is not in the planning;

- c. The existence of a multilevel musrenbang is expected to be able to bridge the needs of the village community with the government, but in reality to the sub-district level only as a result of the implementation of the program and the priority is not based on needs but based on the selection between villages, the needs of the village canceled for another village due to drafting lobbies;
- d. The failure of development planning in coastal villages resulting from the knowledge of the community and access to information that does not exist, so as not to be covered by the local government and the central government that result in the implementation can not be executed.

Issues of development planning that are not integrated between one another, for example: The need for shrimp seedlings in the planning often appears the construction of the dock to transport the shrimp, planning to meet the needs but budgeting does not occur, so that planning is not integrated from upstream to downstream will resulting in the failure of development. Based on the above description, it becomes a current legal requirement to harmonize the law of village development planning in Coastal Lampung as an effort to build villages in Lampung Coastal that are independent and competitive.

2. Research Method

This research did with the corridor of normative legal research (*doctrinal research*) which only used secondary data. The model of it's legal research is comprehensive and analitical study towards legal primary and legal secondary materials. The approach of the issue used statute approach and conceptual approach (Peter Mahmud, 2005). Data being analysis in qualitative manner with describing the data resulted from the research into an explanation form systematically so can acquired a clear view about the issued which being researched, and the result of analysis data concluded deductively.

3. Discussion

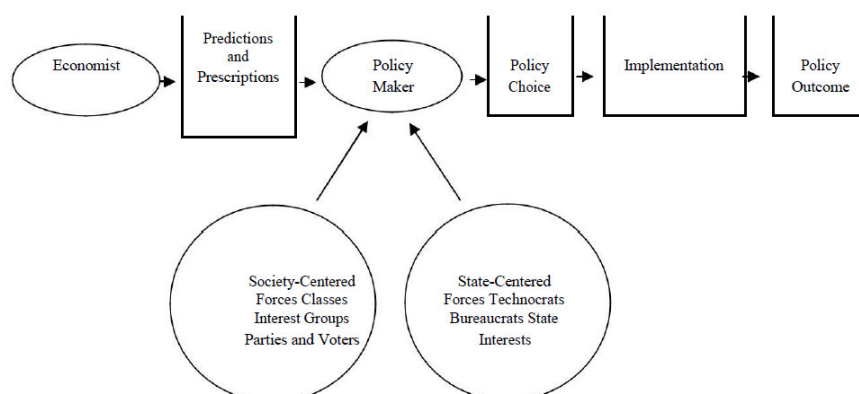
3.1 Conceptual Framework of Legal Harmonization

The term harmonization in this study comes from the word harmony (Greek harmony), which is harmoniously harmonious and appropriate. Judging from the aspect of philosophy, harmony implies the cooperation between various factors such that these factors produce a noble unity, for example between the body of a human should be no harmony, otherwise it can not be called personal (Hassan Shadily, 1987).

In the Oxford Advanced Learner's Dictionary, the term harmonization is mentioned in various terms: harmonious, ie friendly, peaceful and without any disagreement, arranged together in a pleasing way so that each part goes well with the other. Sementara itu, istilah harmonized berarti if two or more things harmonize with each other or more thing harmonizes with the other, the thing go well together and produce an attractive result, sedangkan istilah harmony, yaitu a state of peaceful existence and agreement (A.S Hornby, 2000).

In relation to this context, such harmonization is the harmonization of legislation which is an effort or process to realize the harmony and harmony of the principle and legal system so as to produce harmonious rules in the field of coastal village development planning. This is important because the relationship between the law and the development process of the development plan is linear which by Gerald Meier called policy formation, as can be seen in the following chart (Gerald Meier, 1992):

Chart 1. Policy Formation Gerald Meier



Source: Gerald Meier, 1992.

In other words, harmonization is an attempt to harmonize, adjust, define and conclude the conception of a legislation either superior (superior), equal, or lower (inferior) and others besides legislation, systematically, not overlapping or overlapping in relation to coastal village development planning. This is a consequence of the hierarchy of legislation. By harmonizing it is clearly illustrated in the thinking or understanding that a legislation

is an integral part of the whole system of legislation.

In the book of *Tussen en verscheidenheid: Opstellen over harmonisatie in staats-en bertuursrecht* as quoted by Lopian Gandhi argued, harmonization in the law is to include adjustment, legislation, government decisions, decision to increase the unity of law, legal certainty of justice (*justice, gerechtigheid*) and fairness (*equity, billijkheid*), utility and legal clarity, without obscuring and sacrificing legal pluralism if necessary (L.M Gandhi, 1995).

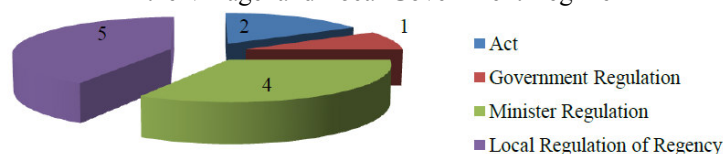
The definition of harmonization of the law, often also identified with the understanding of legal synchronization. Sync is derived from sync words which means to occur or apply at the same time simultaneously, whereas syncing is defined as "syncing," "sync" or "adjustment." Literally known as "coherence", "consistency" and "comptabiliti". Pranqois Rigaux defines *coherence is a state of peace of the mind, of logical mind which is disturbed when two competing concept or rules or two different meaning of the same concepts are conflicting* (Franqois Riaux, 1992). Meanwhile, Josef M. Monteiro defines coherence as the peace of mind of a logical mind disrupted by two concepts or two rules or two meanings of the same concepts collide (contradictions); however, there are differences of opinion regarding coherence and consistency in the legal system. If coherence is like a set of provisions then consistency is an essential condition for coherent coherence and a coherent legal system is also a consistent system. This is due to the demands of the systematic nature of the rule of law being consistent as a necessary condition of coherence (Josef M. Monteiro, 2008).

Coherence in the context of the theory of truth, according to H. Noeng Muhadjir means something coherent with something else and means that there is conformity or harmony with something that has a higher hierarchy. Anything that has a higher coherence than something of that element can be a scheme, a system, or a value. The coherence may remain on a sensual rational plane, but may also reach the transcendental plain (H. Noeng Muhadjir, 2001). Meanwhile, related to other truth theory is also known as the truth of correspondence. Correct correspondence thinking is thinking about the existence of something relevant to something else. Relevant correspondence is evidenced by the existence of incidents in line or contrary to the facts with the expected facts (positivism) between facts with beliefs that are believed to be specific (H. Noeng Muhadjir, 2001).

3.2 Harmonization of Village Development Planning Law In Coastal Lampung In Village and Local Government Regime

Based on the legal material related to the spatial law regime that has been identified, there are 12 (twelve) main legislation in the Village and Local Government Regime, it can be seen that there are twelve legal products that regulate the Village and Local Government of the Region both at the central and regional levels. The legal products consist of one law, two government regulations, one provincial regulation and six district regulations.

Chart 2. Distribution of Laws and Regulations
 In the Village and Local Government Regime



Source: Data processed, 2017.

The mapping of legal products in the village law and local government regimes described above is closely linked in the effort to portray the normative framework of regulation on village development planning in general and coastal villages as the focus of this research. The related content of coastal village development is presented in table one below.

Table 1. Vertical Harmonization of Load Material
 Development of Coastal Villages in Village and Local Government Regime

No	Regulation	Village Development Content
1	Law Number 6 Year 2014 on the Village	Article 78 Paragraph (1): Village Development aims to improve the welfare of the village community and the quality of human life and poverty alleviation through the fulfillment of basic needs, development of village facilities and infrastructure, development of local economic potential, and sustainable use of natural resources and environment.
2	Law Number 23 Year 2014 on Regional Government	Appendix on the Division of Affairs in Marine and Fisheries: Coastal Database and Small Islands
3	Government Regulation Number 43 Year 2014 on the Implementation of Law Number 6 Year 2014 on Village	Article 124 paragraph (2): Determination of rural area development location implemented by mechanism: a. The Village Government undertook an inventory and identification of the region, economic potential,

		<p>population mobility, and village facilities and infrastructure as the proposed village designation as the location of rural development;</p> <p>b. the proposed village designation as the location of rural development is submitted by the village head to the regent / mayor;</p> <p>c. the bupati / mayor reviews the proposal to be adapted to the district / city development plans and programs; and</p> <p>d. based on the results of the review of the proposal, the regent / mayor determined the location of rural development with the decision of the regent / mayor.</p>
4	Minister of Home Affairs Regulation No. 114 of 2014 on Guidelines for Village Development	Article 43 Paragraph (1): Village Governments may propose priority of village development programs and activities and rural development to the Government, provincial and / or district / municipal governments.
5	Regulation of the Minister of Home Affairs Number 81 Year 2015 on Evaluation of Village and Kelurahan Development	Article 8 Paragraph (2) Evaluation of the village and kelurahan area as referred to in Article 6 paragraph (2) letter b covers aspects of: <ol style="list-style-type: none"> a. identity; b. limit; c. innovation; d. responsiveness and disaster preparedness; and e. investment arrangements.
6	Regulation of the Minister of Home Affairs Number 46 Year 2016 on Report of Village Head	Article 3 paragraph (5): The Work Program for the Implementation of Development as referred to in paragraph (2) letter c shall contain a description of the Planning and Implementation of the Work Program of the Village Development Sector with reference to the Working Plan of the Village Government and the Development Plan Village Medium Term in accordance with the authority of the Village.
7	Regulation of the Minister of Village, Transmigration and Development of Disadvantaged Regions No. 3 of 2015 on Village Assistance	Article 14: <ol style="list-style-type: none"> (1) Technical Assistant shall assist the Regional Government in the synergy of village development planning. (2) Technical Assistant accompanies the Local Government to coordinate regional development planning related to the Village. (3) To facilitate cooperation between villages and third parties related to village development.
8	Regional Regulation of Lampung Province Number 2 Year 2016 on Village Community Empowerment	Article 16 <ol style="list-style-type: none"> (1) The local government shall organize regional programs that enter the village. (2) The program referred to in paragraph (1) shall be informed to the Village Government to be integrated into village development.
9	Regional Regulation of South Lampung Regency Number 9 Year 2016 on Guidelines for Village Development	Article 6 paragraph (3) letter d. Development of productive economic enterprises as well as development, utilization and maintenance of economic facilities and infrastructure include: <ol style="list-style-type: none"> 1. Village market; 2. establishment and development of BUM Desa; 3. strengthening the capital of BUM Desa; 4. crop breeding; 5. rice milling; 6. Village Barns; 7. opening of agricultural land; 8. Village forest business management;

		<ol style="list-style-type: none"> 9. fish pond and fish hatchery; 10. fishing vessels; 11. cold storage (refrigeration warehouse); 12. place of fish auction; 13. salt ponds; 14. cattle cages; 15. biogas installation; 16. livestock feed machine; 17. other economic facilities and infrastructure in accordance with the condition of the Village.
10	Regional Regulation of East Lampung Regency Number 3 of 2002 concerning Coastal, Coastal and Marine Rehabilitation in Lampung Timur District	<p>Section 2</p> <ol style="list-style-type: none"> (1) Coastal rehabilitation aims to restore proper coastal functions and ensure the sustainability of coastal, coastal and marine areas in accordance with their functions and allocations and ensure the improvement of people's incomes (2) Coastal rehabilitation objectives are: <ol style="list-style-type: none"> a. Controlling damage and restoring coastal, beach and sea. b. Control the pollution and siltation of the beach around the river mouth. c. Improve the function of protected land, water, climate of plants and coastal, coastal and marine animals. d. Maintaining the diversity of plants, animals, ecosystems, and the uniqueness of nature e. Increase local people's income. f. Securing land arises as a government right. g. Providing direction for people in planning and implementing the program development in coastal, coastal and marine areas. h. Improve community awareness and participation in implementing rehabilitation of coastal, coastal and marine areas in the region. i. Provide peace and comfort for present and future generations of people.
11	Regional Regulation of East Lampung Regency Number 13 Year 2016 on Guidelines for Village Development	<p>Article 39</p> <ol style="list-style-type: none"> (1) Village government may propose priority of village development programs and activities and rural development to government, provincial government and / or district government. (2) The RKP Desa team prepares the proposed program and activity priorities as referred to in paragraph (1). (3) The proposed program and activity priorities as referred to in paragraph (1) shall be set forth in the draft of the RKP proposal of the Village. (4) The draft list of proposed RKP Desa as referred to in paragraph (3) shall be attached to the minutes of report of the drafting team of RKP Desa design.
12	Regional Regulation of Pesawaran Regency Number 4 Year 2015 on Village Development Planning	<p>Article 16</p> <ol style="list-style-type: none"> (1) The Village Head together with the BPD shall evaluate the performance of the village development of the previous period. (2) The results of the evaluation as referred to in paragraph (1) shall be material for preparing the village development plan for the next period.

Source: data processed, 2017.

Based on the above table, in general the legislation of the village and local government regimes that have

been described in substance, the body has loads on village development, but in the context of the village in general, not in the coastal village. Related to the vertical harmonization analysis it can be seen that in the regime of the village and the local government, the content of the village development in the coast of Lampung that has been formulated is quite consistent between the hierarchy of legislation because the provincial and regency regulations governing the village have seen elaboration in the context of coastal development planning in Lampung, but there is still incoherent incoherence from the content of the development of the village territory that is not related to the existing regulations, especially relating to relational central and local regulations. The condition of incoherence can be counter-productive, which in turn can hamper the development of villages on the coast of Lampung.

4. Conclusion

Harmonization of village development law in Lampung coastal area in village regime and local government shows that in village regulation and local government regulation, the content of rural development in Lampung coastal area that has been formulated is quite consistent between hierarchy of legislation because provincial and regency regulations regulating the village have seen elaboration in the context of coastal development planning in Lampung, but there is incoherent incoherence from the content of the development of the village territory which is not related to the existing regulations, especially related to relational central and local regulations.

References

- A.S Hornby, (2000), *Oxford Advanced Learner's Dictionary*, Sixth edition, Oxford University Press, New York.
- Francois Riaux, (1992), *The Meaning of Concept of Coherence in Law, Coherence and Conflict in Law*, Seri Rechtsfilosofie Rechtstheori.
- Gerald Meier in Riant Nugroho, (1992), *Kebijakan Pendidikan yang Unggul kasus pembangunan pendidikan di kabupaten Jemberana 2000-2006* (Superior Education Policy of education development case in Jemberana district 2000-2006) Pustaka Pelajar, Yogyakarta.
- H. Noeng Muhadjir, (2001), *Filsafat Ilmu, Positivisme, PostPositivisme, dan PostModernisme* (Philosophy of Science, Positivism, PostPositivism, and PostModernism), Rakesarasin, Yogyakarta.
- Hassan Shaddy, dkk, (1987), *Ensiklopedi Indonesia* (Indonesian Encyclopedia), Ichtisar Baru-Van Hoeve, Jakarta.
- Josef M. Monteiro, (2008), *Sinkronisasi Pengaturan Kewenangan Pengelolaan Sumber Daya Alam Kelautan* (Synchronization of Authority Settings for Marine Natural Resources Management), *Jurnal Hukum Pro Justitia*, April, Volume 26 No. 2.
- L.M. Gandhi, (1995) *Harmonisasi Hukum Menuju Hukum yang Responsif* (Harmonization of Laws to Responsive Laws), Orasi Ilmiah Pengukuhan Jabatan Guru Besar Tetap pada Fakultas Hukum Universitas Indonesia, Jakarta, 14 Oktober.
- Peter Mahmud, (2005), *Penelitian Hukum* (Legal Research), Kencana Prenada, Jakarta.
- Tim Penyusun, (1999), *ATLAS Sumber Daya Wilayah Pesisir Lampung, Pemerintah Daerah Provinsi Lampung Dengan Proyek Pesisir Lampung*.