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ABUSE AUTHORITY BY THE VILLAGE HEAD REGARDING LAND CASH VILLAGE FROM PERSPECTIVE LAW ADMINISTRATION GOVERNMENT

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Abstract

From the perspective of Government Administrative Law, the protection of Village Treasury Land due to the Village Head's negligence is a serious violation of law. Village treasury land is a village asset that must be managed well to improve the welfare of village communities and increase village income. However, village treasury land is often converted and sold unilaterally for personal purposes, such as building a residence or housing built on village treasury land. This is a violation of government administrative law because the management of village treasury land is part of public law which discusses government power in general and village government in particular. The Village Head as the holder of management power must manage the Village Treasury Land based on the Regulation of the Minister of Home Affairs of the Republic of Indonesia No. 01 of 2016 concerning Village Asset Management. In managing Village Treasury Land, the Village Head must coordinate with the Village Consultative Body (BPD) to improve the welfare of the Village community and increase Village income. Therefore, the protection of Village Treasury Land due to the Village Head's negligence is a violation of government administrative law which must be followed up.

Keywords: Government Administrative Law, Village Treasury Land, Legal Violations,Village Asset Management, Village Head.

INTRODUCTION

Land is the only object of wealth that is subject to circumstances which however, is still in nature remain in condition first, sometimes even more profitable, for example a piece of land burned or hit by a flood. After that incident Then the soil will appear as before, even more fertile. The presence of land plays a role as fulfillment need man Which the more long the more increase, whereas land Which available the more narrow its use Because Lots man Which making land for residence, business premises and agricultural land. Land as place settled will felt the benefits If land used in a way maximum for fulfil well-being man. Land own characteristic typical And characteristic – characteristicWhich different between land in a location with location Which other.

Village treasury land is an asset with great potential, and its management is good very important considering its role in people's lives. However, misuse in the use and management of village treasury land has occurred in several areas, such as in Caturtunggal Village, Maguwoharjo Village and Salak Village, Bagan Sinembah Raya subdistrict, Rokan Hilir Regency. This shows the need for internal administrative law enforcement management of village treasury land. Village treasury land management is also related to legal aspects government administration, where certainty of the existence of land must be supported by certainty legal letters or documents. Apart from that, the management of village treasury land is also related with regional autonomy, where regions have the authority to manage and regulate House ladder his government Alone.

The act is mentioned as an abuse of general rights which is deliberately taken advantage of by stakeholders, then basically this violates the principle of *Das sollen* with its philosophy that legal regulations are general in nature or normative reality so that if we draw on this problem the connection is that the leader of a village level government agency has violate these norms. Meanwhile, if it is related to the principle of Das sein with its philosophy, it is a concrete event that occurs in society, while the reality that occurs in the field is the antithesis of this understanding.

However, misuse of village treasury land can occur due to negligence village head, which influence performance government village. With thereby, The misuse of village treasury land due to the Village Head's negligence needs to be seen from perspective law administration government For ensure certainty law, protection law to party Which entitled on land, as well as For prevent happen problem law in later. In this context, research regarding misuse of village treasury land can be done give information Which important For solution transition right land village treasury consequence swap exchange land individual with village, as well as give understanding to public about administrative law government in management land cash village .

The problems arising from this case are fundamentally very serious for the role of national scale village government because if supervision is not carried out, the potential for fraud in budget-based projectivity is vulnerable to being used for personal use. Therefore, researchers want comprehensive findings that can be used as a differentiator from information and data that has been found pre-research. This research should be able to provide additional information that is accurate and has a solution compared to previous research as a basis for decisions.

Based on the description of the gaps above, the researcher has prepared a structured problem formulation, namely how is Village Treasury Land managed by the Village Head?. Perspective law administration government related abuse authority inner village head management Land Village Cash?

RESEARCH METHODS

This research method uses the Normative Juridical type, which is carried out by examining various formal legal rules such as laws and theoretical literature which are combined to study a problem so that it becomes a form of subject matter. The author uses two approaches, namely the statutory approach and the conceptual approach. The legal materials used are primary legal materials, secondary legal materials and non-legal materials. Data analysis was carried out using interactive analysis techniques through data collection, data reduction, data presentation and conclusion drawing.

DISCUSSION

A. Understanding Land Cash Village

a. Understanding Land

According to Budi Harsono, the definition of land is based on what is meant in Article 4 UUPA, that in land law, the word land is used in a juridical sense as something meaning that has been given official limitations by the UUPA as in Article 4 that right control from country determined by exists type – type right on the surface of the earth is called land.[1] Thus land in the juridical sense can be interpreted as Earth surface.

In article 33 paragraph 3 of the 1945 Constitution, it is determined "Earth and water and other natural resources contained in inside mastered by country And used For prosperity people".Chapter the explain all over riches natural Good On surface earth nor in inearth is at on power country. Power here No means owned completely bystate, but rather the state as the highest authority organization of all the people is given authority to regulate, administer, use and maintain what is exists on earth and space for the prosperity of the people. According to the Big Language Dictionary Indonesia (1994) the definition of land is:

1) Surface earth or layers earth which topmost
2) Condition earth somewhere place
3) Surface earth which given limit

Ingredients from the earth. Earth as a material (sand, rock, marl, etc etc) Land Also said as layer release surface earth Which most on And can utilized For planted plant Which called land cultivated, landyards, agricultural land, plantation land, while the land used for building a building is called building land. Inside the arable land from abovedownwards in succession there can be combs deep cultivation plow wedge layer shaper humus, and deep layers.[2] Most significantly, land became a component in the establishment of a region. Since land is where all land-based life cycles—including human life cycles—occur. God made people to rule as caliphs on this planet so that they might do so effectively. Both from the nation and the area specifically. Everything was given up to man in order to organize good life using his manner. There are several people in government who have the authority to manage land. For instance, a village has to manage every individual that is a part of it,

[1] Boedi Harsono, *Sejarah Pembentukan Undang – Undang Pokok Agraria, Isi, Dan Pelaksanaannya* (Jakarta: Universitas Trisakti, 2013).
[2] Herlien Budionno, *Kumpulan Tulisan Hukum Perdata Di Bidang Kenotariatan* (Bandung: PT. Citra Aditya Bakti, 2008).

such as the community and village authorities. They don't harm the surrounding ecology, but they may process the land and utilize it for whatever. Similar to how only they have the authority to manage village treasury land, they have the right to do so without jeopardizing the village's land. As per the definition provided by the village, Village Treasury Land refers to State Land that has been granted to the village for its own purposes. Applied to pay the Village Head has been going on for a long time and this village treasury land is a form of employment or contra achievements or rewards for the services of people who become Village Heads and other village officials. And It is hoped that with this land the Village Head and his staff will have motivation Which wide in build and look after the interests of society village generally.[3]

b. Land Cash village

Wrong One Riches Village, which is a subset of Wrong One Asset Village, is called Land Cash Village. Land cash villages, such as land bent and wrong one riches villages, must be safeguarded, kept, and used for public village services, development, and interest preservation in order for the management and use of riches villages to go well. Land designated as protected by AP Protection is land that has been granted the right use of public *rechtelijk* (public law), which prohibits its sale or use as security for debt. Because of the agreement that the land must be returned to the local village, the transaction is lease-based.[4]

Village Treasury Land, as defined by its etymology, is village property in the form of bent land. Village-owned land can be classified into two categories: second-class bent village treasury land based on Instruction Law No. 04/2007 of the Minister of Home Affairs concerning Management and Development Land Cash Village refers to land that is managed for village commercial operations and held by Government community, serving as a source of money for the community in question. Connect with the issue that makes land development and acquisition crucial for planned. Remember role land cash village Which strategic in development village, so in in Instructions Minister In Country the Governors and Regents/Mayors throughout Indonesia are instructed to implement, foster, and provide costs for procurement, management and development ground the village treasury as well as report results Work to the Minister.[5]

The term village treasury land is part of village assets in the form of immovable objects, namelyland owned by village or land riches village from burden Budget Shopping Village (ABPD) or obtain other legal rights Article 1 Number 1 of 2016 concerning Wealth Guidelines Village, Village Treasury Land. Village treasury land means land that is well managed by the village which comes from the upper level of government to be managed by active village officials for fund development infrastructure or village needs[6]. Village treasury land cannot be obtained traded without agreement all over inhabitant village However can rented by they who is given the right to manage it, the management right is attached to a village official during he took office.[7] Village treasury land is

[3] Sunindhia Y. W and Nanik Widiyanti, *Pembaruan Agraria Beberapa Pemikiran*, ed. Bina Aksara (Jakarta, 1998).

[4] "Https://Setkab.Go.Id/Revisi-Pp-Desa-Marwan-Gembira-Status-Pengelolaan-Tanah-Bengkokkembali- Ke-Desa-2016," n.d., https://setkab.go.id/revisi-pp-desa-marwan-gembira-status-pengelolaan-tanah-bengkokkembali- ke-desa-2016.

[5] Fattahilah Fahmi, "Penyalahgunaan Fungsi Tanah Kas Desa Di Kecamatan Banguntapan Kabupaten Bantul Daerah Istimewa Yogyakarta," *Jurnal Lex Renaissance* 1, no. 2 (2016): 141–51, https://doi.org/10.20885/jlr.vol1.iss2.art1.

[6] Kristiyani Dkk, *Perda DIY Nomor 5 Tahun 1954 Dalam Himpunan Peraturan – Peraturan Daerah DLL Perihal* (Yogyakarta, 1981).

[7] Drasil Radja, "Aspek Hukum Tanah Kas Desa Dalam Sistem UUPA Dan Peranannya Dalam Penyelenggaraan Pemerintah Desa Di Kabupaten Daerah Tingkat II Batang Hari Provinsi Jambi, (Medan: 1997)" (Universitas Sumatera Utara, 1997).

essentially one of the village's assets in the form of land, Which used For cost maintenance government And development Village. Sources of village income that have been known in Java in general with Name land bent, And the like Which its utilization directed For realize Village independence.

Land cash village used For addition income for head village And Village officials can be utilized by working for themselves and can also be rented out. Village as government Which direct touch with public become the main focus in development government, matter This because in part large area Indonesia is rural. Regional governments are given greater autonomy in financing and managing regional development based on their budget priorities alone. The income of village heads and village officials is clearly regulated in the Law, income head village And device village will get clarity payroll formwages still every month. Payroll head village And device village the based on from APBN balancing funds.[8] Village treasury land is one of them village wealth is part of one of the village assets. According to Article 1 paragraph 5 of the provisions of the Regulations Minister of Home Affairs Number 1 of 2016 concerning Village Asset Management, that assets village is goods belonging to the village that come from the original wealth belonging to the village, purchased or obtained on burden Budget Income And Shopping Village (Village APBD) or acquisition right other legitimate[9].

Land held by the customs themselves and allocated to the village head and relevant village apparatus is known as village treasury land. It is stated in Article 1 Paragraph 5 of the intended village unity public law, which owns and limits areas with the power to manage and regulate local communities' interests based on acknowledged and respected local origins and customs within the country's government system, the Unity Republic of Indonesia. Land Cash community, which has evolved into an asset community, has a distinct history. The village's treasury land grows according to customs and traditions that shape public life and development, eventually becoming a defining feature of Land Cash Village in a particular place. On beginning existence land cash village, there are several types of allocation of village treasury land according to the intended use of the results. Allotment ground the village treasury can shared become 4 type, namely:

Land for village treasury is land that generates village wealth and is wrong One source income village Which used For interest administration of government, development, And service public like For road, land agriculture,office that was auctioned off for village operations. This land is known by various names Name like *titisara, bondo deso*, or cash village.

1) Official land is land given to village officials as a salary his devotion during to be apparatus village. Land this known by pronunciation land crooked, pushing land, rice paddies sitting down, sitting down, shredding sitting down, shredding sitting down, or crooked rice field
2) Land grave that is land which used For grave para inhabitant village.[10]

The types of village assets are regulated in Article 2 paragraph (1) of the Minister of Home Affairs Regulation Country Number 1 year 2016 about Asset Management Village which consist from:

a. Wealth original village

[8] Henny Indarriyanti Dkk, "Fenomenologi Sewa Tanah Bengkok Model Lotre Sebagai Strategi Peningkatan Pendapatan Perangkat Desa," *Jurnal Prosiding Seminar Nasional Dan Call For Paper Ekonomi Dan Bisnis (Snaper- Ebis 2017)*, 2017.
[9] Sarjita, "Pengelolaan Tanah Kas Desa," n.d.
[10] Radja, "Aspek Hukum Tanah Kas Desa Dalam Sistem UUPA Dan Peranannya Dalam Penyelenggaraan Pemerintah Desa Di Kabupaten Daerah Tingkat II Batang Hari Provinsi Jambi, (Medan: 1997)."

b. Wealth belong village which bought or obtained above load APB village

c. Riches village Which obtained from grant And donation or Which kind

d. Riches village Which obtained as implementation of agreement/contract/and/or obtained based on the provisions of statutory regulations

e. Results Work The same village

f. Riches village Which originate from acquisition other Which legitimate.

In the history of the growth of society, they first lived in a central place or region Which border so that they This is public region territorial, each group public the have right certain on land Which There is in surroundings, Which called beschekkings recht. So that in in process right customary law on land, then the land is used as a residence or other needs by society in general in the customary legal environment, for example for cemeteries, or the proceeds are collected by and for the community and used and enjoyed together – The same. This situation then develops among individuals in society allowed open land with certain requirements, finally the community (permits/permits) the head adat or village head and other village officials to use the land as a land Crooked land that can be collected from the proceeds while they are in office, or entrusted with tasks by the village community, this is intended as a reward from the community to village head with his apparatus for his efforts in leading the community. Form of The land varies, it can be rice fields, dry land or moorland or in the form of fish ponds or ponds. Handover of bent land to village head and his apparatus, but this will be the village's right if the Village Head and his Apparatus was no longer in office, so that the crooked land was handed over to the Chief Village And Device Village Which replace it, with thereby land bent have elements as following:

1. Land is the land village or common called right customary law.
2. Land given to inhabitant village Which took office as tutor village.
3. Giving land only temporary time, during Which concerned took office astutor village.
4. The purpose of giving land is as a wage or reward to support oneself and his family. In the concept of customary law, property rights grow and decrease depends on the interaction with right customary law, increasingly strong right owned by result increasingly weak customary rights, therefore the stronger the customary rights, the smaller the intensity of property rights No matter how strong the property rights are, the primary thing is customary rights, because they are property rights grow and develop within the framework of customary rights. As a result of colonialism so long takes place, under the system of forced cultivation and so on, the rights of villages, clans, kingdom And so on thinning, various rights the more strengthened and smells personal, for example, property rights, real estate rights, customary property rights, hereditary rights, some of which are customary which is a mixture of customary law and western influences, these are customary rights the current one arranged in Basic Agrarian Law.

B. Understanding Head Village

Head Village and Device Village make up Government Village. The residents of Device Village include the village secretary and other authorities. According to election procedures set forth in the head village's Regulation Area, which guides to Regulation governance, the village's residents directly elect the head of the village under the following circumstances. Article 39 of Law No.06 of 2014 concerning Villages explains that the term of office of the Village Head is up to 6 (six) years and can serve a maximum number of positions 3 (three times period job title consecutive.

The Head Village serves as a government village inside a government village. A village chief has highly specific and wide-ranging responsibilities; they are comparable to that of a president in

that village, organizing tasks and overseeing the country's administration.[11] Head Village in the something government village is leader in organize affairs throughout region his village and own responsibility on the way government village. Head Village formed in something organization Where took office as chairman or leader. On Chapter 54 Constitution No.06 Year 2014 about Village stated that the Village Head consulted with the Apparatus Villages and Agencies Deliberation Village Which Also operate task as government village For deliberating on strategic matters such as Village Planning, Village Planning, Cooperation Village, Plan investment Which enter to Village, Formation BUMDesa, Addition And Release Asset Village. So in do his task a Head Villagewith village officials must hold joint deliberations with the community and Body Deliberation Village For do maintenance government. On Chapter 55 Constitution No.06 Year 2014 about Village stated that formation Village regulations: A Village Head holds deliberations with the Representative Body Village (BPD) for the formation of written village laws. Traditionally a Head The village is tasked with maintaining life according to the law, so that the law runs and is maintained appropriately.

A Village Head is the organizer of the household and organizer government village. Mandatory for a person Village Head for protect, look after, as well increase well-being its people. With exists characteristic Leadership from a good Village Head is a series that guarantees success in maintenance in village government.

In the traditional school of thought in Indonesia, the legal community is the head of the people, village head and community father. The Village Head is tasked with maintaining legal life within the association so that it runs as it should. Traditionally there is a traditional head has a role and position as head of a customary law community. Obligations of the Village Head in in implementing customary law, it takes full account of all changes and growth as well as community needs.

a. Understanding Device Village

Article 48 of Law Number 06 of 2014 about Villages stipulates that the Village Secretariat, Regional Executive, and Technical Implementer comprise The Village Apparatus. Additionally, Chapter 49 specifies that:

(1) The Village Apparatus as intended in Article 48 is tasked with assisting the Village Head in carry out tasks And his authority.

(2) The Village Apparatus as referred to in paragraph (1) is appointed by the Village Head after consulted with the sub-district head on Name Regent/Mayor.

(3) In carrying out their duties and authority, the Village Apparatus as intended in paragraph (1) is responsible to the Village Head. In Article 1 number 22 of the Regulations Governor of the Special Region of Yogyakarta Number 34 of 2017 concerning Land Utilization Village give an explanation related Device Village that :

"Device Village or Which called with Name other, Which furthermore called Device The Village is a staff element that assists the Village Head in preparation policies and coordination which is accommodated in the Village secretariat, and elements supporting the duties of the Village Head in implementation policy Which accommodated in form executor technical and element territoriality."

Writer can interesting conclusion based on description on, Device Village is element Government Village Which help Head Village in preparation policy. Device Village have task and authority For responsible answer to Head Village to assist implementation Village

[11] Dadang Juliantara, *Pembaruan Desa Bertumpu Pada Yang Terbawah* (Yogyakarta: Pustaka Yogyakarta, 2003).

Government.

b. Understanding Body Deliberation Village

Article 1 number 4 of Law Number 6 of 2014 concerning Villages states that : "Body Deliberation Village is institution Which operate function government with members representing village residents based on the area democratically determined." In Article 55 of Law Number 6 of 2014 concerning Village stated the Body Village Consultation have function :

a. Discuss And agreed Design Regulation Village together Head Village ;
b. Accommodate And channel aspirations public Village ; And
c. Do supervision performance Head Village.

On Chapter 56 state that :

(1) Member Body Deliberation Village is representative from Resident Village based on representativeness that region filling it done in a way democratic.
(2) The Village Consultative Body membership period is 6 (six) years starting from date pronouncing an oath/promise.
(3) Member Body Deliberation Village how intended on paragraph (1) can chosen for a maximum of 3 (three) consecutive or non-consecutive membership periods consecutive. Writer can interesting conclusion based on description on, Body Deliberation Village is institution Which operate function in the GovernmentThe village is a representative of the village population whose representation is based on the areaset in a way democratic.

c. Authority

1 Understanding Authority

P. Nicolai defines authority as the capacity to carry out a certain action or conduct that is meant to result in a law. Authorities have determined that there is a right and a responsibility for the government to carry out its duties.[12]. Furthermore according to L. Tonnaer, authority is something form authority government Which inside it there is ability For carry out law positive, And with so can created something connection law between government And its citizens. So authority is something formof ability For Reign and or decide something policies or regulations certain limited field or region not quite enough he answered. One of the Head's forms of authority and responsibility is to organize and oversee everything within his domain. For the sake of setting up and running a government, power created something righteous inside it.There is 3 (three) method in obtain authority ie obtained in a way attribution, delegation and mandate, more carry on Ridwan MOBILE PHONE explain that authority Which obtained in a way attribution its nature original originate from regulation legislation, with say other that Government get authority direct Which stated in editorial chapter certain in regulation legislation. Authority that is acquired by delegation originates from an official one to another official delegation. A government organ that has been granted authorization to exert its jurisdiction over other organs on its behalf is said to have received authority through a mandate[13]. There are several authorities connected to land in field land.

In in Law Custom there is Right Ulayat as form authority and obligation customary law

[12] Aminuddin Ilmar, *Hukum Tata Pemerintahan* (Jakarta: Prenadamedia Group, n.d.).
[13] "Tanpa j\Judul," n.d., https://m.hukumonline.com/klinik/detail/ulasan/lt5816ab6ea74a7/pengertianatribusi-delegasi-dan-mandat.

communities in managing land in their territorial environment for source of livelihood. These authorities and obligations may be included in the law civil, ie relate with right possession together on land And enter to in the law public Where exists task And authority For manage, arrange And lead allotment, mastery, use as well as its maintenance.[14] Service Land is also the authority of the regional government. Implementation is delegated to areas autonomous And community law custom For carry outlaw land national. Where policy from autonomy area For carry out the authority to administer and regulate the use and supply of land in area concerned.[15]

d. Authority Head Village

Article 26 paragraph (1) of Law No.06 of 2014 concerning Villages says that :

"The Village Head is tasked with organizing Village Government, implementing Development Villages, Village Community Development and Village Community Empowerment." A Village Head in organizing government to empower development as well as village community development. In Article 26 paragraph 2 of Law No.06 of the year 2014 about Village In carry out his task organize government the, a head village own authority :

1. Leader maintenance Government Village ;
2. Lift And stop device village ;
3. Hold power management finance And asset village ;
4. Set Budget income And shopping village ;
5. Building life public village ;
6. Fostering peace and order in village communities: fostering and improving economy Village as well as integrate it so that reach economy scale productive For as big as possible prosperity of society village ;
7. Develop source income village ;
8. Propose and accept the transfer of part of the country's wealth in order to increase well-being public village ;
9. Develop life social culture public village ;
10. Utilise technology appropriate To use ;
11. Coordinate development village in a way participative ;
12. Representing the village inside and outside the court or appoint a legal representative for represent him in accordance under the condition legislation ; And
13. Carry out authority other Which in accordance with provision legislation.

In point 3 above, the village head holds financial management powers and village assets must comply with regulations regarding the use of village assets. Where there is several authorities and obligations of the Village Head in utilizing village assets, in Article 4paragraph 2 of Minister of Home Affairs Regulation Number 01 of 2016 concerning management of village assets which states a number of authority of head village in asset utilization village, that is :

[14] Boedi Harsono, *Hukum Agraria Indonesia : Sejarah Pembentukan UndangUndang Pokok Agraria, Isi Dan Pelaksanaannya* (Jakarta: Djambatan, 2008).
[15] Arie Sukanti Hutagalung and Markus Gunawan, *Kewenangan Pemerintah Di Bidang Pertanahan* (Jakarta: Rajawali Pers, 2009).

1. Set policy management asset village ;
2. Set assistant manager And officer / administrator asset village ;
3. Set use, utilization or transfer asset village ;
4. Set policy security asset village ;
5. Submit proposals for the procurement, transfer and/or elimination of village assets strategic in nature (village treasury land, communal land, village markets, animal markets, boat moorings, village buildings, fish auctions, agricultural product auctions, village-owned forests, owned springs village, bath general, And assets other owned by village) through village deliberation ;
6. Approve suggested transfer And deletion asset village in accordance limit authority; And
7. Approve proposals for the use of village assets other than land and/or buildings. Writers can draw a conclusion based on the description above that the Village Head has authority in do Land management Cash Village as form of Assets Village.

e. Right and Obligation Head Village

Article 26 of Law Number 6 of 2014 concerning Villages states that Head Village as organizer Government Village have task For carrying out development in the village, fostering village community, and empowerment villagers. In carrying out his duties, a Village Head has rights and Obligation. In Article 26 paragraph (3) Law Number 6 of 2014 concerning Villages explained that in operate one's duty Head Village entitled :

a. Propose Structure organization And system Work Government Village;
b. Submit design And set Regulation Village;
c. Accept income still every month, allowance, And reception other Which legitimate, as well as get health insurance;
d. Get a protection legislation on the policy that was held; and provide Device Village additional obligations and tasks for implementing the mandate. As stated in Chapter 26, Paragraph 4 of Law Number 6 of 2014, a Head Village is required to perform certain tasks.:
    a. Uphold and practice Pancasila, implement the Constitution Country Republic Indonesia Year 1945, as well as maintain And look after wholeness Country Republican Union Indonesia, and Diversity Single Ika;
    b. Increase well-being public Village;
    c. Look after peace And order public Village;
    d. Obey And straighten up Regulation Legislation;
    e. Carry out life democracy And fair gender;
    f. Carry out principle system government Village Which accountable, transparent, professional, effective And efficient, clean, as well as free from collusion, corruption, And nepotism;
    g. Interweave cooperation And coordination with all over holder interest in Village;
    h. Organize administration Government Village Which Good;
    i. Managing Finance And Asset Village;
    j. Carry out affairs Government Which become authority Village;

k. Finish dispute public in Village;

l. Develop economy public in Village ;

m. Building And conserve mark social culture public Village;

n. Empowering public And institution society in Village;

o. Develop potency source Power natural And conserve environment life; And

p. Give information to public Village.

f. Abuse Authority

It cannot be denied that by giving authority to the Village Governmentto manage their own authority based on their original rights, resulting in party Which have faith bad For do abuse to management riches village. Types abuse Which often appear in effort management village among them :

a. Error Because ignorance (mechanism) ;

b. No in accordance plan (No clear intended/not in accordance specification) ;

c. No in accordance Guidelines, Instructions, Technical guidelines (specifically procurement goods And service) ;

d. Administration report finance ;

e. Subtraction Allocation Fund Village, example fund village used as interest personalby head village and devices village ;

f. No can accountable use ;

g. Misappropriation asset village :

Village Cash Land (Bengkok) may be sold or exchanged, rented, or otherwise utilized without permission for residential or commercial purposes. The profits from the sale of Village Cash Land may also be misused.

About object Which often misused is :

a. Allocation Fund Village (ADD) ;

b. Land Village Cash (TKD) and Asset Village other ;

c. Program Certification Bulk ;

d. Fund Social or Help from Province, Regency ;

e. Fund Infrastructure (Irrigation, Road) ;

f. Fund Village And State Budget

g. Land Cash Village as Asset Village

According to Minister of Home Affairs Regulation No.01 Year 2016 about Management Asset Village that Asset Village isgoods which are original assets belonging to the Village purchased or obtained at the expense of the Village APBD, obtained from grant And donation, nor acquisition other Which legitimate. On Chapter 2 paragraph (2) Minister of Home Affairs RegulationNo.01 of 2016 concerning Village Asset Management that states the original wealth referred to above consists on :

a. Land Cash Village ;
b. Market Village ;
c. Market Animal ;
d. Boat Mooring ;
e. Building Village ;
f. Fish auction Which managed by village ;
g. Auction results agriculture ;
h. Forest owned by village ;
i. Water springs owned by village ;
j. Bath general ; And
k. Other original village assets. A conclusion can be drawn based on the description above that Cash LandVillages are included Asset Village.

h. Utilization and Management Land Cash Village

On Chapter 77 paragraph (2) Constitution No.06 Year 2014 about Village that Riches owned by Villagein the form of Village Assets in its management is the main source for improving life village communities and improve the standard of living of village communities. In Article 6 of Minister of Home Affairs Regulation Number 01 year 2016 about management asset village say that Management asset village form land certified on behalf of Village government.

In Utilization And Management Land Cash Village need exists limitations in its management as regulated in a Regulation. The Village Head as the highest level of government in the village is mandatory carry out his task in accordance with regulation especially in utilization And management Land Cash Village. There are several rules related to the management and use of Village Treasury Land which are regulated in Minister of Home Affairs Regulation Number 01 of 2016 concerning village asset management and regulations Governor of the Special Region of Yogyakarta Number 34 of 2017 concerning Village Land Utilization. On Article 11 paragraph (2) Minister of Home Affairs Regulation Number 01 of 2016 concerning Village Asset Management said that the forms of utilization of village assets are in the form of Renting, Borrowing, Use Cooperation, and build for handover or build for handover. In Article 12 paragraph (2) of the Minister of Home Affairs Regulation Number 01 of 2016 concerning Village Asset Management states that in utilizing village assets form rent own period time most long 3 (three) year And can be extended. On Chapter 16 paragraph (1) Regulation of the Governor of the Special Region of Yogyakarta Number 34 of 2017 concerning Land Utilization The Village said that Village Cash Land must be available for management and utilization permission from Sultanate or Duchy exception land done Alone For interest agriculture. Digital Repositories University Jember 24 On Chapter 17 Regulation Governor Area Special Yogyakarta Number34 of 2017 concerning Village Land Utilization states that the use of village treasury land is for construction of shops, objects tour nor restaurants must in accordance with the concept of governance room.

In matter use land cash village for rent in set in Chapter 19 paragraph (2) Regulation Governor Area Special Yogyakarta No 34 year 2017 about Village Land Utilization that If The

Village Government to use Village Treasury Land must obtain permission from the Sultanate or Duchywith through method:

1. The Village Government submits a request for permission to the Governor through the Regent with a copy to Service;
2. Based on the Village Government's request, the Regent verifies the documents for issuance recommendation to Governor ;
3. Based on recommendation the, Service apply permission to Sultanate or Duchy ;
4. Based on permission Sultanate And Duchy , Department of processing Decision Governor about determination of permits for non-agricultural use of Village Treasury Land. In Article 19 paragraph (3) of the Regulations Governor Area Special Yogyakarta Number 34 year 2017 about Utilization Land Village that in Letter application permission Land rent Cash Village must be equipped :
    1. Identity party who will use Land Cash Village, proven by :
        a. Photocopy card sign resident Which has legalized for individual;
        b. Photocopy of the deed of establishment of the business entity which has been legalized by the authorized institutionbody business private or legal entity private, or;
        c. Basic regulations regarding the formation of institutions for state institutions, ministries and institution government non Ministry, Government Area, Government district/city, Government other villages, bodies business owned by country, and body business owned by area.
5. Regulation village about utilization land village ;
6. Decisionn Village head ;
7. Agreement BPD ; Digital Repositories University Jember 25
8. Sketch location ;
9. Recommendation sub-district head;
    1. Recommendation suitability plan system room ;
    2. A statement letter from the Village Government that the Village Treasury Land requested is indeed correctin control of the Village Government and no is in dispute ;
    3. Letter Statement from party Which will use Land Cash Village, Which containing statementNo will increase the breadth of use Land Cash Village Which permitted ;
    4. Letter statement from party Which will use Land Cash Village, Which containing statement No will transfer permissions use land village treasury to party other ;
    5. Letter statement from party Which will use Land Cash Village, Which containing statement will not repurpose accordingly with designation, and;
    6. Register for socialization attendance plan use Land Cash Village ;
    7. Proposals use Land Cash Village, Which load most A little : Meaning And objective use Land Village Cash and data land ;
    8. There is period time most long 20 year And can be extended.

In Letter application permission Land rent Cash Village must be equipped :

1. Identity party who will use Land Cash Village, proven by :

1). Photocopy card sign resident Which has legalized for individual;

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10. Letter statement from party Which will use Land Cash Village, Which containing statement will not repurpose accordingly with designation, and;
11. Register for socialization attendance plan use Land Cash Village ;
12. Proposals use Land Cash Village, Which load most A little : Meaning And objectiveuse Land Village Cash and data land ;
13. There is period time most long 20 year And can be extended.

i. Mechanism Management Land Cash Village

On Minister of Home Affairs Regulation Number 1 Year 2016 about Management Asset Village explained How mechanism management of Village Treasury Land. Article 4 paragraph (1) explains that the Village Head as holder power management asset village. On Chapter 4 paragraph (4) in exercise power in management asset village, Head Village can master part his power to Device Village Which consists from Secretary Village as servant manager asset village And element DeviceVillage as officer/manager of village assets. Article 7 explains how Village assets can be managed covers : planning, procurement, use, utilization, security, maintenance.

C. Method Acquire Based Authority Law Administration Country

In State Administrative Law, of course we are familiar with the term authority, because In fact, authority is also a limitation of the power to do something and not to do something something. In general, authority in State Administrative Law is the power to use resources to achieve organizational goals and in general tasks are defined as obligations or something work which must done somebody in his job. Term authority or authority is equated with "authority" in English and "bevoegdheid" in linguistics Dutch.[16]

Authority in the Black S Law Dictionary is defined as legal power; a right to command or to act; the right and power of public officers to require obedience to their orders legally issued within scope of their public duties. (Authority or authority is power law, right For Reign orAct; right or power official public For obey rule law in scope carry outpublic obligation). "Bevoegdheid" in Dutch legal terms, Phillipus M. Hadjon provides note regarding the use of the terms "authority" and "bevoegdheid". The term "bevoegdheid" used in the concepts of private law and public law, while "authority" always used in draft law public. [17]According to GRTerry, Authority in Law Administration Country isofficial power and the power of officials to order other parties to act and obey party which has that authority,

According to RCDavis in his book, Fundamentals of Management: Authority/Authority inLaw Administration Country is right Which Enough, Which possible somebody can finish a certain task/obligation. So, authority is the basis for acting, doing And do activity/activities organization.Without authority people No can do anything. From corner Language law authority different case with power, power only describes the right to act/do or not act, while juridical authority, on in essence right And obligation (*rechten en plichten*). Associated with autonomy, the right to possess self-regulation (*zelfregelen*) and self-manage (*zelfbestuuren*). The concept of principle legality is erroneous and serves as the foundation for statehood and maintenance governments in all rule of law nations, particularly those that follow civil law or continental European legal systems. This legality principle is used in the field of administrative law country which has the meaning, "*dat het bestuur aan de wetis onderworpen*" (that the government submits to the law) or "*het legaliteitsbeginsel hond in dat alle (algemene) de burgers bindende bepaligenop de wet moeten berusten* (the principle of legality determines that all provisions are binding citizens must be based on law). Consistent with the primary tenets of the rule of law, including the legality premise (*legaliteits beginsselen or wetmatigheid van bestuur*), on the basis of this principle that authority government originate from regulation legislation. In literature law administration, there are two ways to obtain government authority, namely attribution and delegation; sometimes Also, mandate, placed as method separately to obtain authority.[18]

According to Prajudi Atmo Sudirdjo, Legality is a condition that states that there is none deed or decision administration country No can done without base Constitution (written),In a broad sense, if something is carried out under the pretext of an "emergency" then the emergency is mandatory proven, then if it cannot be proven then the action can be sued in court.[19] Theoretically, government authority originates from these statutory regulations obtained in three ways as stated in Article 11 of Law Number 30 of the Year 2014 about Administration Government, namely:

1. Attribution

Attribution is the granting of Authority to Government Agencies and/or Officials by Law. The 1945 Constitution of the Republic of Indonesia or Law.11 Bodies and/or Officials Government

[16] Henry Campbell Black, *Black'S Law Dictionary* (Minnesotta: West Publishing, 1990).
[17] Phillipus M. Hadjon, *Tentang Wewenang, Yuridika, No. 5 & 6 Tahun XII*, 1997.
[18] Phillipus M. Hadjon.
[19] "Tanpa judul," n.d., https://www.radarhukum.com/wewenang-dalam-hukum-administrasi-negara.

obtain Authority through Attribution if :

a. arranged in Constitution Base Country Republic Indonesia Year 1945 and/or law invite;

b. is Authority new or not before There is; And

c. Attribution given to Body and/or Office Government.[20]

Body and/or Official Government Which obtain Authority through Attribution, not quite enough answer Authority is at on Body and/or Official Government concerned. [21]Authority Attribution cannot be delegated, except as regulated in the Constitution of the Republic of Indonesia Indonesia 1945 and/or law.

2. Delegation

Delegation is the delegation of Authority from more Government Agencies and/or Officials higher to lower Government Agencies and/or Officials with responsibility and Responsibility shifts entirely to the recipient of the delegation. [22]In delegation there is no creation authority, there is only the delegation of authority from one official to another official. Juridical responsibility no longer lies with the delegate, but shifts to the recipient delegation. The delegatee can revoke the delegation by holding the principle of "contrarius actus". This means, when an agency/official issues a "decision" and agency/official That Also Which withdraw/ cancel it. Matter This Also stated in chapter 13 paragraph (6) Law Number 30 Year 2014 about Government Administration that in terms of implementation Authority based on Delegation give rise to ineffectiveness maintenance government, agencies and/or government officials who delegate authority can pull back The authority has been delegated.

3. Mandate

A mandate is a delegation of authority from a higher government agency and/or official higher to lower Government Agencies and/or Officials with responsibility and not quite enough sue still is at on giver mandate. [23]Recipient mandate only Act For And In the name of the mandate giver, final responsibility for decisions taken by the mandate recipient remains on giver mandate. Body and/or Official Government Which accept Mandate must us mention on Name Body and/or Official Government Which give Mandate.

D. Implications Law Administration Government

Abuse Authority in the law Administration Country linked with Law Invite Number 30 of 2014.

Giving authority to a person/entity can cause problems new, namely abuse of authority. Understanding of abuse of internal authority law administration can interpreted in 3 (three) form, that is:

a. Abuse authority For do actions Which contradictory with interest general or For benefit interests personal, group or group;

b. Abuse of authority in the sense that the official's actions are properly intended in the public interest, but deviates from the objectives of the authority granted by law invite or other

[20] Pasal 1 angka 22 Undang-undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan
[21] Pasal 12 ayat (1) Undang-undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan
[22] Pasal 1 angka 23 Undang-undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan
[23] Pasal 1 angka 24 Undang-undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan

regulations;

c. Abuse authority in meaning abuse procedure Which should used For reach objective certain, but has use procedure other so that accomplished. Based on matter on, draft abuse authority in Law Administration Country canshared become two, namely:

   a. Detournement de pouvoir or surpass authority/limits power According to Wiktionary, "exceeding authority is carrying out actions outside the authority that has been determined based oncertain legislation.[24]

   b. Based on understanding in chapter 1 number 3 Constitution No. 37 Year 2008 about Ombudsman Republic Indonesia Which elaborate element from fulfillment something action second point of administration: "those who exceed authority, or use authority for purposes other from Which become objective authority the, or including negligence or neglect obligationlaw in implementation of public services".[25]

Abuse de droit or arbitrary. According to Sjachran Wet "*abus de droit*" (action arbitrary), namely the actions of officials that are not in accordance with goals outside the environment statutory provisions. This opinion contains understanding that to assess there or not abuse authority with do testing with how objective from which the authority is given (the principle of specialization). Acting arbitrarily can also be interpreted use authority (right And power For Act) exceed What Which duly done so that the action in question contrary to the provisions.

Abuse of authority is closely related to the existence of illegality (defects law) from a decision and/or action of the government/state administrator. Legal defects decisions and/or actions of government/state administrators generally involve three things The main elements, namely the authority element, the procedural element and the substance element, are thus flawed law action organizer country can classified in three type, namely: disabled authority, disabled procedure And disabled substance.

These three things are the essence of abuse of authority. Law Number 30 of 2014 concerning Government Administration Article 17 states that (1) Body and/or Official Government forbidden abuse Authority. (2) Prohibitionabuse Authority as referred to in paragraph (1) includes:

a. prohibition surpass Authority;
b. prohibition mix up Authority; and/or
c. prohibition Act arbitrary.[26]

Body and/or Office Government categorized beyond Authority asmeant in Article 17 sentence (2) letters a when Decision and/or Action which done:

a) surpass period position or limit time enactment Authority;
b) surpass limit region enactment Authority; and/or
c) contradictory with provision regulation legislation.

Body and/or Government Offices are categorized as mixing Authority as referred to in Article 17 verses (2) letters b when Decision and/or Actions taken:

a) In outside scope field or material Authority Which given; and/or
b) Contradictory with objective Authority Which given.

[24] Undang-Undang Nomor 37 Tahun 2008 tentang Ombudsman Republik Indonesia
[25] Sjachran Basah, *Eksistensi Dan Tolak Ukur Peradilan Administrasi Di Indonesia* (Bandung: Alumni, 1985).
[26] Chapter 17 paragraph (2) Constitution Number 30 Year 2014 about Government administration

c) Body and/or OfficeGovernment categorized act arbitrary as meant in Article 17 sentence (2) the letter A when Decision and/or Action which done:

i. without base Authority; and/or

ii. contradictory with Decision Court Which powerful law still.

CONCLUSION

The village head has administrative responsibility for managing village treasury land. They expected ensure that all action related land cash village in accordance with regulation And applicable law. If the village head makes a mistake or is negligent in managing village treasury land, p This may be considered a violation of administrative law. This may include non-compliance to procedure Which set, abuse authority, or negligence in operate task- administrative tasks. Then, based on the findings, village treasury land management was not carried out properly and there should still be indications of fraud which resulted in the budget not running according to projectivity that responded to the field and needs. The village head should be responsible for maintaining accountability in management land cash village. If happen abuse or irregularity, they can required For explain their actions and possibly face legal consequences. Within the framework of Law Administration Government, penalty administrative can applied to Village Head Which involved in violation of the law. This sanction can be in the form of a warning, release from office, or sanctions other administrative stipulated by law.

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