



IMPLEMENTATION OF PERMENDAGRI NUMBER 45 OF 2016 CONCERNING GUIDELINES FOR DETERMINING AND AFFIRMING VILLAGE BOUNDARIES IN NORTH BARITO REGENCY

Heri Fauzi*, Saladin Ghalib, Fahrianoor

Master of Government Science Study Program, Faculty of Social and Political Sciences, Lambung Mangkurat University,
Banjarmasin City, South Kalimantan, Indonesia

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***Corresponding author**

Abstract

The completion of the determination and affirmation of boundaries between villages is one of the priority programs that must be immediately implemented by the Government, including in North Barito Regency. The purpose of this study is to find out and describe how the Determination and Affirmation of Village Boundaries in North Barito Regency with a case study of the boundaries between Lemo I Village and Lemo II Village, Teweh Tengah District, including to find out what factors are the obstacles in its implementation. In this research, the method used is a case study qualitative research, descriptive research type, with the research location being carried out in Lemo I Village and Lemo II Village, Teweh Tengah District, North Barito Regency, Central Kalimantan Province. This research focuses on why there is no final and binding agreement on boundary lines between villages. In collecting research data, data sources were obtained from interviews with several sources, from documentation and from observations. The results of this study are the existence of mutual territorial claims between Lemo I Village and Lemo II Village, it can be said that until now the boundaries between the two villages have not yet been determined or ratified. In the context of finalizing the determination and affirmation of village boundaries, if there is a dispute over the determination of village boundaries, the Regent can take a policy by establishing the ratification of village boundaries through a Regent Regulation, so that it is expected to accommodate the interests of all parties. Although in the context of implementing the village boundary determination and affirmation program, the interests of the affected parties have different dimensions, so that the level of satisfaction with a policy will also be different. Because the objects or targets of this program are two opposing interest groups, namely each bordering village.

Keywords: Implementation of Permendagri, Determination and Affirmation of Village Boundaries

INTRODUCTION

Given the importance of clarity and certainty over the territorial boundaries of a village, the Government through the Ministry of Home Affairs issued Minister of Home Affairs Regulation Number 45 of 2016 concerning Guidelines for Determining and Affirming Village Boundaries. The goal is to provide a legal umbrella and can be used as a formal legal reference as a technical guide for the implementation of village boundary settlement in accordance with technical and scientific principles (Rozarie, 2020). The Village boundary determination and affirmation program itself actually aims to be able to create orderly government administration, can provide clarity and legal certainty to the territorial boundaries of a village that meet technical and juridical aspects (Lukman & Riskiyanti, 2019).

Determination and affirmation of regional boundaries is a very interesting topic to discuss, so that several previous studies have been carried out, both boundaries between countries, boundaries between provinces, boundaries between districts, boundaries between sub-districts, and boundaries between villages/kelurahan (Nadeak et al. , 2015; Hutomo, 2017). In 2015 Bambang Riadi has carried out a research entitled Implementation of Permendagri Number 76 of 2012 in the Determination and Confirmation of Cartometric Village Boundaries. This research was conducted with a focus on modeling the determination of sub-district and village boundaries in the context of applying the rules of Permendagri No. 76 of 2012 in determining and confirming village boundaries, and the aim is to provide geospatial data in the form of coordinates of boundary points and cartometric delineation of sub-district and village boundaries as well as present it on the map.

The research entitled Interpreting the Tendency to Settle Regional Boundary Conflicts to the Constitutional Court stated that in its analysis, it was found 3 (three) interesting things, namely the Supreme Court's decision did not solve the problem, but instead created new problems, in which the development of the Constitutional Court's decision precedent could "annul" the Supreme Court's decision. , and the Court's trial process was felt to be fairer and more transparent (Soeroso, 2016). Then from this trend a new legal loophole emerged, namely the parties who became the address of the Supreme Court's decision had space not to have to carry out the Supreme Court's decision (Soeroso, 2013; Soeroso, 2016). This legal loophole seems to justify the occurrence of unlawful acts, considering that the Supreme Court's decision actually has binding force and must be implemented (Marzuki, 2017; Sihombing, 2021). This tendency is not a matter of rivalry between the Supreme Court and the Constitutional Court, but a matter of how judicial institutions can present a judicial process that is trusted and can be trusted by justice seekers so that their decisions are able to solve problems and can be implemented (Simanjuntak, 2013).

Research with the title Agrarian Conflict in Morotai Island Regency (Study on the Role of Local Government in Land Conflicts in the Community (Lesang & Qodir, 2014), with the research results: first, this land conflict is rooted in history. The development of this land conflict stems from differences in perceptions regarding tenure The local government's lack of firmness is also one of the sources of this conflict. This conflict has an economic impact on the people of the five villages, especially in development. The investors are also afraid to invest their capital, this is due to resistance by the people of the five villages. Second, less intense Local Government Conducts Conciliation, Mediation Conciliation and Mediation only occur when the protest is getting more intense. There is a demolition of the foundations of houses and houses belonging to the community of five villages without any intervention by the local government to prevent it. Third, the policies issued by the Morotai Island Regency Government in conflict between The

relationship between the five Village communities and the TNI-AU does not touch the community. The policies made are too much of an elite bias.

Nanang Kristiyono (Conflict in the Affirmation of Regional Boundaries Between Magelang City and Magelang Regency (Analysis of the Causes and Impact Factors), 2008) describes that the conflict in determining regional boundaries causes uncertainty and ambiguity in the two regions both administratively and physically, which in turn results in the emergence of The "conflict impact" is in the form of dualism in the authority to provide juridical data on certain lands in part of the process of managing proof of ownership of land rights (certificates), especially at the village/kelurahan level whose territorial boundaries are not clear. The causative factors have many dimensions and are interrelated with one another. These factors include: structural factors, interest factors, human relations and data conflicts, all of which can be categorized into background factors, conflict trigger factors and accelerator factors.

A study entitled Settlement of Disputes on the Regional Boundary of the Service Village Case Study of the Regional Boundary Dispute Between the Tulikup Service Village and the Sidan Service Village in Gianyar Regency (Utomo, 2015), highlighted that the factors of Social Change that occurred in the development of the Tulikup Service Village community and Sidan Service Village with The progress of development and the dynamics of the community are very influential in the process of resolving disputes over official village boundaries in their respective regions, especially in the official village area in Gianyar Regency. Meanwhile, patterns of settlement of official village boundary disputes in Gianyar Regency follow the implementation of the applicable laws, in addition to not forgetting consensus deliberation to find the best solution.

The five studies that have been described above, the legal basis used as a reference in their research still refers to the old village boundary determination and affirmation regulations, which are currently no longer valid. Meanwhile, in this study, it refers to the Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines for Establishing and Affirming Village Boundaries. The focus of research and the theory used to build the framework in this research is also different from the research mentioned above.

The arrangement of village boundaries is sometimes not as easy as planned, for example in North Barito Regency, Central Kalimantan Province, where the coverage area consists of 9 sub-districts, 93 villages and 10 sub-districts, while there is already a determination and affirmation of village boundaries that are final and have legal force. currently only consists of 5 Village boundary segments. While some other segments are still at the stage of resolving boundary disputes, which are facilitated by the Regency TPBDs. Where one of the segments that is in the facilitation stage of completion is the boundary segment of Lemo I Village and Lemo II Village in Teweh Tengah District.

There are several obstacles that can be temporarily identified by the researcher if based on the results of preliminary observations, which causes why the determination and confirmation of village boundaries has not been completed, namely that there has never been a discussion or there is no final and binding agreement on boundary lines between villages to be used as guidelines; and The existence of limited resources (human, budget, equipment and tools, natural conditions, maps and related documents and interests).

These constraints are in line with the Implementation theory proposed by Grindle that implementation is a political process and an administrative process. Where the level of success of a policy or program implementation is largely determined by the substance of the policy and the context of its implementation (Tahir, 2014; Mawarni & Hanani, 2021). The substance of the

policy is related to what interests will be affected by the policy; the type of benefit to be generated; the degree of change that will result; position of policy maker; policy implementers; and resources to be deployed. While the context of its implementation is related to the power, interests and strategies of the actors involved; characteristics of institutions and authorities; compliance and responsiveness of implementing the policy (Aneta, 2012; Nugraha, 2021).

Based on information from Mr. Ferry Edhi Purwanto, ST, MT on Friday, February 24, 2020 at the Regional Secretariat of North Barito Regency, that the Village Boundary Determination and Affirmation Team (PPBDes) of North Barito Regency, taking into account some of the obstacles faced at this time The determination and affirmation of village boundaries in North Barito Regency is carried out in stages where the completion process is carried out per sub-district, by prioritizing village areas that have negative potentials that might occur if the village boundaries have not been completed. Currently the focus of the boundary being worked on by the Team is the Teweh Tengah District area, especially the boundary segment between Lemo I Village and Lemo II Village. Where in the area of the two villages, Berda, there are 6 investment activities operating in the mining and energy sectors, as well as several HTI, HPH and plantation activities that are currently operating.

Based on the description that has been presented above, the researcher is interested in conducting research with the title Implementation of Permendagri Number 45 of 2016 concerning Guidelines for Establishing and Affirming Village Boundaries in North Barito Regency (Case Study Between Lemo I Village and Lemo II Village, Teweh Tengah District).

RESEARCH METHOD

The focus in this research is the implementation of the policy for the acceleration of conflict resolution in the determination and affirmation of village boundaries in North Barito Regency (a case study between Lemo I Village and Lemo II Village, Teweh Tengah District), with the aim of knowing, interpreting and understanding the description of how to implement boundary determination and affirmation. village and what are the implementation constraints, then the most suitable method used in this research is a qualitative research method. By looking at this research from the research objectives, the method of collecting and analyzing data, and based on the characteristics of the problem that is the focus, it can be concluded that this research uses a subjective approach with a case study qualitative research method. Based on the description in the previous sub-chapter, the type of research used in this study is a descriptive type of research. This is in line with Nurillah's (2019) statement; Sonia (2021), that descriptive research is a research method that seeks to describe and interpret objects as they are.

The location of this research will be in North Barito Regency, Central Teweh District, in Lemo I Village and Lemo II Village. The discussion in this study needs to be focused, so the focus of writing and compiling this research is limited to the scope of Policy Implementation for Accelerating Conflict Resolution in the Determination and Affirmation of Village Boundaries in North Barito Regency (Case Study Between Lemo I Village and Lemo II Village, Teweh Tengah District). So the issues to be discussed are: There is no final and binding agreement on the boundary line between villages to be used as a guideline; and Constraint factors that cause there is no agreement on the boundary line.

In this study, the informants were the Head of Subdivision of Boundaries and Regional Cooperation, Head of the Government Section of Teweh Tengah District, Head of Lemo I Village and Lemo II Village Head as well as Community Leaders of Lemo I Village and Community Leaders of Lemo II Village. A researcher in collecting data relies more on himself as

a data collection tool (Moleong, 2006). In this study, the researcher himself will be the research instrument. So it is the researcher who will reveal the symptoms or social phenomena that occur in the community, related agencies or those that occur in the field as the focus of the research.

Data collection techniques that will usually be used to obtain the data needed in this study are 1) observation, 2) interviews, and 3) documentation. Data collection in case study research can be taken from various sources of information, because case study research involves collecting a lot of data to build an in-depth picture of a case. Robert K. Yin in (Kusmarni, 2012) explains that in case study research, there are five forms of data collection, namely: Documentation consisting of letters, dispositions, agendas, reports of an event, proposals, research results, evaluation results, clippings, article; Archival records consisting of service records, maps, survey data, lists of names, personal records such as diaries, calendars, etc.; Interview; Direct observation; and Physical or cultural equipment, namely technological equipment, tools or instruments, art work etc.

In qualitative research, the implementation of data analysis has started since the researcher carried out pre-field activities until the completion of the research stage, data analysis was carried out continuously without stopping, until the data was saturated. The data analysis technique that will be used in this study refers to the interactive model, in which the components of data analysis (reduction, data presentation, conclusion drawing and verification) interactively relate to each other during and after data collection.

RESULTS AND DISCUSSION

Geographical Conditions and Area of North Barito Regency

North Barito Regency with its capital city in Muara Teweh, is one of 14 regencies/cities that are part of the Central Kalimantan Province which is located in the area around the equator with a geographical position of 114°27'3.32" east longitude – 115°50'47" east longitude; and 0°49'00" N – 1°27'00" South Latitude. Based on data from the Central Statistics Agency (BPS), North Barito Regency has an area of 8,300 km² (= 830,000 ha). However, if it is calculated based on the geospatial information system data contained in the map attached to the Decree of the Minister of Forestry of the Republic of Indonesia Number 529/Menhut-II/2012 dated 25 September 2012, the area of North Barito Regency is 10,169.73 km² (=1,016,973 ha). This is because the area data used by BPS refers to Law Number 5 of 2002 concerning the Establishment of Katingan Regency, Seruyan Regency, Sukamara Regency, Lamandau Regency, Gunung Mas Regency, Pulang Pisau Regency, Murung Raya Regency, and East Barito Regency. in Central Kalimantan Province.

Topography and Demographics

Based on spatial data (North Barito Regency Government, 2020), if you look at the structure of the land surface from the south to the east, the area of the North Barito Regency is a rather low plain, while to the north the area is hilly, folds and faults lined by the Muller/Scwaner Mountains. Besides height, it is also closely related to elements of soil capability, such as slopes and drainage.

The part of the area with a slope of 0-2% is located in the southern part of the Barito river, namely Montallat and Teweh Tengah sub-districts covering an area of 165 km² (29.2%). The area with a slope of 2-15% is spread over all sub-districts covering an area of 4,785 km² (21.5%). The part of the area with a slope of 15-40% is spread over all sub-districts covering an

area of 4,275 km² (51.5%) and the part of the area with a slope above 40% covering an area of 2,075 km² (25%).

The area of North Barito Regency includes the interior of the Barito watershed (DAS), this area is located at an altitude of about 200-1,730m above sea level (asl). The southern part is lowlands and the northern part is highlands and mountains.

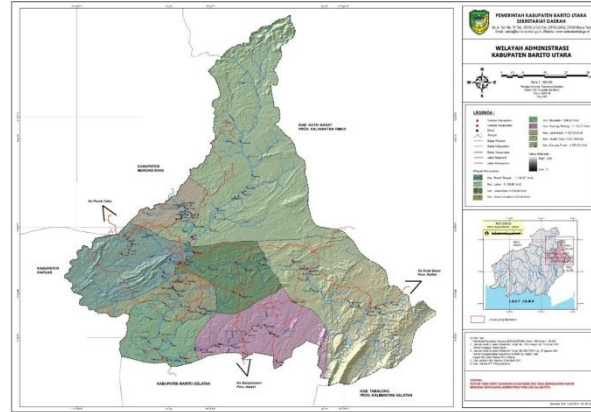


Figure 1 Map of North Barito Regency
(Source: North Barito Regency PUPR Service, 2017)

Based on the population registration at the Disdukcapil of North Barito Regency as of September 24, 2019 (North Barito Regency Government, 2019), the total population of North Barito Regency in 2019 was 155,822 people consisting of 80,857 men and 74,965 women. The number of residents who are required to have an ID card is 109,122 people, 102,903 people have recorded Electronic ID cards, 101,615 electronic ID cards have been submitted. The number of Heads of Families (KK) is 45,504 KK, who have a SIAK Family Card 40,914 KK (89.91%) and who do not have a SIAK Family Card are 4,593 KK (10.09%). Profession / occupation of the Head of Family in 2018 of 45,705 households in North Barito Regency (over 15 years old) mostly engaged in the agricultural, plantation, forestry, hunting and fishery sectors which amounted to 45.73%, employment in the field of community services, social and individuals as much as 20.13%, trade, restaurants and accommodation by 15.78%. The transportation, warehousing and communication sectors were 1.8%, and electricity, gas and drinking water were at 0.82%.

The level of public education consists of Strata I/Diploma IV as many as 4,461 people (5%); Academy / Diploma III as many as 826 people (2%); Diploma I/II as many as 458 people (1%); High school/equivalent as many as 11,311 people (25%); Junior high school/equivalent as many as 9,177 people (20%); Graduated from SD/equivalent as many as 14,766 people (33%); 4,278 people have not graduated from elementary school/equivalent (10%); and No/Not yet in School as many as 1.361 people (3%). The population density is 18.77 people / km² from an area of 8,300 km².

Demography and Government of Central Teweh District

Teweh Tengah Subdistrict consists of 2 Kelurahan, namely Kelurahan Melayu and Kelurahan Lanjas and 8 other villages. Based on population data from the Disdukcapil of North Barito Regency as of September 24, 2019 (SIAK register data), the following is population data per Village/Kelurahan in Central Teweh District:

Table 4.3 Population Data per Village/Kelurahan in Teweh Tengah District 2019

No	Village / Kelurahan	Male	Female	Total	Barito Utara %
1	Lemo I	879	854	1.733	1,11
2	Lemo II	1.852	1.723	3.575	2,29
3	Pendreh	1.373	1.229	2.602	1,67
4	Kel. Lanjas	10.209	10.047	20.256	13,00
5	Kel. Melayu	13.130	12.623	25.753	16,52
6	Rimba Sari	662	589	1.251	0,80
7	Sei Rahayu I	487	454	941	0,60
8	Sei Rahayu II	565	505	1.070	0,69
9	Beringin Raya	173	148	321	0,20
10	Datai Nirui	180	148	328	0,21

Source: (Regional Government Implementation Report (LPPD) North Barito Regency 2019, 2020)

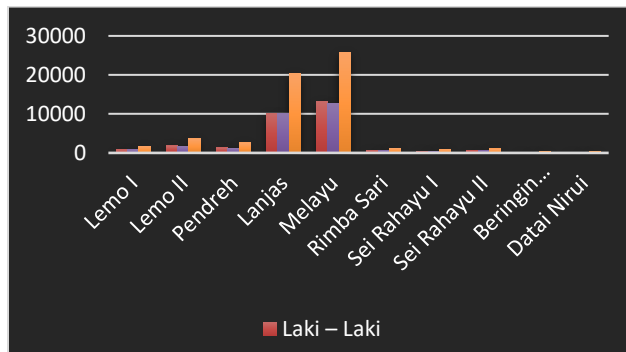


Figure 2 Graph of Population Data per Village/Kelurahan in Teweh Tengah District in 2019

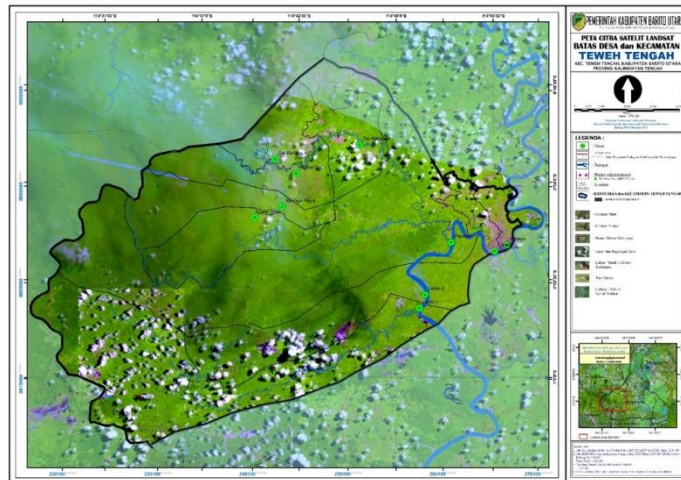


Figure 3 Map of Central Teweh District Administration

Source: (North Barito Regency Government, 2020)

In this study, the researcher uses the implementation theory of Merille S. Grindle as a framework, with the Edwards III model and the Van Meter and Van Horn models as supporting theories. Because this study uses a qualitative method without generalizing the research answers, all the answers that have been put forward by the informants will be explained by adjusting to Merilee S Grindle's theory, but still not eliminating other findings that are relevant to the implementation, even though they are not related to Grindle's theory. If it is related to the Implementation Theory of the Merilee S Grindle model described by Pertiwi & Frinaldi (2019);

Noviyanti (2018), the successful implementation of Permendagri Number 45 of 2016 concerning Guidelines for Determining and Affirming Village Boundaries between Lemo I Village and Lemo II Village can be seen from two things, namely the content of policy which is a political process and the context of policy. (Policy Implementation Context) which is an administrative process.

To answer the extent to which the implementation of the Minister of Home Affairs has been successful in resolving the boundary between Lemo I Village and Lemo II Village, the researcher will present the results of the research that has been carried out from the results of observations, interviews, documentation, and literature review regarding the Implementation of Permendagri Number 45 of 2016 concerning Guidelines for Determining and Affirmation of Village Boundaries in North Barito Regency (Case Study between Lemo I Village and Lemo II Village), with several indicators taken according to the theory of Implementation of the Merilee S Grindle Model. Before presenting the research results, the following sub-chapters will first describe the Minister of Home Affairs Regulation Number 45 of 2016.

Policy Substance

The government through the Ministry of Home Affairs issued Regulation of the Minister of Home Affairs Number 45 of 2016 concerning Guidelines for Establishing and Affirming Village Boundaries, with the aim of providing a legal umbrella and can be used as a formal legal reference as technical instructions for implementing village boundary settlement in accordance with technical and scientific principles.

The determination and affirmation of village boundaries is actually a work program from the government which aims to create an orderly government administration, can provide clarity and legal certainty to the boundaries of a village that meet technical and juridical aspects (Lukman & Riskiyanti, 2019; Rahman & Asikin, 2020).

The legal basis for implementing the village boundary determination and affirmation program which is currently used as a reference in solving problems related to village boundaries is the Minister of Home Affairs Regulation Number 45 of 2016 concerning Guidelines for Village Boundary Determination and Confirmation. This Permendagri is a substitute for Permendagri No. 27/2006 concerning Village Boundary Determination and Affirmation which is considered to be still not perfect and cannot accommodate the village boundary setting program. The issuance of this Permendagri aims to provide a legal umbrella and can be used as a formal legal reference as a technical guide for the implementation of village boundary settlement in accordance with technical and scientific principles.

According to Grindle Theory, the content / content of the policy in Permendagri Number 45 of 2016, will greatly affect the success of the implementation of the village boundary determination and affirmation program between Lemo I Village and Lemo II Village. So that in the following sub-sections, the results of the research will be described which as a guide is the Theory of Implementation of the Grindle Model, namely the content of policy which is a political process.

1. Interests affected by the policy

In the implementation of Permendagri Number 45 of 2016, the main targets are villages, including Lemo I Village and Lemo II Village. Which aims to provide certainty about the administrative boundaries of each village in question. To get an explanation of what interests are affected by the determination and affirmation of regional boundaries, in particular the boundary

between Lemo I Village and Lemo II Village, the researcher asked several parties whom the researcher considered competent, both based on the duties and functions of the position concerned, experience and knowledge of the field as well as historians or history of the process of determining and affirming the village boundaries.

Mr. Feri Edi Purwanto, ST, MT as the Head of Subdivision of Boundary Planning and Regional Cooperation, is of the opinion that the interests affected by the implementation of the Permendagri in relation to the determination and affirmation of the boundaries between Lemo I Village and Lemo II Village, are as follows:

“Para pihak yang kepentingannya akan terpengaruh dengan implementasi permendagri ini adalah Pihak Desa yang berbatasan, antara lain dari unsur perangkat pemerintahan desanya, masyarakat desanya, dan para investor yang akan mengelola sumber daya di wilayah desa tersebut khususnya di areal yang menjadi sengketa batas antar desa Lemo I dengan Desa Lemo II, karena batas desa akan menjadi jelas dan ada kepastian.” (The interview was held on April 20, 2020, at the North Barito Regency Regional Secretariat Office).

Mr. H. Jaini who is the Head of the Government Section of the Central Teweh District conveyed the same opinion, namely:

“Tentu saja pelaksanaan penetapan dan penegasan batas desa ini sangat berpengaruh. Yang pertama adalah kepentingan pemerintah, karena sudah jelas diamanatkan bahwa setiap desa itu harus memiliki batas wilayah yang jelas, dalam artian batas yang sudah memiliki payung hukum atau bersifat final. Karena batas ini dijadikan dasar untuk menyusun peta desa, perencanaan keuangan, perencanaan pembangunan, kemudian juga untuk dijadikan acuan administrasi kepemilikan tanah, data – data kependudukan, termasuk data untuk pemilihan umum. Selanjutnya yang kedua, apabila ada minat pihak ketiga untuk menanamkan modal investasi pada wilayah tersebut, maka batas desa ini menjadi penting, karena pengurusan perijinan dan lain – lain harus dimulai dari tingkat bawah, yaitu tingkat desa, nah mereka akan bekerja di desa mana? Harus jelas, jangan sampai nanti di tengah jalan mereka sudah beroperasi, ternyata pengurusan ijin mereka diawali dari wilayah desa yang keliru.” (The interview was held on April 21, at the Teweh Tengah District Office).

Noripansyah as the Head of Lemo I Village expressed a similar opinion, but slightly different, that:

“Dengan penetapan dan penegasan batas desa ini, tentunya akan memberikan pengaruh terhadap kepentingan – kepentingan terkait. Artinya akan ada penetapan batas definitif yang bersifat final, sehingga dapat dijadikan dasar untuk keperluan administrasi selanjutnya. Namun tentunya ukuran pengaruhnya nanti akan bagaimana, belum dapat kita pastikan. Karena kita akan melihat bagaimana penetapan secara substansi atas titik dan garis batas tersebut, apakah sudah sesuai atau masih sangat merugikan. Hal ini nanti juga berimbas pada usaha masyarakat, karena kebutuhan perusahaan biasanya akan display oleh warga pada desa tempat mereka melakukan aktifitas, walaupun tetap memberikan kesempatan juga kepada warga desa lain. Yang pasti adalah hasilnya nanti

akan mempengaruhi salah satunya adalah kepemilikan tanah dan administrasinya di lokasi yang disengketakan.“ (The interview was held on April 6, 2020, at the Lemo I Village Office).

2. Types of Benefits that will be generated

The government in making policies, whether in the form of programs, regulations or laws - aims to provide benefits, positive impacts and can solve problems - problems that occur in the midst of society and of course can bring change for the better. The benefits that can be obtained from the implementation of Permendagri Number 45 of 2016 concerning Guidelines for determining and affirming village boundaries, one of which is as a reference in an effort to resolve the boundary between Lemo I Village and Lemo II Village.

To be able to find out the benefits that can be obtained in implementing this Permendagri, the researcher has conducted interviews with informants who are members of the PPBDes Team and are actively involved in resolving the boundary between Lemo I Village and Lemo II Village. Mr. Ferry Edhi Purwanto, ST, MT, Head of Subdivision of Boundary Planning and Cooperation explained that the benefits obtained from the implementation of the Permendagri concerning the determination and affirmation of village boundaries are:

“Dengan adanya Permendagri ini, dimana tahapan – tahapan dan mekanisme yang tertuang di dalamnya sudah sangat jelas dan mudah untuk dijadikan acuan, sehingga akan memberikan pedoman yang memenuhi kaedah – kaedah teknis, teoritis dan hukum dalam penyelesaian penetapan dan penegasan batas desa. Manfaat yang diperoleh dari pelaksanaan penetapan dan penegasan batas desa ini adalah adanya kejelasan dan kepastian hukum terkait dengan batas wilayah Desa Lemo I dengan Desa Lemo II, sehingga secara pemerintahan seperti peta desa, perencanaan desa, administrasi kependudukan, administrasi pertanahan, pembangunan, sosial kemasyarakatan dan ekonomi sudah tidak membingungkan lagi masyarakat”. (The interview was held on April 20, 2020, at the North Barito Regency Regional Secretariat Office).

Mr. H. Jaini, Head of the Government Section at the Teweh Tengah Sub-district Office is of the same opinion as the previous informant, but is more concerned with the limitation of completion time, as follows:

“Saya kira banyak manfaatnya. Salah satunya disana diamanatkan bahwa jika terjadi perselisihan batas antara desa, maka jangka waktu mediasinya dibatasi selama 6 bulan saja, artinya perselisihan batas ini tidak akan berlarut – larut.” (The interview was held on April 21, at the Teweh Tengah District Office).

3. Desired degree of change

Policies that are made and enforced cannot be separated from the existence of a target to be achieved, one of which is a change in the target to be achieved. Law Number 6 of 2014 concerning Villages and Law Number 23 of 2014 concerning Regional Government, stipulate that the Village must have clear boundaries.

The importance of the certainty of the territorial boundaries of a village in order to ensure orderly administration, so that there is clarity and legal certainty regarding the territorial boundaries of a village (Susanti, 2016), the Government issued the Minister of Home Affairs

Regulation (Permendagri) Number 45 of 2016 concerning Guidelines for Determining and Affirming Village Boundaries. The hope is to provide guidance to the regions in the implementation of the settlement of boundary arrangements between villages within their respective territories, so that villages which so far have not had the determination and confirmation of village boundaries, with this rule, can be implemented immediately without causing new problems.

Permendagri Number 45 of 2016 replaces the previous regulation, namely Permendagri Number 27 of 2006 concerning Guidelines for determining and affirming village boundaries, which are considered no longer in accordance with current laws and regulations. The degree of change that is desired to occur with the implementation of this Permendagri can be understood based on the statements of the informants who have been interviewed. Mr. Ferry Edhi Purwanto, ST, MT, Head of Subdivision of Boundary and Cooperation said that:

“Dalam Permendagri ini mengatur tahapan – tahapan penyelesaian batas desa, antara lain tata cara penetapan, tata cara penegasan dan tata cara pengesahan. Dan yang lebih penting adalah terkait dengan tata cara penyelesaian perselisihan, yang mana pada poin ini mengatur peran Camat dan jangka waktu penyelesaian perselisihan serta jika penyelesaiannya tidak mencapai kata mufakat, maka Bapak Bupati selaku Kepala Daerah, akan menetapkan batas desa tersebut, dan Keputusan Bupati ini bersifat final. Sehingga pihak desa diharapkan cenderung untuk segera menyelesaikan perselisihan batas desa dengan cara musyawarah mufakat. Jadi dengan adanya permendagri ini, perubahan yang akan terjadi adalah dari batas desa yang belum selesai dan berlarut – larut, dalam jangka waktu tertentu akan dapat selesai, kemudian pihak desa dan kecamatan yang selama ini kurang konsen dalam penanganan batas desa, dapat memprioritaskan pelaksanaan penetapan dan penegasan batas desa ini.” (The interview was held on April 20, 2020, at the North Barito Regency Regional Secretariat Office).

Mr. H. Jaini, Head of the Government Section at the Teweh Tengah District Office stated that the desired changes were as follows:

“Jika penetapan dan penegasan batas antara desa Lemo I dengan Desa Lemo II ini dapat selesai, maka akan memberikan kepastian bagi pemerintah, baik kabupaten, kecamatan maupun desa. Serta yang lebih utama adalah adanya kepastian bagi masyarakat yang berkepentingan di areal yang menjadi sengketa batas saat ini.” (The interview was held on April 21, at the Teweh Tengah District Office).

In line with the previous informants, Mr. Noripansyah, the Village Head of Lemo I gave his views, namely:

“Salah satu perubahan yang bisa terjadi adalah Pihak Desa masing – masing tidak akan lagi mengeluarkan Surat – Surat Tanah pada areal batas yang sudah ditetapkan bukan merupakan wilayahnya. Sehingga hal ini dapat menghindari tumpang tindih surat – surat kepemilikan tanah. Secara umum dapat dikatakan yaitu perubahan administrasi, terutama pada areal yang selama ini menjadi permasalahan batas desa.” (The interview was held on April 6, 2020, at the Lemo I Village Office).

A similar view was also conveyed by Mr. H. Rusliansyah, Head of Lemo II Village, that:

“Perubahan yang dapat dihasilkan yaitu adanya kejelasan terhadap wilayah desa sehingga Pemerintah Desa selaku Pemangku Hak Otonomi Desa berskala kearifan lokal tidak ragu – ragu dalam mengambil keputusan dan kebijakan dalam memberikan pelayanan kepada masyarakat.” (The interview was held on April 13, 2020, at the Lemo II Village Office).

4. Position of policy makers

Decision making or policy in implementing a statutory regulation is closely related to stakeholders or stakeholders, where every decision taken must be in accordance with the provisions of the applicable laws and regulations (Abdullah, 2009). So that the determination of the stakeholders who will be involved in the implementation of a government regulation or program must be in accordance with the main tasks and limitations of the authority they have, as well as the capabilities and expertise they have mastered so that they become added value in achieving the target of implementing the regulation or program.

Thomas R. Dye in Budi Winarno (2012:20) states that policy is whatever the government chooses to do or not to do (public policy is whatever governments choose to do or not to do) (Irwanto, 2019). In this section, the researcher will present the results of interviews with informants, regarding their opinion about the position of policy makers involved in the implementation of Permendagri Number 45 of 2016 concerning Guidelines for Establishing and Affirming Village Boundaries in the context of resolving disputes over village boundaries between Lemo I and Lemo II Village in Central Teweh District.

Mr. Ferry Edhi Purwanto, ST, MT, Head of Subdivision of Boundaries and Cooperation is of the opinion that:

“Berpedoman pada Permendagri Nomor 45 Tahun 2016, serta memperhatikan pelaksanaannya selama ini, untuk pengambil kebijakan atau keputusan tertinggi adalah Bapak Bupati Barito Utara, selaku Ketua Tim sekaligus Penanggungjawab, karena apabila telah terjadi kesepakatan batas ataupun terdapat perselisihan batas desa yang menemui jalan buntu, pada akhirnya penetapan dan penegasan desa yang bersifat final adalah melalui Peraturan Bupati. Pengambil kebijakan selanjutnya adalah Camat, karena Camat yang akan memfasilitasi musyawarah mufakat dalam penyelesaian batas antar desa dalam satu kecamatan. Tim teknis tingkat Kabupaten saya kira termasuk pengambil kebijakan, meskipun tidak secara langsung, karena sifatnya hanya memberikan pertimbangan teknis kepada pimpinan. Dan yang terakhir adalah masing – masing Kepala Desa terkait, karena merupakan pejabat yang berwenang untuk menandatangani Berita Acara Penetapan dan Penegasan Batas Desa mewakili Desanya masing - masing.” (The interview was held on April 20, 2020, at the North Barito Regency Regional Secretariat Office).

Mr. H. Jaini, Head of the Government Section at the Teweh Tengah District Office expressed an opinion that is almost similar to the previous informant, namely:

“Menurut saya yang paling berwenang adalah masing – masing kepala Desa, karena pada dasarnya Kepala Desa lah yang menentukan, status titik dan garis batas desanya yang

dimusyawarahkan dapat diterima atau belum. Nah jika memang titik dan garis batas yang dimusyawarahkan tidak ada titik temu, maka pihak yang paling berwenang untuk mengambil keputusan adalah Bapak Bupati.” (The interview was held on April 21, at the Teweh Tengah District Office).

The views of Mr. Noripansyah, the Head of Lemo I Village are slightly different from the opinions that have been conveyed by the two previous informants, where the person concerned stated:

“Yang berwenang adalah Kepala Desa, karena Kepala Desa adalah perwakilan dari warga desanya, serta yang memiliki data histori dan data dokumen batas. Pihak – Pihak lain memiliki kewenangan untuk memberikan pertimbangan dan bersifat memfasilitasi saja.” (The interview was held on April 6, 2020, at the Lemo I Village Office).

Meanwhile, Mr. H. Rusliansyah, the Head of Lemo II Village gave the following views:

“Menurut saya yang berwenang adalah Tim Kecamatan sebagai Pemangku Kewenangan dan Keputusan, karena Desa Lemo I dan Desa Lemo II berada dalam satu Kecamatan Teweh Tengah.” (The interview was held on April 13, 2020, at the Lemo II Village Office).

CONCLUSION

Based on the findings in the field during the research regarding the Implementation of Permendagri Number 45 of 2016 concerning Guidelines for Establishing and Affirming Village Boundaries in North Barito Regency (Case Study between Lemo I Village and Lemo II Village, Central Teweh District), researchers can conclude that the implementation of regulations in an effort to settle the determination and affirmation of village boundaries between Lemo I Village and Lemo II Village in Teweh Tengah District, this has not been successful, this is because until now the boundary between the two villages has not yet reached an agreement and a meeting point, and even tends to lead to a status dispute. village boundaries. The obstacle in implementing regulations as a step to resolve the boundary between Lemo I Village and Lemo II Village, Teweh Tengah District is the sectoral ego of each village which persists with its respective boundary claims, but cannot be balanced with the technically required data. The problem of resolving boundaries that have not become the main focus or priority by the village, is limited equipment and technical personnel in the form of mapping equipment and operators who are able to operate it. There are different views or understandings related to procedures or mechanisms, especially in terms of the data needed between the District Technical Team and the Village Party, here the key words are not yet in sync and lack of coordination.

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