
**IMPLEMENTATION OF SAVINGS AND LOANS BUSINESS IN
VILLAGE-OWNED ENTERPRISES (BUMDES) BASED ON
GOVERNMENT REGULATION NUMBER 11 OF 2021 CONCERNING
VILLAGE-OWNED ENTERPRISES**

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Abstract (English)

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Latar Belakang: Keseriusan Pemerintah dalam membangun kesejahteraan sosial dibuktikan dengan dibuatnya Undang-Undang Nomor 6 Tahun 2014 tentang Desa. Dalam amanat Undang-Undang Nomor 6 Tahun 2014 tentang Desa, Pemerintah telah membuat program pengentasan kemiskinan. Yakni pembentukan Badan Usaha Milik Desa (BUMDes) adalah badan usaha milik desa yang didirikan oleh pemerintah desa yang kepemilikan dan pengelolaannya modal dilakukan oleh pemerintah desa dan masyarakat. Keberadaan BUMDes diharapkan dapat menggerakkan roda perekonomian di desa.

Tujuan: Penelitian ini termasuk dalam jenis penelitian normatif. Sehingga dapat diketahui bahwa dalam pelaksanaan perjanjian kredit dengan Badan Usaha Milik Desa (Bumdes) pada umumnya di Indonesia, diperbolehkan untuk meningkatkan omzet ekonomi di desa-desa yang terdapat Badan Usaha Milik Desa.

Metode: Penelitian ini termasuk dalam jenis penelitian normatif. Sehingga dapat diketahui bahwa dalam pelaksanaan perjanjian kredit dengan Badan Usaha Milik Desa (Bumdes) pada umumnya di Indonesia, diperbolehkan untuk meningkatkan omzet ekonomi di desa-desa yang terdapat Badan Usaha Milik Desa.

Hasil: Dapat dikatakan bahwa kreditur dalam hubungan kredit dengan debitur dalam waktu dan kondisi yang telah disepakati bersama, dapat mengembalikan atau dapat melunasi kredit yang bersangkutan.

Kesimpulan: Berdasarkan hasil penelitian dan pembahasan, dapat disimpulkan bahwa dalam pelaksanaan perjanjian kredit dengan Badan Usaha Milik Desa (Bumdes) pada umumnya di Indonesia, diperbolehkan untuk meningkatkan

omzet ekonomi di desa-desa yang terdapat Badan Usaha Milik Desa.

Kata Kunci: Usaha Simpan Pinjam, Badan Usaha Milik Desa, Peraturan Pemerintah

Abstract (English)

Background: The seriousness of the Government in building social welfare is evidenced by the creation of Law Number 6 of 2014 concerning Villages. In the mandate of Law Number 6 of 2014 regarding Villages, the Government has created a program to alleviate poverty. Namely, the establishment of Village-Owned Enterprises (BUMDes) is a village-owned enterprise established by the village government whose capital, the village government, and the community carry out ownership and management. The existence of BUMDes is expected to move the wheels of the economy in the village.

Objective: This research belongs to the normative type of research. So it can be known that the implementation of credit agreements with Village-Owned Enterprises (Bumdes) in Indonesia allows economic turnover in villages where there are Village-Owned Enterprises.

Method: This research belongs to the normative type of research. So it can be known that the implementation of credit agreements with Village-Owned Enterprises (Bumdes) in Indonesia allows economic turnover in villages where there are Village-Owned Enterprises.

Result: It can be said that the creditor in the credit relationship with the debtor within the time and conditions mutually agreed upon can return or repay the credit in question.

Conclusion: Based on the results of research and discussion, the implementation of credit agreements with Village-Owned Enterprises (Bumdes) in general in Indonesia, it is allowed for an increase in economic turnover in villages where there are Village-Owned Enterprises.

Keywords: Savings and Loans Business, Village-Owned Enterprises, Government Regulations.

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INTRODUCTION

The preamble to the 1945 Constitution of the Republic of Indonesia said that the purpose of independence was to promote the general welfare, educate the nation's life, and participate in carrying out a world order based on independence, lasting peace, and social justice.

The purpose of national development is to create a just, prosperous and prosperous society equally, both materially and spiritually, based on Pancasila and the 1945 Constitution (Sinaga, 2018).

The Government's seriousness in building social welfare is evidenced by the creation of Law Number 6 of 2014 concerning Villages. In the mandate of Law Number 6 of 2014 regarding Villages, the Government has created a program to alleviate poverty.

Namely, the establishment of Village-Owned Enterprises (BUMDes) is a village-owned enterprise established by the village government whose capital ownership and management are carried out by the village government and the community (Agunggunanto et al., 2016). The existence of this BUMDes is expected to drive the wheels of the economy in the village.

Village-Owned Enterprises (BUMDes) are Village Business Institutions managed by the community and village governments to strengthen the village economy and are formed based on the potential needs of the village.

Businesses in the economic sector are starting to be in great demand by the public today. Therefore, there are many emerging people's monetary units that appear in villages in Indonesia.

National Development is carried out at the lowest level, referred to as village autonomy. So the village has an essential role in national development efforts.

It makes the village no longer an object but a subject of development. According to Law Number 6 of 2014, village autonomy aims to realize the effectiveness of village administration, accelerate the improvement of the welfare of rural communities, accelerate the progress of the quality of public services to organize/regulate the allocation of sources and distribution of income, improve the quality of village governance, and improve village competitiveness.

The village government can establish village economic institutions to optimize the implementation of village autonomy. Law Number 32 of 2004 concerning Regional Government states that villages can establish village-owned enterprises following the needs and potential of the village.

Permendagri number 39 of 2010 concerning village-owned enterprises states that to improve the financial capabilities of the village government in the implementation of Government and increase community income through various economic business activities of rural communities, village-owned enterprises are established following the needs and potential of the village.

BUMDes was formed to make the village fund program a success set by the central Government. With the establishment of BUMDes, the focus of utilizing village funds is no longer on developing village facilities and infrastructure but on community empowerment to improve rural communities' welfare.

BUMDes are formed by the village government and at the initiative of the village community so that the formation of BUMDes is based on the community's needs and the village's potential. As a new institution in the village, the management of BUMDes is not only an institution to make a profit but as a non-profit institution whose task is to empower rural communities.

Community empowerment aims to improve rural communities' knowledge, understanding, and skills in productive economic activities carried out by BUMDes.

It is expected to increase the participation of rural communities, which has an impact on improving community welfare. The ultimate goal of establishing BUMDes is to realize an independent or autonomous village.

Independent villages can be realized through cooperation carried out by all village elements, including community participation. So community participation is the key to success in learning in an independent village.

In developing independent villages, BUMDes act as the facilitator. BUMDes is a forum for implementing productive economic activities in rural communities.

The Government has long carried out the development of the economic base in rural areas through various programs. But those efforts have not yielded the satisfactory results that were mutually desirable.

One of the efforts is to encourage village economic movement through village entrepreneurship which is accommodated in Village-Owned Enterprises (Bumdes) developed by the government and village communities.

Bumdes is a business institution engaged in managing village economic assets and resources within the framework of empowering village communities. The regulation of Bumdes is regulated in Article 1 number 1 of Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises that:

"Village-Owned Enterprises, hereinafter referred to as Village BUM, are legal entities established by villages and/or with villages to manage businesses, utilize assets, develop investment, and productivity, provide services, and/or provide other types of businesses for the maximum welfare of the village community."

A savings and loan business requires an agreement to remember what was promised. In the Third Book of the Civil Code (Civil Code), the binding section of Article 1313 says, "A covenant is an act in which one or more persons bind themselves to one or more other persons."

Meanwhile, the treaty's validity condition is contained in article 1320, which consists of four conditions in which it is agreed that they bind themselves; the ability to make an agreement; a certain thing; a legal cause.

In its implementation, Bumdes-Bumdes Mandiri in Indonesia carries out various types of businesses, one of which is engaged in microfinance services in the form of providing credit, savings, and loans. The provision of recognition by the savings and loans business of Independent Village-Owned Enterprises (Bumdes) is inseparable from the arrears of installments or bad debts made by customers.

It is due to the failure of the debtor to fulfill its obligation to pay installments of the credit principal and the interest the two parties have agreed upon in the credit agreement.

Default, or in other terms, the incarnation of promises/injury promises, is the beginning of bad debts, a condition where the debtor is unable or unwilling to fulfill the promise as stated in the credit agreement.

RESEARCH METHODS

The research method that will be carried out in this research is to use qualitative research methods and use a descriptive approach. It is normative legal research by analyzing events related to savings and loans by Village-Owned Enterprises with applicable laws and regulations, namely Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises.

RESULTS AND DISCUSSION

3.1 Implementation of Savings and Loans Business Activities in Village-Owned Enterprises (Bumdes) Based on Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises.

The term credit comes from the Latin "*credere*," which means trust. In Dutch, the term is "*vertrouwen*." In English, "*faith*" or "*trust or confidence*" means to believe.

It can be said that the creditor in the credit relationship with the debtor within the time and conditions mutually agreed upon can return or repay the credit in question.

According to O.P Simorangkir, credit is the provision of achievements (e.g., money, goods) with the reply of achievements (counter achievements) that will occur in the future (Muhammad & Murniati, n.d.).

In implementing credit applications at Bumdes Mandiri, Bumdes does not make it difficult for the community to obtain credit because the formation of bumdes itself is to advance the village economy and welfare.

Especially during the Covid-19 pandemic, people need money easily and quickly to finance their business and daily living needs, such as food needs and children's school fees, so the presence of independent bumdes can help rural communities meet the increasing demands of life.

Another purpose of providing credit to Bumdes in Indonesia is, so the people of Desa Dalam do not make loans to loan sharks.

For this reason, with the presence of Bumdes Mandiri, it is hoped that the community will not fall into the practice of loan sharks which is quite rampant and can wrap around the community in the future.

Article 3 of Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises made by BUMDES aims to:

- a. Conducting economic business activities through business management, as well as developing investment and economic productivity, and village potential;
- b. Carrying out public service activities through the provision of goods and or services as well as meeting the age needs of the village community and managing village food barns;
- c. Obtaining profits or net profit for the increase in the original income of the village and developing as much benefit as possible for the economic resources of the Village community;
- d. Utilization of Village Assets to create added value for Village Assets; and
- e. Developing a digital economy ecosystem in the village

In realizing the objectives of joint Village BUM / Village BUM as referred to in article 3, the management of Village BUM / Village BUM together is carried out based on the spirit of family and cooperation with the principles of:

- a. Professional;
- b. Be open and responsible;
- c. Participatory;
- d. Priority of local resources; and
- e. Sustainable.

The achievement of the objectives of joint Village BUM / Village BUM, as referred to in Article 3, is carried out through the development of the functions of village BUM / joint village BUM, including:

- a. Consolidation of goods and/or services of the village community;
- b. Production of goods and/or services;
- c. Containers, buyers, marketing product village communities;
- d. Incubation of village community businesses;
- e. Stimulation and dynamization of economic efforts of the village community;

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- f. Primary and general needs services for the village community;
- g. Increased practicality and economic value of cultural wealth, religiosity, and natural resources and
- h. Increased added value to village assets and original village income.

Article 50 in point D also explains that to obtain financial benefits and provide benefits to the community, the Village BUM / Village BUM Business Unit can carry out savings and loan business activities.

In addition to increasing village income, on the other hand, it can also help people who need funding, among others:

- a. Management of resources and potentials of both natural, economic, cultural, social, religious, knowledge, skills, and living procedures based on local wisdom in the community;
- b. Local resource-based processing industry;
- c. Distribution and trade networks;
- d. Financial services;
- e. Public services prioritize basic needs, including food, electrification, sanitation, and housing.

In the articles based on the Government Regulation of the Republic of Indonesia Number 11 of 2021 concerning Village-Owned Enterprises, it is permissible for Village-Owned Enterprises to conduct savings and loans business.

The arrangement can be further regulated in the Policy of the Head of BUMDes with the Village Head.

3.2 Obstacles that occur in the fulfillment of savings and loan business agreements in Village-Owned Enterprises (Bumdes) based on Government Regulation Number 11 of 2021 concerning Village-Owned Enterprises.

At the beginning of its development, credit directs its function to stimulate both parties to help each other to achieve needs both in the business field and daily needs.

The party who gets the credit must be able to show higher achievements in the form of progress in their business or get the fulfillment of their needs.

As for the party who gives credit, materially, he must obtain rentability based on a reasonable calculation of the capital used as the object of praise and spiritually get satisfaction by being able to help the other party to achieve progress (Djumhana et al., 2014).

Credit categorized as non-performing loans is if the quality of the credit is classified as a level of collectibility that is less current, doubtful, and bad.

Non-performing loans are risks contained in any credit provision by banks. The trouble is in the form of a state in which credit cannot return in time.

Various factors can cause non-performing loans in banks. For example, there is intentionality from parties involved in the credit process, errors in lending procedures, or caused by other factors such as macroeconomic factors (Dewi, 2018).

In general, in implementing lending at Bumdes, some factors cause bad debts, where these factors arise from the debtor, namely the customer.

In general, the factors of obstacles that occur in fulfilling savings and loan business agreements in Village-owned enterprises (Bumdes) include the following:

- 1) The bad faith of the debtor is that the debtor who does not have good faith deliberately does not pay or has no intention to repay the credit installments following what has been agreed by the parties in the letter of agreement so that there is a default or bad credit in the credit agreement.
- 2) Erratic income due to the increased revenue from debtors is uncertain, and even the day decline in people's purchasing power due to the Covid-19 pandemic which then has a direct impact on the income obtained from the debtor's business,

especially the increasing needs of life which results in debtors experiencing bad debts.

- 3) Crop failure on agricultural land from debtors is also one of the causes of bad debts. Pest attacks, climate change, and fertilizer scarcity usually cause crop failure. In the Sumbawa regency itself, during the Covid-19 pandemic, fertilizer is quite challenging to obtain, and as we already know, fertilizer is essential for plant growth. It results in the debtor's income being reduced so that debtors experience bad debts due to the debtor's income. They work as a farmer of agricultural products managed by debtors.
- 4) Credit funds are used for other purposes in which the credit, whose goal was initially given as capital to increase the debtor's business, but due to urgent needs, the credit funds are used for other purposes such as paying debts, children's school fees, and so on.
- 5) The debtor defaults or does not pay installments due to family problems such as divorce, prolonged illness, and death.

CONCLUSION

Based on the results of research and discussion, it can be concluded that the implementation of credit agreements with Village-Owned Enterprises (Bumdes) in Indonesia is allowed to increase economic turnover in villages with village-owned enterprises.

Furthermore, the obstacles during credit agreements between Village-Owned Enterprises and the Community include Bad faith from debtors, uncertain income, crop failure on agricultural land, credit funds used for other purposes, and debtors defaulting or not paying installments due to family problems.

Suggestion

Selecting prospective customers, Village-Owned Enterprises should be even more strict in choosing prospective customers to be given this credit facility to avoid defaults and losses that this can cause.

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