

Badan Usaha Milik Desa: Kedudukan Dan Pengaturannya = Village Owned Enterprises: Status And Regulations

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Abstrak

Badan Usaha Milik Desa sebagai motor penggerak ekonomi masyarakat desa mendapatkan amanat baru dari Undang-Undang tentang Cipta Kerja mengenai bentuk hukum dari badan usahanya. BUMDes diharuskan untuk menjadi badan usaha yang berbadan hukum sesuai dengan amanat Pasal 117 Undang-Undang tentang Cipta Kerja. Pengaturan status BUMDes melalui Undang-Undang tentang Cipta Kerja dianggap menjadi sebuah solusi atas ambiguitas status dan bentuk hukum BUMDes selama ini, namun nyatanya masih terdapat beberapa pertanyaan lain yang membutuhkan jawaban seperti kedudukan BUMDes dalam struktur pemerintahan desa dan pembentukan BUMDes yang sesuai dengan karakter desa dan potensinya. Penelitian ini disandarkan pada metode penelitian yuridis normatif dengan tipologi preskriptif analitis. Melalui pengaturan tentang BUMDes, didapati bahwa kedudukan organ BUMDes sudah terpisah dari pemerintahan desa, namun masih terdapat beberapa permasalahan seperti kurang kemampuan desa dalam menemukan potensinya untuk dijadikan jenis usaha dari BUMDes yang dimilikinya.

.....Village-Owned Enterprises as the driving force for the economy of rural communities have received a new mandate from the stipulation of a Government Regulation in lieu of the Law on Job Creation regarding the legal form of business entities. Village-Owned Enterprises are required to become legal entities in accordance with the mandate of Article 117 of the Law on Job Creation. Regulating the status of Village-Owned Enterprises through Law on Job Creation is considered to be a solution to the ambiguity of their status and legal form. Whereas, there are still several other questions that require answers such as the position of Village-Owned Enterprises in the village government structure and the formation of Village-Owned Enterprises. Belongs to the Village in accordance with the character of the village and its potential. This research is based on normative juridical research method with analytical prescriptive typology. Through the regulation regarding Village-Owned Enterprises, it was found that the position of Village-Owned Enterprises organs was already separated from the village government, but there were still some problems such as the inability of the village to find its potential to become a type of business from the Village-Owned Enterprises.