

The village-owned enterprise in the Context of the Villagers' Welfare

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Abstract

Village-owned enterprises is an important entity in the Indonesian democratic economic system that aims to improve the well-being of the villagers. The economic democratic system in the village refers to the principle that the village economy is managed and planned by the villagers in accordance with their potential, on the basis of family and royong gotong. The research emphasizes that Village-owned enterprises was established to accommodate all economic and public service activities managed by the village or inter-village cooperation, in accordance with Government Regulation No. 11 Year 2021. The main objective of Village-owned enterprises is to increase the prosperity of the people of the village through economic independence and the application of the principles of economic democracy. As a legal body, Village-owned enterprises, is expected to comply with applicable regulations and laws with high transparency and accountability, as well as ensuring the sustainability of programs that benefit the village community. Public participation in decision-making is also the key to achieving shared happiness and well-being. Philosophically, Village-owned enterprises should be able to fill the void in village development and not replace existing economic activity. With professional management and integration into local and national economic systems, Village-owned enterprises is expected to improve the well-being of the villagers sustainably.

I. Introduction

Village-owned enterprises, also known as Badan Usaha Milik Desa (BUMDes) in Indonesia, are community-based businesses established to enhance the economic welfare of rural populations. The concept of BUMDes is rooted in the idea that local resources, when effectively managed and utilized, can significantly contribute to the socio-economic development of a village (Kamil et al., 2023). The establishment and development of BUMDes are aimed at creating job opportunities, reducing poverty, and fostering self-sufficiency among villagers.

The inception of *BUMDes* can be traced back to various government initiatives aimed at rural development. In Indonesia, for instance, the Village Law No. 6 of 2014 provided a legal framework for the establishment of BUMDes. This law emphasized the importance of empowering villages by granting them autonomy to manage their resources and develop local enterprises. The objective was to stimulate rural economies and improve the standard of living for villagers (Castellani et al., 2022; Firmansyah, 2018).

The economic impact of BUMDes is multifaceted. By leveraging local resources, these enterprises can generate income for the village and its residents. Profits from BUMDes are often reinvested into the community, funding infrastructure projects, education, healthcare, and other social services. This reinvestment cycle is crucial for sustainable development and poverty alleviation.

Socially, BUMDes foster a sense of community and collective responsibility. They provide a platform for villagers to collaborate, share knowledge, and develop skills. This collaboration not only strengthens community bonds but also enhances social capital, which is essential for the overall development of the village (Manggu & Beni, 2020; Prasetya & Prajanti, 2023).

Despite their potential, BUMDes face several challenges. These include limited access to capital, inadequate managerial skills, and a lack of market access. Addressing these challenges requires comprehensive support from the government, non-governmental organizations, and the private sector. Training programs, financial assistance, and market linkages are critical components of this support (Asmaranti & Nuswantara, 2022; Setiawan & Malihah, 2021).

However, the opportunities for BUMDes are significant. The growing interest in sustainable and locally-produced goods presents a market opportunity for BUMDes. Additionally, the digital economy offers new avenues for BUMDes to market their products and services beyond local boundaries. E-commerce platforms and digital marketing can help BUMDes reach a wider audience, increasing their revenue potential.

The establishment and development of BUMDes are pivotal in the context of

villagers' welfare. These enterprises have the potential to transform rural economies by creating jobs, generating income, and improving living standards. However, realizing this potential requires addressing the existing challenges and leveraging new opportunities. By doing so, BUMDes can become a cornerstone of rural development and a model for sustainable community-based enterprises.

The concept of economic democracy is intricately connected to the idea of popular sovereignty in the economic domain. In the Indonesian context, the term "UUD 1945" refers to the Constitution of the Republic of Indonesia of 1945. The opening statement of the Constitutional Law of the United Republic of India of 1945 explicitly states that the goal of independence is to promote the general well-being, improve the quality of life for the nation in a fair and prosperous manner, prioritize the welfare of the community, and shape the entire Indonesian population. The economic democratic system is a national economic system that reflects the principles of Pancasila and UUD 1945, emphasizing the importance of family and the empowerment of the people through their participation in economic activities. Based on the aforementioned context, this study seeks to examine how BUMDesa can enhance the welfare of the rural population by assessing the level of happiness in the villages.

2. Research Method

The methods used in this research are normative legal research. The approaches used are legal approaches, conceptual approaches and philosophical approaches (Johnny Ibrahim, 2005; Negara, 2023; Syahrur, 2022). The sources of legal material used in the research are the Basic Law of the Republic of Indonesia 1945, the Law No. 6 of 2014 on the Village (No. 6/2014), and Government Regulations No. 11 of 2021 on the Rural Property Enterprise and its amendments PP 47 of 2015 and the Village Ministry Regulation No. 4 of 2015.

3. Results and Discussion

The village government is an extension agency of the central government that has a strategic role in the settlement of the village community and the success of development. Because the village government has a very significant role in the management of village-scale natural resources, given the location of these natural resources are administratively in the village. The main tasks of the village government include providing good social services to lead its citizens to a peaceful, peaceful and just life (Navisa et al., n.d.; Susanto et al., 2022). The system of economic democracy is closely linked to the notion of people's sovereignty in the economic sphere. In the context of Indonesia referring to the 1945 Basic Law (hereinafter referred to as UUD 45), an economic democratic system is a national economic system which is an embodiment of the philosophy of Pancasila and UUD 45,

which is based on family and separation of, by and for the people (Chotijah & SH, 2015; Feith, 2007; Najicha & Hermawan, 2019).

Referring to the above definition, it can be concluded that economic democracy in a village is an economic system that enables villagers to learn and design the economy they want to do with the potential they have. Not enough to stop there, the villagers are also responsible for the economic survival which in turn has a positive impact on all villagers. This is the soul of economic democracy. The village-owned enterprise, known as BUMDes in Indonesia, was born as a form of economic democracy in the village (Harmono, 2023; Mulawarman et al., 2023; Sofyani et al., 2019).

Philosophically, BUMDes must incorporate the principles of economic democracy in accordance with Article 33 UUD 45. There are some important points there, first, the economy is structured as a joint venture based on family. Secondly, these branches of production are important to the country and affect the life desires of the people dominated by the state in this case the government of the village. Thirdly, the earth, the water and the natural wealth contained therein are in the hands of the State and are used to the greatest extent for the welfare of the people. Fourthly, the national economy is organized on the basis of economic democracy based on the principles of equality, efficiency, fairness, sustainability, environmental consciousness, independence, in the balance of progress and national economic unity (Kamil et al., 2023). Its connection to the purpose of the country, BUMDes is part of the way to the prosperity of the people. Furthermore, BUMDes must be able to implement the spirit of the sovereignty and economic independence of the village.

In the Village Minister's Regulations number 4/2015 on BUMDes Article 2 described the establishment of BUMDes intended as an attempt to cover all activities in the field of economy and public services managed by the village or cooperation between the villages. In accordance with Government Regulation No. 11 of 2021 (known as PP 11 Tahun 2021).

Utility has always been associated with Jeremy Bentham's theory of utilitarianism. The term "the greatest happiness of the greatest number" has always been identified as the happiness determined by the multitude, so that the measure of majority happiness defines how the law is formed. So the countermeasures of such a legal instrument are "happiness" and "suffering". Basically, the conception of happiness determined by the majority, was the most recent breakthrough when Jeremy Bentham dealt with it in his day (Crimmins, 2015; Hurtado, 2008).

Bentham's utilitarianism prioritizes the attainment of the highest possible level of pleasure or utility for the largest possible number of individuals. The primary objective of BUMDes is to ensure the welfare of its inhabitants, and the principles of utilitarianism can be employed to achieve this objective. The theory of Utilitarianism's fundamental concept is typically straightforward: the maximization of the utility of an action in order to derive benefit, advantage, pleasure, good, or satisfaction. It is anticipated that the process of optimizing availability will be able to prevent the emergence of pain, evil, suffering, or

sentiments that cause unhappiness. The assessment of the process of maximizing disclosure is based on the question "Does the action give me disclosures?" and is then applied specifically to the real actions that take place in society. From the question, an evaluation of the action (whether performed actively or inactively (commission or omission), the phenomenon that occurs in society, and/or a concrete event will be based on the power and utility of the action, phenomena, or event to the individual who experiences it, using the concepts of utilitarianism. The concept of utilitarianism is also bitter due to the process of calculating between pleasure and pain. When an action, phenomenon, or event generates more happiness than it does suffering, it is "disclosure" to society. Conversely, when the action, phenomenon, or event generates more suffering, it is not "disclosure."

The concept of utilitarianism, as defined by Jeremy Bentham, posits that when an individual encounters an event that is morally significant to them, we can determine the individuals who will be impacted by the action, as well as the extent of the pleasure and pain it can inflict on them. We can then select an action that will optimize happiness or alleviate the sensation of suffering. Furthermore, in his theory of utilitarianism, Jeremy Bentham also believed that the process of maximizing the availability, in which the maximization of the availing is the same as the maximization of happiness, benefit, profit, and pleasure for as many people or in the same premises, is equivalent to minimizing the suffering of so many people affected by situations that are morally important to him. Furthermore, the maximum availing of the information is equivalent to this. In this context, Jeremy Bentham does not address the significance of morality in the calculation of pleasure and pain, nor does he address the significance of morals in society. Rather, he employs morality as a criterion (or justification) for the use of pleasure and pain calculations. Consequently, the distinction between pleasure and suffering can be quantified when there are actions, events, or phenomena that society deems to be significant from a moral perspective. Consequently, if a solution to the issue is not discovered, there will be a discrepancy between the two. Consequently, utilitarianist writer Jeremy Bentham posits that it becomes exceedingly pertinent when employed as an analytical instrument in opposition to a legal policy.

The legal product related to BUMDes is the subject of the researchers' analysis of pleasure and pain (Anggraeni, 2016; Kirowati & Setia, 2018). The calculation process is lawful, as it involves the use of seven quantitative variables to determine the level of pleasure that will result from an action namely;

- 1) The intensity of enjoyment, which is the degree of strength or magnitude of the enjoyment or suffering produced by an action, is used.
- 2) The extent of the positive impact experienced by the village and the village community as a consequence of the existence of a legally-owned village business agency can be used to quantify the intensity of its enjoyment. It encompasses factors

such as the economic benefits that are produced, the level of empowerment of the community, and the sustainability of business activities. How long the delight or suffering is experienced, or the duration of the enjoyment. An endeavour or activity that is sustainable and has long-term benefits may be deemed more profitable.

- 3) The degree of certainty or uncertainty regarding the satisfaction. To the extent that the enjoyment or benefits that BUMDes has promised are legally enforceable. Application to BUMDes is legally binding; however, the assurance of benefit fulfilment may necessitate clarity in the rules and provisions that govern BUM Village, including the rights and obligations of BUMDes and the rights and interests of the village's residents. Such certainty can enhance utility if the fulfilment of such benefits can be predicted and guaranteed in accordance with existing regulations. Uncertainty may result if BUMDes is unable to guarantee or fulfil the benefits as promised in accordance with the relevant regulations. This can be the result of economic instability, changes in government policies, or internal issues in the management of village BUM. The level of utility can be diminished by uncertainty, as the residents may experience feelings of insecurity or perceive significant risks associated with the promised benefits. The certainty of benefit fulfilment is essential in the measurement of utility in Bentham's utilitarianism. The degree of net satisfaction that an action generates can be influenced by uncertainty, as societies tend to prioritize benefits that are reliable and guaranteed. Consequently, in the context of a legalized village BUM, an endeavour to reduce uncertainty and increase certainty in the fulfilment of benefits can be considered a positive factor from a utilitarian perspective.
- 4) The accuracy in the context of Jeremy Bentham's theory of utilitarianism, particularly in relation to the village ownership agency (BUM Village) under the law, can be interpreted as the degree to which BUMDes is able to fulfil promises or provide benefits in accordance with the current rules and laws. In this context, the ability to accurately evaluate the positive impact of a policy or action on the contentment of the village population can be a significant factor. The following are a few observations regarding the precision of the satisfaction it provides:
 - a) Adhere to regulations and laws. The extent to which BUMDes follows the regulations and legislation that regulate its operations as a legal body. Accuracy can be determined by how well BUMDes adheres to government regulations governing Village-Owned Enterprises. If BUMDes can continuously comply with applicable laws and regulations, it will improve the precision with which promised benefits are fulfilled.
 - b) Transparency and accountability. The extent to which BUMDes communicates clearly and openly with the village community about program implementation and resource use. Application for BUMDes with

legal entity: Transparency and accountability can improve accuracy by allowing the village community to monitor and analyse the extent to which the promised benefits are fulfilled. BUMDes that is honest in its rules, fund management, and reporting can build public trust.

- c) Program and Project Sustainability, which refers to BUM Desa's ability to sustain programs or initiatives that benefit the village community. The sustainability of BUM Desa's programs or initiatives can improve accuracy because the promised advantages can be seen by the village community in a sustained manner while adhering to existing regulations and policies.
- d) Community participation. The village community's involvement in BUMDes program decision-making and implementation. Increasing community participation can improve the accuracy and satisfaction of enjoyment, as policies or programs that involve the ambitions and needs of the community tend to be more targeted.

In Bentham's utilitarian view, accuracy in fulfilling delight is critical because activities that successfully and consistently bring positive advantages to the village community have a stronger positive impact on net happiness. As a result, BUMDes with a legal body that can ensure accuracy in delivering benefits in compliance with legislation has the potential to be viewed more moral from a utilitarian standpoint.

The degree of consistency with which the delight produced will be followed by similar pleasures (that is, pleasures must be followed by pleasure and pain will be followed by pain). This implies the degree to which the delights generated by BUMDes are consistent and continuous. A high degree of consistency can be attributed to BUMDes consistent organization of activities or projects that offer the village community positive benefits or enjoyment in accordance with the established regulations (Pradnyani, 2019). For instance, the legal entity of BUM Village is associated with the sustainability of economic programs, education, or community empowerment.

The concept of consistency or "propinquity" was one of the critical factors in evaluating the impact of an action on pleasure or utility in Jeremy Bentham's theory of utilitarianism. Propinquity is the term used to describe the proximity or continuity of the enjoyment or suffering that an action produces. Propinquity can be considered to be the consistency of the enjoyment produced by BUMDes and whether it is followed by other pleasures in the context of the village-owned enterprise agency. BUMDes verses a legal body that is capable of providing enjoyment sustainably and consistently in accordance with the rules can be considered superior in a utilities perspective by paying attention to the principles

of consistency and propinquity in Bentham's utilitarianism. In accordance with the principles of utilitarianism, the net contentment of the villagers can be enhanced by maintaining a consistent level of benefits.

The principle that actions or policies should not cause greater pain or suffering than the delight produced is referred to as the absence of the possibility of the opposite sensation in Jeremy Bentham's theory of utilitarianism. In other words, these actions should not have a substantial negative impact or introduce sensations that are in opposition to the objective of achieving the highest possible level of pleasure or utility.

Applying this idea to Village-Owned Enterprises that have legal standing might encompass various significant elements. Initially, BUMDes must strive to mitigate any adverse consequences that may result from implemented policies or undertaken actions. Consequently, BUMDes must develop and execute policies that take into account ethical considerations in the areas of financial management, natural resource policy, and social consequences. This is necessary in order to prevent substantial adverse effects on village residents and the surrounding environment. Furthermore, BUMDes should prioritize their endeavours on enhancing the well-being of rural areas by implementing policies and doing programs that yield favourable outcomes. This involves taking into account the social, economic, and environmental consequences in a comprehensive manner to ensure that every action made results in enjoyment and benefits without producing any inevitable bad effects. Furthermore, it is imperative to take into account the crucial elements of transparency and community engagement. In order to ensure community knowledge and support, it is imperative that village communities are actively engaged in decision-making and BUMDes policy procedures. By actively engaging the community in the decision-making process, BUMDes can guarantee that the policies implemented align with the community's needs and desires, hence mitigating the likelihood of conflict or discontent.

Referring to the principle of quantity in Bentham's utilitarianism, BUMDes as a legal entity must ensure that the policies and actions taken can provide maximum positive impacts for the largest number of people in the village community. This involves efforts to equalize pleasure or benefits and avoid inequality in the distribution of positive impacts.

From the variables above, we can simplify them into three forms of pleasure preferences to facilitate the calculation of morality, namely how often the pleasure is obtained/given, how long the pleasure is enjoyed, and how quickly the pleasure occurs in the near future. Then if an assessment is to be implemented to a community group, in this case we are talking about the existence of BUMDes as a legal entity, then the pleasure preference is added and refilled with one more

variable, namely the distribution of the pleasure to everyone in the village. BUMDes as a legal entity can be a tool to improve the welfare of the village community by ensuring that the actions and policies taken provide maximum positive impacts for society as a whole.

According to Bentham, this principle of utilitarianism must be applied quantitatively. Because the quality of pleasure is always the same, the only aspect that can differ is its quantity. Thus, not only the greatest number can be calculated, but the greatest happiness can also be calculated. In the context of BUMDes as a legal entity, the analysis of Pleasure and Pain can be defined as the successful strengthening and repositioning of the BUM Desa institution. Strengthening the BUMDes institution is based on two things, first, recognition of BUMDes recognition, namely BUMDes is a local village institution with respect for the historical context, locality and ability of the village to solve its own problems and affairs with a spirit of family and the principle of mutual cooperation. Second, BUMDes must be integrated with the local and national economic system, for that BUMDes needs to obtain legal entity equality and be managed professionally. Unlike purely commercial business entities, BUMDes has elements and principles for BUMDes to meet the categorization as a social enterprise.

The perspective that BUMDes is a social enterprise has not been communicated generally and evenly. This initial misunderstanding will have a major impact on the direction of policy for BUM Desa, because BUMDes is measured and equated with something that is not quite the right size and has different functions. The presence of PP no. 11 of 2021 concerning BUMDes is an important milestone for BUMDes to strengthen its role and function, and become a guide that should be accepted by all ministries, local governments, as well as state institutions and other institutions. The breakthrough in PP 11/2021 is the recognition of BUMDes as a special legal entity equivalent to PT, Cooperatives and Foundations. Through this policy, the legal basis for establishing BUMDes remains in the Village regulations, but BUMDes can obtain the equivalence of a Legal Entity at the Ministry of Law and Human Rights.

BUMDes currently has a clear and generally applicable reference, meaning that things that deviate from the general reference and provisions can cause BUMDes to have problems in general. Before PP 11/2021, BUMDes "did not exist" in the eyes of the law, there were only individual managers or village heads as advisors, but after PP 11/2021, BUMDes became a Legal Entity, which is bound by the provisions of governance detailed in PP 11/2021. Therefore, the aspect of compliance in governance becomes very important, not only related to the performance of BUM Desa, but most importantly for the safety of BUM Desa managers. Unlike purely commercial business entities, the institutional aspect must

be fixed first, before starting any business. Like a house, the institutional aspect in BUMDes is its foundation. BUMDes needs space and time. BUMDes is a central and empty space. The central space where the village government and village community meet to build their village. Only BUMDes can institutionally become a collective business vehicle with joint ownership (the village government at least 51% and the rest can be owned by the village community).

In a philosophical sense, BUMDes must also be capable of occupying vacant spaces. Ideally, BUMDes does not need to be stationed in a corner of the village when the entire community is prosperous. This is because the objective of BUMDes is to enhance the village community. If all members of the community are prosperous, BUMDes does not need to be stationed, and the majority of the village community will experience the pleasure value or enjoyment of BUMDes' existence. This is because the presence of BUMDes does not disrupt, displace, or replace the economic activities that have been conducted by the community.

4. Conclusion

BUMDes is an important entity in the Indonesian economic democracy system that aims to improve the welfare of village communities. Economic democracy in villages refers to the principle that the village economy is managed and designed by villagers according to their potential, with the principles of family and mutual cooperation. BUMDes was established to accommodate all economic activities and public services managed by the village or cooperation between villages, in accordance with Government Regulation Number 11 of 2021. In this context, BUMDes aims to Increase People's Prosperity: BUMDes acts as a tool to achieve village people's prosperity through economic independence and the application of the principles of economic democracy. Second, Jeremy Bentham's utilitarianism theory is applied in the analysis of BUM Desa policies. This concept emphasizes achieving maximum happiness for the largest number of people. Seven quantitative variables are used to measure the level of happiness generated by BUM Desa policies, namely intensity, duration, certainty, accuracy, consistency, minimization of negative impacts, and the extent of policy influence.

BUMDes as a legal entity is also expected to comply with applicable regulations and laws, with high transparency and accountability, and ensure the sustainability of programs that benefit the village community. Community participation in decision-making is also the key to achieving happiness and shared prosperity. Philosophically, BUMDes must be able to fill the gap in village development and not replace existing economic activities. With professional management and integration into the local and national economic systems, BUMDes is expected to be able to improve the welfare of village communities in a sustainable manner.

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