

IMPLEMENTATION OF THE VOCATION SCHOOL OF LEGISLATION AGENCY IN VILLAGE CONSULTATIVE DEPARTMENT AGREEMENT (Study of The Implementation The Sriwulan Village BPD Sayung, Demak)

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Abstract

Regional autonomy is actually a new way for the government and village communities to build their villages according to the needs and aspirations of the community. The implementation of development in the village is intended to improve the standard of living and welfare of the village community itself through the establishment of policies, activities program that are in accordance with the essence of the problem and priority needs of the village community. The Village Consultative Department (BPD in Indonesian) is an institution of the realization of democracy from the village community or an institution that represents the voice of the community and is a working partner of the village structure in administering birocration in the village head along with his device was overseen by the Village Consultative Department (BPD in Indonesia). The method of the approach used in this study is the Juridical Sociological approach, it uses the Juridic-Sociological. The selection results obtained include: 1) Inbiting factors influenced by human resource factors both from the village Government itself as the highest office holder in the village, as well as from BPD members who are tasked with assisting in the implementation of the legislative functions of approval and discussion of illage regulations. 2) Solutions and efforts, the village birocration is expected to conduct training in human resource development such as improving the quality of education and developing capabilities in shapping regulations.

Keywords: Consultative; Legislation; Village Regulation.

A. INTRODUCTION

Constitution of the Republic of Indonesia in 1945 Article 1 (1) states that the State of Indonesia is a unitary state of the Republic. Then in paragraph (2) and sovereignty is in the hands of the people and carried out in accordance with the Constitution of Paragraph (3) Indonesia is a State of Law. In Article 18 paragraph (1) of the Republic of Indonesia shall be divided into provincial regions and areas of the province is divided into districts / cities, which each district / city has the local government, in actual device

requires the Government in the area, because it was realized that no all government affairs can be carried out by the central government.

Furthermore, within each district / city are the lowest administrative unit called the villages and villages. Thus, the village and the village is a unit under the lowest pemerintah district / city governments. The existence of the village as a self-governing community of autonomous or independent. In fact it can be said that a range of structural organization of the State only up to the district level is considered as an autonomous

region and fostering arrangement submitted to the dynamics of living in society itself autonomously.¹

Unit of Local Government here is a unit of Provincial Government, District and Town or Village Government special or privileged, such as administration system of the village that are exclusive and special, such as system administration village in the province of West Sumatra called the villages, and in some other areas developing systems that are typical village administration, special or privileged. The village and the village is the lowest in two units of government with different status.²

The village government as a spearhead in the local government system will be in contact and in direct contact with the public. The systems and mechanisms of local government administration strongly supported and determined by the Government of the Village and Village Consultative Department (BPD) as part of the Regional Government. Reform and regional autonomy is actually a new hope for the government and villagers to build the village according to the needs and aspirations of the community. For the majority of the village government officials, autonomy is a new opportunity to open up space for personnel krativitas village in managing the village, for example, all the things that will be done by the village government must get approval from the district, for now it does not apply anymore. It definitely makes the village

government more flexibility in determining the development programs to be implemented, so that it can be adapted to the needs of rural communities.³

The enactment of Act No. 6 Of 2014 About the village, the position of the Village Consultative Department (BPD) is changing. If earlier BPD is an element of the village government organization is now a village institution. From the function of the law turned into a political function kinifungsi BPD among others to discuss and agree draft Regulation village along the village chief, and share their aspirations and the village community to supervise the performance of the Village Head (Article 55 of Act No. 6 of 2014). While the task is to organize village meetings (*Musdes*) attended by the village head, village groups, and community leaders. The number of participants depends on the situation the condition of each village. Deliberation village functions as a platform together and discuss all the policies of the village. In the past, the village only be the object of development. Law of the many successive illustrates how dynamic the formulation of government regulatory policy areas in Indonesia.⁴

Act Rural born of struggle and a long journey. The essence of this law is about the allocation of funds for the village. In relation to the salary of BPD, BPD is different from the village. If the village get a salary of more then a crooked land and BPD did not

1 Jimly Asshiddiqie. 2006. *Konstitusi dan Konstitualisme Indonesia*. Konstitusi Press. Jakarta., P. 286.

2 *Ibid*, P. 298.

3 Ni'matul Huda, 2009, *Hukum Pemerintahan Daerah*, Nusamedia, Bandung, P.84.

4 Christia, et al, 2000, *Jaman Daulat Rakyat*, LaPera Pustaka Utama, Yogyakarta, P.21-22.

get a salary. BPD is a calling for those concerned with the village, the core of this Act is located on the allocation of funds for the village. If yesterday the allocation of funds for the village only ADD (Village Allocation Fund) it is now coupled with the ADD (Village Allocation Fund), in addition ADD (Village Allocation Fund) on average will rise. If the head area does not allocate these funds, the funds will be withdrawn by the central government. The local government has no authority to manage, but only became an intermediary between the village center. There is a component for the village are: strong, independent, advanced and democratic. The initial components of the components are self-contained village. If yesterday village depending on the kindness of regional heads the village now have to strengthen his position. The village is no longer the representative of the government but became a community leader. The village government will dijdikan the bottom of the structure of government civil administration, but the village is separated from the customs that underlie the livelihood of rural communities.⁵

Village Regulations which have been made by the Village Head together with the Village Consultative Department (BPD) in the village of Sriwulan District of Sayung Demak were: Regulation village of Plan Budget of the Village (RAPBDes), Village Regulations on village-owned enterprises (BUMDes) , Village Regulations on Work Plan for Rural Development (RKPDes), Village

Regulations on Rural Medium Term Development Plan (RPJMDes).

In construction, the village is the first object or arena for the State, now that the new Act will come to it. The village no longer around proposals but needs sufficient funds from allocations that have lost in Act village. Strengthening country village with the allocation of funds so that at the time of the election campaign there will be no candidates who promise anything because the village had been helpless. For the Village Consultative Department Act No. 6 of 2014 About the village is expected to become a weapon to be able to run the Village Consultative Department of principal and task function properly.

In order to implement the authority is to regulate and manage the interests of society, formed the Village Consultative Department (BPD) as legislatures and container which serves to accommodate and channel aspirasi society. This institution is essentially a village government partners who have held a position parallel in government affairs, development, and community empowerment.

Village Consultative Department (BPD) is not the first institution that acts as the Department of the container and the voice of rural communities, but the improvement of such institutions that never existed before, such as LKMD (Institute for the village community resilience) are revised to Village Consultative Department (BPD) and then after issuance of Act No. 32 Of 2004 on Regional Government, the name was changed to the Village Representative Department Village Consultative

5 Selo Soemardjana, 2000, *APA Itu Otonomi Desa?*, Jakarta, P.6

Department (BPD). Based on the duties and functions of the Village Consultative Department (BPD) as the legislative Department of the village, Village Consultative Department has the right to propose draft Regulation village, discuss and approve the Village Regulations into village regulations along with the village chief. Based on the observation information obtained by the researchers that the performance of the Village Consultative Department (BPD) in the village of Sriwulan not run well. In the village Sriwulan Sayung District of Demak, in carrying out its duties and functions basically refers to the duties and functions of these institutions that have ditelah stipulated in the legislation of carrying out the functions of legislation, and share their aspirations, as well as monitoring functions.

BPD (Village Consultative Department) Sriwulan village in its duty to accommodate the aspirations of the people, has carried out its job well enough, although there are still some aspirations of society that can not be implemented. This is because the perception is different between the village government and BPD. In the field of supervision of BPD (Village Consultative Department) Sriwulan village has a function for supervising the implementation of village regulations, supervision of the implementation APBDes, and supervising the implementation of the Decree of the Head of Village. BPD (Village Consultative Department) Sriwulan village in the execution of duties and monitoring functions are already dilaksanakans pretty well. Implementation of the legislative function by the BPD (Village

Consultative Department) Sriwulan Village is a function of the weakest in terms of implementation and execution. In conducting the manufacture of Village Regulations Draft proposals received during the consultation discussion draft Regulation Sriwulan village in the village is dominated by the village chief. The proposal submitted by BPD in the village Sriwulan less than acceptable. BPD given draft regulation made by the Village Head just for signing or approving it. From this it appears that the implementation of the legislative function in the village Village Consultative Department Sriwulan assessed as weak in the discussion and approval of the Village in the Village Regulations of Sriwulan.

From the above I am interested to know how exactly what the role of the Village Consultative Department (BPD) in the village of Sriwulan, District Sayung, Demak in carrying out its duties and functions as the legislatures of the village, especially in the discussion and approval of village regulations and the factors which impede the implementation of the village consultative Department in the discussions and the regulatory approval in the village sub-district Sriwulan Sayung Demak district along with the actions to enhance the role of the village consultative Department.

B. RESEARCH METHOD

Research in this journal is descriptive qualitative juridic-sociological approach and retrieval of data through interviews.⁶ Use of the

6 Anis Mashdurohatun 2017; Kismanto, "*Keadilan Hukum Anak Korban Tindak Pidana Kekerasan*

method Juridical Sociological aims to examine the usefulness of social institutions and social structures in society and in this study the authors use the method of sociological juridical approach that aims to examine the role of Village Consultative Department (BPD) of Sriwulan, Sayung, Demak in performing their duties and Implementation legislation function in the village.

C. DISCUSSION

1. Implementation of the Village Consultative Department Functions Legislation in the discussion and approval of the Village Regulations

In discussing the Village Regulations together with the village government. After the village chief to submit a draft Regulation of the village which will then be discussed with the village consultation meetings with the Village Consultative Department (BPD) and having experienced additions and changes, then the draft regulation was passed and approved village, and designated as Village Regulations. During the period of approximately the next three years the Village Head together BPD in the village Sriwulan has produced several legal products that village regulations on Budget Village 2016 (Regulation village Sriwulan No. 2 of 2016), Regulation of the village of Plan Change Budget Village (Rule Village Sriwulan No. 5 of 2017), Village Regulations on Government Work

Plan Village (which was prepared by the drafting team RPM village on 25 April 2016), Regulation of the village on the Medium Term Development Rural Of 2017 (Regulation village Sriwulan No. 1 of 2017) discuss and agree on the Medium-term Development Plan, and the village regulation on village-owned enterprises (Village Regulations No. 5 of 2017 on the formation of village-owned enterprises and Sriwulan Village Head Decree No. 14 of 2017 on Board Appointment United Sriwulan future BUMDes work year period from 2017 to 2022). Village Regulations in their establishment, between the Village Consultative Department (BPD) and village heads have the same role and very important are as follows:

- 1) Village Consultative Department (BPD) approve the enactment of the village;
- 2) The village head signed the Village Regulations;
- 3) Village Consultative Department (BPD) makes an official report about the new Village Regulations set;
- 4) Village Consultative Department (BPD) promoting village regulations that have been approved or socialize Village Head directly to known and adhered to, and also determined the starting date of implementation.

Some stages or steps taken by the Village Consultative Department (BPD) in establishing village regulations that accommodate the proposals both from the Village Consultative Department (BPD) and head of the

Seksual Di KabuPaten Kendal," Jurnal Hukum Khaira Ummah 12, no. 1

village, where the proposal could become the basis for consideration in carrying Village Government. After that, these proposals will be discussed and evaluated the results of the evaluation conducted joint stipulation in draft form for further formulated in the form of Village Regulations.

Village Regulations differ by the regional regulation so that the Law on the Establishment of Legislation newly namely Act No. 12 of 2011 Concerning the Establishment Regulation Legislation, Regulations village removed from the hierarchy of legislation or regulations The village is no longer explicitly mentioned as one type of legislation, but Regulation village still recognized as one of the Regulation legislation and have binding legal force throughout ordered by Regulation legislation higher or formed under the authority, notch Village Regulations.⁷

Village Regulations formed in the course of the village government and thus a village regulation is a further elaboration of the legislation are higher and must not be contrary to the public interest and / or legislation are higher, and must consider the socio-cultural conditions local community, in an effort to achieve the goal of governance, development and community service in the long term, medium and short term.

2. Rights and Obligations of Business and Consumer Actors

Based on Act No. 8 of 1999 on Consumer Protection

Consumer protection is any effort that ensures legal certainty to provide protection to consumers. Consumer protection is based on benefits, fairness, equilibrium, consumer safety and security, and legal certainty (Article 2). Consumer protection aims (Article 3):

- a. To increase awareness, ability and independence of consumers to protect themselves;
- b. To raise the consumer's dignity and prestige by avoiding it from negative excesses of goods and / or services;
- c. To improve consumer empowerment in choosing, determining and demanding their rights as consumers;
- d. To create a consumer protection system containing elements of legal certainty and information disclosure and access to information;
- e. To foster business acknowledgment about the importance of consumer protection so as to grow an honest and responsible attitude in the business;
- f. To improve the quality of goods and / or services that ensure the viability of goods and/or services production, health, convenience, security, and consumer safety.

Consumer rights are (Article 4):

- a. The right to comfort, safety in consuming goods and/or services;

7 Act No. 12 of 2011

- b. The right to choose goods and/or services and obtain the goods and/or services in accordance with the exchange rate and the conditions and promised warranties;
- c. Right to true, clear and honest information about the condition and guarantee of goods and/or services;
- d. The right to be heard of his opinions and complaints on the goods and/or services used;
- e. The right to appropriate advocacy, protection and dispute resolution efforts;
- f. The right to counseling and education of consumers;
- g. The right to be treated or served properly and honestly and not discriminatively;
- h. The right to compensation, indemnification and/or reimbursement, if the goods and/or services received are not in accordance with the agreement or not as they should be;
- i. Rights set forth in the provisions of other laws and regulations.

Consumer liabilities are (Article 5):

- a. To read or follow instructions on information and procedures for the use or use of goods and/or services, for security and safety;
- b. To have good faith in the purchase of goods and/or services;
- c. To pay according to the agreed exchange rate;
- d. To follow the appropriate dispute settlement of consumer protection dispute law.

The rights of business actor are (Article 6):

- a. The right to receive payment in accordance with the agreement on the conditions and exchange value of goods and/or services traded;
- b. The right to legal protection from misconducted consumer acts;
- c. The right to self-defense should be appropriate in the settlement of consumer disputes law;
- d. The right to the rehabilitation of a good name if it is legally proven that the consumer's loss is not attributable to the goods and/or services being traded;
- e. rights set forth in the provisions of other laws and regulations.

The obligations of business actors are (Article 7):

- a. To have good faith in doing business;
- b. To provide true, clear and honest information about the condition and guarantee of goods and / or services and provide explanations of use, repair and maintenance;
- c. To treat or serve consumers properly and honestly and non-discriminatively;
- d. To guarantee the quality of goods and/or services produced and/or traded under the provisions of the applicable quality standards of goods and/or services;
- e. To provide an opportunity for consumers to test, and/or try certain goods and/or services and provide guarantees and/or warranties on manufactured and/or traded goods;

- f. To compensate, indemnify and/or reimburse for losses arising from the use, use and utilization of traded goods and/or services;
- g. To compensate, indemnify and/or reimburse if the goods and/or services received or utilized are not in accordance with the agreement.

3. Level of awareness of business actors and consumers on the importance of food sanitation

Based on the results of research conducted by the author in the Field of Food Hygiene at the District Health Office of Semarang that to assess whether the food meets sanitary hygiene elements can be assessed from the following components, among others:

- a. Food Ingredients
 - 1) Foodstuffs in fresh condition, not foul and undamaged;
 - 2) Does not contain toxic hazardous materials (pesticides and heavy metals);
 - 3) Does not contain hazardous materials such as formalin, borax, and others.
- b. Junk Food
 - 1) Does not contain toxic hazardous materials (pesticides and heavy metals);
 - 2) Does not contain hazardous materials such as formalin, borax, and others;
 - 3) Food additives meet the requirements of applicable laws and regulations;
 - 4) For easily damaged food, the number of E coli 0 germs;
 - 5) Not slimy, not moldy;

- 6) Not expired.
- c. Food Storage
 - 1) Separate food storage with ready food;
 - 2) In the storage area there should be no pesticide material (B3);
 - 3) Free from annoying insects such as flies.
- d. Food Processing Equipment
 - 1) Food processing equipment shall be clean, not cracked, not faded, not corroded;
 - 2) Using napkins/wipes clean and not dirty;
 - 3) There is enough water to wash food utensils.
- e. Presentation/Sales of Food
 - 1) The serving container should be closed, not open;
 - 2) Etalase easy to clean, not rusty, not made of toxic hazardous materials (lead, arsenic, copper, cadmium and others).
- f. Sanitation Facility
 - 1) Availability of clean water in sufficient quantity;
 - 2) Environment free from insects;
 - 3) Environment free from air pollution.

From the above components, after the research on Consumers and street vendors as Business Actors:

- a. Street Vendors as Manufacturers

From the results of research that has been conducted by the author on street vendors (PKL), in the food presentation of street vendors stated that the food equipment is stored in a clean

place and avoid insects (such as flies) and environmental pollution. However, when viewed the surrounding neighborhood where street vendors are not free from air pollution and dust that fly in the area of food sales. Surely this condition not only contaminates the existing food equipment, but also contaminates the food to be consumed by consumers.

For the food presentation, in general, street vendors serve it by wrapping food with white plastic. However, there are some street vendors who provide bowls or dishes to serve food. According to the recognition from the street vendors that bowls and dishes are always washed after being used by consumers. However, the authors observed that water used for washing is not water that flows but water is placed in a bowl and used to wash different bowl/plate and only occasionally replaced or even not replaced at all.

b. Student as Consumer

From the results of research that has been done by the author on the consumer, the street vendors are very attractive consumers because the price is cheap and affordable. According to the author's opinion, snacks suitable for students' pockets are street vendors (PKL) because the price is very friendly and certainly easy to obtain. But the thing to note is

why the majority of consumers prefer the price is more affordable than the quality of food consumed? Even some consumers who claimed to have abdominal pain after consuming street vendors but not deterrent to continue to consume food vendors.

According to Article 1 Sub-Article 3 of the Consumer Protection Law (UUPK), a business actor shall be an individual or business entity, whether incorporated as a legal entity or not a legal entity, established and domiciled or conducting activities within the territory of the Republic of Indonesia, together through agreements to conduct business activities in various economic fields. From that definition, street vendor (PKL) is also one of the business actors conducting business activities within the jurisdiction of Indonesia.

Awareness of the importance of food sanitation is very important, this awareness will give birth to a step or effort to realize consumer protection. Of course, if consumers are protected from contaminated foods, it will affect the progress of business actors. The concrete form of consumer awareness is the ability of consumers to protect themselves from foods that will harm their own health. A consumer who is aware of the importance of food sanitation will try to avoid the negative access to consume food.

Meanwhile, the concrete form of business actor consciousness is that he will continue to strive to deceive consumers by creating consumer protection that contains elements of legal certainty and information disclosure about the food he made. If this awareness has been fed, there arises honesty and responsibility in running the business and continue to increase food produced for the safety and comfort of consumers.

From the results of the research above, it shows that the level of awareness of street vendors and Students as producers and consumers is still very less. The results of interviews with Consumer who had suffered immaterial losses, so far consumers who have experienced losses tend to be passive and silent. This passive attitude indicates that there is no awareness of the importance of consumer self-protection from dishonest business actors. Consumer unconscious will spur business actors to continue doing dishonest business which certainly does not reflect the efforts to protect consumers.

4. The form of business actor responsibility for the loss suffered by consumers based on the Consumer Protection Law

As a Business Actor, a street vendor is required to be responsible for hygiene and sanitation on food

he sold. Good hygiene sanitation food and beverages need to be supported by environmental conditions and good sanitation facilities as well. The facilities include:

1. The availability of adequate clean water, in terms of quantity and quality;
2. A properly disposed waste water disposal so as not to become a source of pollution;
3. A garbage dump made of waterproof material, easy to clean, and has a lid.

Poor sanitary hygiene conditions can affect the quality of food served to consumers. This obviously will also affect the level of health of consumers who consume these foods.⁸ According to Article 5 paragraph (1) "Management of food by *jasaboga* must meet sanitation hygiene and carried out according to good food processing." In the attachment of Decree of Minister of Health RI No 1096/Menkes/PER/VI/2011 on Hygiene Sanitation *Jasaboga* that Food consumed must be hygienic, healthy and safe that is free from physical, chemical and bacterial contamination. Physical contaminants such as broken glass, gravel, pieces of stick, hair, staples, and so on. Chemical contaminants are such as Lead, Arsenicum, Cadmium, Zinc, Copper, Pesticides and so on. Bacterial contaminants

8 Yulia, Higiene Sanitasi Makanan, Minuman dan Sarana Sanitasi Terhadap Angka Kuman Peralatan Makan Dan Minum Pada Kantin, Jurnal Vokasi Kesehatan, Volume II Nomor 1 January 2016, P. 56

are such as *Escherichia coli* (*E.coli*) and so on.

A reflection of the democratic life in the village is attested by the institution *pepe* (Java) as a way of expression of the people to the king by sitting cross-legged in front of the palace square until there is a court official who responded. Similarly, in villages in other regions known for their village meetings (Sumatra), village consultation meetings (Java), *sakehe* village (Bali) and others as a way of villagers to decide matters of the village together.⁹

Position Village Consultative Department (BPD) in Village Government. Village Consultative Department (BPD) with the Village Head has equal footing, since both parties are equally elected by members of rural communities, but when viewed from the process of dismissal, impressed Village Consultative Department (BPD) rank, which the Village Consultative Department (BPD) has the authority to propose cooperation in the process of development which is the embodiment of Village Regulations.¹⁰

Village Consultative Department (BPD) in the approval and discussion of regulation in the village Sriwulan District of Sayung District Demakdi influenced by factors of human resources of the village government itself as the

holder of the highest office in the village, as well as from members of BPD in charge of the implementation of the legislative function of approval and discussion village regulations.

The responsibility of this business actor has been clearly regulated in the form of an obligation of business actor in Article 7 UUPK, as follows:

- 1) Have good faith in doing business;
- 2) Provide true, clear and honest information about the condition and guarantee of goods and/or services and provide explanations of use, repair and maintenance;
- 3) Treat or serve consumers properly and honestly and non-discriminatively;
- 4) Guarantee the quality of goods and/or services produced and/or traded under the provisions of the applicable quality standards of goods and/or services;
- 5) Provide an opportunity for consumers to test, and/or try certain goods and/or services and provide guarantees and/or warranties on manufactured and/or traded goods;
- 6) Compensate, indemnify and/or reimburse for losses arising from the use, use and utilization of traded goods and/or services;
- 7) Compensate, indemnify and/or reimburse if the goods and/or services received or utilized are not in accordance with the agreement.

In addition to being regulated, the obligations of

9 Jimly Assididqie 1994, *Idea PeoPle's Sovereignty in the Constitution and ImPlementation in Indonesia*, New Ichtiar Van Hoeve, Jakarta..

10 Jazim Hamidi 2011, *Optical Regional Regulation Law Problem, Achievements Pustaka*, Jakarta, P. 195

business actors in the Consumer Protection Law are also regulated on the acts prohibited by the business actors, among others are:

- 1) Not meet or fail to comply with the required standards and rules of legislation;
- 2) Not in accordance with net weight, net or net contents, and quantities in the counts as stated in the label or label of the goods;
- 3) Not in accordance with the size, dosage, scales and quantities in the count according to actual size;
- 4) Not in accordance with conditions, warranties, privileges or efficacies as stated in the label, label or description of such goods and/or services
- 5) Not in accordance with the quality, grade, composition, processing, style, mode, or specific use as stated in the label or description of the goods and/or services;
- 6) Not in accordance with the promise stated in the label, etiquette, description, advertisement or promotion of the sale of the goods and/or services;
- 7) Not include the expiration date or the best usage period/utilization of certain goods;
- 8) Not follow the terms of producing halal, as "halal" statements contained in the label;
- 9) Not put a label or make an explanation of goods containing the name of the goods, size, weight / net or net contents, composition, rules of use, date

of manufacture, side effects, name and address of business actor and other information for use according to which conditions shall be installed;

- 10) Not include information and / or instructions on the use of goods in the Indonesian language in accordance with applicable laws and regulations.

In Article 8 paragraph (2) it is stipulated that: "Business actors are prohibited from trading of damaged, defective or used goods and polluted without providing complete and correct information on the goods." From the provision can be concluded that the street vendors around UNW clearly perform prohibited acts, because food sold by street vendors polluted with air pollution and still found insects that roam around the street vendors selling.

Further, business actors who violate paragraph (1) and paragraph (2) are prohibited to trade such goods and/or services and must withdraw them from circulation. A food can be said hygienic if it has been in accordance with the existing standards in terms of equipment, processing, place of processing, presentation of food and environmental factors where he sell/trade goods. A good standard of a food is when the above components are met.

The need for street vendors awareness of food sanitation is a measure to prevent illnesses that focus on the activities and actions necessary to free food and beverages from all hazards that

may interfere with health, from before the food is produced, during processing, storage, transport to the point where food and beverages are ready to be consumed to the public or consumers.

Regulation of the village is a legal product that is set and binding and must be adhered to in order to create a sense of security / or orderly, organized and is a measure, norms and social control. relation to village regulations that are binding, and the formulation of Village Regulations do participatory involving all stakeholders as well as elements of the community to the substance of village regulations do not conflict with the social values of the culture and customs prevailing in the society so that no mutual harmed. in an effort to achieve the goal. Governance, development and community service in the long term, medium and short term.¹¹

According to the Chairman of the Village Consultative Department (BPD) Village Sriwulan (Bp. Ahmad Kholil Gunaweh, S. Pd, M. Pd). That the Village Head and Village Consultative Department (BPD) as Government institutions at the village level has a parallel position can not be realized. This can be evidenced by the absence of a shared commitment between the two institutions as the Operator element Village Government.¹²

From the above description, the authors conclude that the responsibilities of street vendors of

food (products) are sold still very less, proven:

- 1) Street Traders generally do not cover finished food to be sold so that the food is contaminated/polluted with air pollution;
- 2) Street Traders generally ignore the flying insects around the food being traded;
- 3) Unavailability of sufficient clean and flowing water so that sanitation of food is to be sold to the consumers.

Losses in law can be qualified into two forms: material losses and immaterial losses. A material loss is a real loss and suffered by someone. While the loss of immaterial is the loss of benefits that may be received by someone in the future or loss of loss of profit that someone actually received in the future. The disadvantages to be discussed in this research are the losses suffered by the street seller's consumers to food sold by street vendors either in material or immaterial form. The consumer losses of street vendors occur due to lack of awareness of the important of consumer protection. One form of loss is a material loss that consumers can not enjoy food purchased because there are differences in the taste of the food they buy. Medium form of immaterial losses is a stomach ache suffered by the consumer.

If a consumer is harmed after consuming the food traded by a street vendor, then the street vendor as the business actor must be responsible to compensate the losses suffered by the consumers.

11 Asshiddiqie, Konstitusi, oP.cit, P.113

12 The interview with Ahmad Kholil Gunaweh 2017, (Chairman BPD), dated December 15.

Subject to the provisions of Article 19 paragraph (1) UUPK of business actors is responsible to provide compensation for damage, pollution and or loss of consumers due to consuming traded food.

Furthermore, in paragraph (2) the same Article shall be mentioned the form of indemnification in question, among others:

- 1) refund or;
- 2) replacement of similar or equivalent value or;
- 3) health care;
- 4) giving compensation in accordance with the provisions of legislation.

Then, when should the street vendors provide compensation to consumers who suffered the loss? According to Article 19 paragraph (3): "granting

compensation within a period of 7 (seven) days after the date of the transaction."

D. CONCLUSION

The level of awareness of business actors and consumers on the importance of food sanitation is still lacking because consumers who suffer losses due to food traded street vendors tend to be passive and silent. This has resulted in the lack of responsibility of business actors (street vendors) of products sold to the public. Street vendors that cause consumers to suffer losses then based on the Business Actors must replace the losses suffered by consumers. The forms of liability may include refunds, the compensation of goods of equal value, health care or compensation in accordance with applicable laws and regulations

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