

CONSTRUCTION OF VILLAGE AUTONOMY REGULATION IN ACHIEVING PEOPLE'S WELFARE: CRITICAL REVIEW LAW NUMBER 6 OF 2014 ON VILLAGES

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Abstract: This study aims to explore the construction of Village autonomy arrangements to realize people's welfare. As it is understood, the issuance of Law No. 6 of 2014 on Villages has become a new chapter of autonomy regulation in Indonesia, which opens space for villages to be independent and autonomous. This research is juridical-normative research, which includes a descriptive-qualitative type—using secondary data from primary and secondary legal materials. This study applies statute, conceptual and hermeneutic approaches to data analysis. The findings of this study are that in realizing people's welfare, the construction of village autonomy arrangements is based on comprehensive and integrated planning based on each region's potential. So that each region gets benefits and benefits together. The realization of this welfare includes two components: the provision of essential services in the village and the development of the village economy based on local resources' potential.

Keywords: Regulation, Village Autonomy, Welfare

INTRODUCTION

Village or the like¹ is an entity that has an essential function in building the Unitary State of the Republic of Indonesia. The existence of the village had existed before Indonesia. The existence of the village had existed before Indonesia was proclaimed on August 17, 1945.² A. Hamid S. Attamimi mentioned that the

¹ Villages have equivalent terms or are equated in various parts of Indonesia, such as *gampong* in Aceh, *Nagari* in Minangkabau, *Dusun* and *Marga* in Palembang, *Pekon* in Lampung, and so on. See Lukman Santoso, *Hukum Pemerintahan Daerah: Mengurai Problematika Pemekaran Daerah Pasca Reformasi Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2015).

² See Elucidation of Article 18 of the 1945 Constitution Before the Amendment

formation of the Republic of Indonesia was based on the theory of the state "village republic." Regarding the nature of the Indonesian state, which contains the ideals of the Indonesian state, regarding the objectives of the Indonesian state, the substance is rooted like the objectives of the village, which is naturally in a more modern scope and context.³

Juridically, the village, as stipulated in Law No. 23 of 2014 on Regional Government, is defined as a legal community unit that has territorial boundaries authorized to regulate and administer government affairs, the interests of the local community, based on the rights of origin and traditional rights that are recognized and respected in the system of the Indonesian government.⁴ This definition can be interpreted as an essential axis in developing a unique Indonesian rule of law. Villages can be the spearhead in realizing the constitutional state of Pancasila.

The ups and downs of village regulation in Indonesia then came to an end in 2014, when a new policy was issued which specifically regulates through Law No. 6 of 2014 on Villages.⁵ This regulation was included in the state gazette on January 25, 2014. The Village Law is a turning point in village regulation in Indonesia. The Village Law positions the village in line with the mandate of Article 18B paragraph 2 and Article 18 paragraph 7, which specifically establishes the construction of villages as self-governing communities and local self-government.⁶ This arrangement is expected to accommodate the customary law community unit, which is the foundation of the diversity of the Republic of Indonesia as well as having a distinctive structure. The principles of village regulation in this regulation include recognition, subsidiarity, diversity, togetherness, cooperation, kinship, deliberation,

³ As quoted Ni'matul Huda, *Hukum Pemerintahan Desa* (Malang: Setara Press, 2015), 1.

⁴ The specificity concept of the village with the diversity of its names and structures is what distinguishes the village from the modern western model of government structure, so it must be considered original and unique to Indonesia. See Article 1 paragraph (43) of Law No. 23 of 2014 on regional government.

⁵ Hereinafter referred to as the Village Law

⁶ See Law No. 6 of 2014 on Villages. See also Santoso, *Hukum Pemerintahan Daerah*.

democracy, independence, equality, empowerment, and sustainability.

These principles are an effort to strengthen the existence of villages in the Indonesian government system. Village regulation in this legal product is a real effort in protecting and empowering the village to become stronger, more advanced, independent, and prosperous. To realize this, several rights and authorities are attached to the village. One of them is a new source of funding for villages from the State Budget.

As explained in Article 72 of the Village Law provisions, village income, which comes from the State Budget, aims to make village-based programs evenly and justly effective. Moreover, the Village Law also strengthens the allocation of village funds from regency/city balancing funds. Previously, there were almost no regencies/cities that provided village funds of at least 10 percent of the balance fund without any sanctions. This means that if the article is closely studied, it gives the right to the government to impose sanctions by postponing and even deducting the balanced fund in allocating funds not given to the village.⁷

From this context, the fundamental problem of this nation is placing the village vis a vis the city. This has implications for uneven development and education, as well as high rates of poverty and welfare. The Village Law, which indirectly generates Village funds, is expected to be a solution to eradicating poverty, which is indeed a more significant proportion in rural areas, suppresses the income gap between cities and villages, and corrects the direction of development been dominant in urban areas.

Based on data released by Statistics Indonesia, the percentage of rural residents below the poverty line is 15%, higher than the national average (city and village), which was 11.2% in 2013. The 2017 Socio-Economic Monitoring Survey (*Susenas*) results show that the number of rural poor people higher than in urban

⁷ See Article 72 Law No 6 of 2014 on Villages

areas.⁸ It is considering the number of almost poor people, which continues to increase from year to year. This community group is vulnerable to falling below the poverty line if there is a slight economic shock, such as an increase in the price of essential commodities, an economic recession, especially the Covid-19 pandemic.⁹

Moreover, the level of income inequality in rural areas has also tended to widen in the last decade. This is reflected in the Gini coefficient, which increased from 0.29 (2002) to 0.32 (2013). This indicates that the welfare of the rural population is still low and lagging behind the urban population. The education level of the rural population is also still a concern compared to urban areas. This is reflected in the percentage of the population with elementary school – junior high school education up to 70% in 2013.¹⁰ Therefore, it has implications for weak HR governance in rural areas.¹¹

The village problem is an exciting topic in the study of village autonomy in Indonesia, especially after Law No. 6 of 2014 concerning the Village. The concept of village autonomy as stipulated in the law is required to be studied and further tested whether this regulation can overcome rural-urban disparities by developing and empowering villages with various models and characteristics in various regions. In that context, it is crucial to explore how the construction of village autonomy arrangements and their implementation in overcoming economic inequality while reducing poverty, or in other words realizing the welfare of the community as emphasized in Pancasila and the UUD 1945 (Basic Constitution), namely the general welfare for all Indonesian people.

Related to the study of village autonomy and village decentralization relevant to placing the novelty, this study includes

⁸ I Gede Ardika, *Kepariwisata Berkelanjutan: Rintis Jalan Lewat Komunitas* (Jakarta: Kompas, 2018), 142.

⁹ Data BPS, dalam www.bps.go.id, accessed April 8, 2019.

¹⁰ "Tantangan Peluang Pembangunan Pedesaan Dengan Implementasi UU Desa," dalam <http://www.coreindonesia.org/>, accessed April 8, 2019.

¹¹ Fauzan Zakir, "Penyimpangan UU Desa," dalam <http://www.metrojember.com/2013/12/27/113827/penyimpangan-uu-desa/>, accessed April 10, 2019.

research conducted by Sakinah Nadir, Aspianur Masrie, and Andi Ya'kub,¹² Wulan Sejati,¹³ Leni Milana,¹⁴ and Suharti.¹⁵ Sakinah Nadir et al. only photographed efforts to empower the community towards village democratization in the regional autonomy implementation scheme since the enactment of Law No. 32 of 2004 and the existence of the Village Consultative Body (BPD). Meanwhile, Wulan Sejati only describes how village autonomy was implemented during the Dutch East Indies era until the Reformation era experienced ups and downs. Leni Milana examined village autonomy to develop democracy in the village, primarily through the Village Consultative Body. Furthermore, Suharti only examined the implementation and obstacles faced by Law No. 22 of 1999 and Law No. 32 of 2004 on the implementation of village autonomy. This study differs from those previous studies since it focused more on the construction of village autonomy arrangements after the existence of the Village Law.

Other studies that are also relevant were written by Innesa Destifani, Suwondo, and Ike Wanusmawatie,¹⁶ Suhana,¹⁷ Aprisiami Putriyanti,¹⁸ as well as Didik G. Suharto, Pawito, and Widodo

¹² Sakinah Nadir, Aspianur Masrie, Andi Ya'kub "Otonomi Daerah dan Desentralisasi Desa: Upaya Pemberdayaan Masyarakat Desa dalam Pelaksanaan Otonomi Daerah." *Research Report*, Lembaga Pengabdian Masyarakat, Universitas Hasanuddin, 2009.

¹³ Wulan Sejati, "Pelaksanaan Otonomi desa pada masa hindia belanda sampai masa reformasi," *Thesis*, Fakultas Hukum Universitas Muhammadiyah Surakarta, 2010.

¹⁴ Leni Milana, "Otonomi Desa Sebagai Upaya Pendemokrasian di Desa; Studi Kasus Terhadap Badan Perwakilan Desa Perajin Kecamatan Banyuasin Kabupaten Banyuasin." *Master Thesis*, Pascasarjana Universitas Indonesia, 2002.

¹⁵ Suharti, "Implementasi Undang - Undang Nomor 22 Tahun 1999 Dan Undang - Undang Nomor 32 Tahun 2004 Dalam Pelaksanaan Otonomi Desa." *Master Thesis*, Program Pascasarjana, Universitas Diponegoro, 2008.

¹⁶ Innesa Destifani, Suwondo, Ike Wanusmawatie, "Pelaksanaan Kewenangan Desa Dalam Rangka Mewujudkan Otonomi Desa; Studi pada Desa Sumber, Kecamatan Kradenan, Kabupaten Blora." *Research Report*, Jurusan Administrasi Publik, Fakultas Ilmu Administrasi, Universitas Brawijaya Malang, 2009.

¹⁷ Suhana, "Pelaksanaan Kewenangan Pemerintah Desa Dalam Penyelenggaraan Pemerintahan; Studi di Desa Mantang Besar Kecamatan Mantang Kabupaten Bintan." *Thesis*, Fakultas Ilmu Sosial Dan Politik, Universitas Maritim Raja Ali Haji Tanjungpinang, 2014.

¹⁸ Aprisiami Putriyanti, Penerapan Otonomi Desa Dalam Menguatkan Akuntabilitas Pemerintahan Desa dan Pemberdayaan Masyarakat di Desa Aglik, Kecamatan Grabag, Purworejo." *Thesis*, Fakultas Ilmu Sosial, Universitas Negeri Yogyakarta, 2012.

Muktiyo.¹⁹ The study of Innesa Destifani et al. only examined the implementation of village authority in Sumber Village in the context of realizing village autonomy. Meanwhile, Suhana only focused on studying how to exercise the authority of the Mantang village government in government administration and what the obstacles are. Furthermore, a study by Aprisiami Putriyanti et al. discussed the implementation of village autonomy in Aglik Village and efforts to strengthen the accountability of village government. Meanwhile, Didik G. Suharto et al. examined developing ideal village autonomy within the framework of decentralization policies in Indonesia. In this study, three sample villages were involved as research locations, namely Catur Village (Sambi Subdistrict), Krasak Village (Teras Subdistrict), and Bendan Village (Banyudono Subdistrict). What distinguishes this research from the research above is that besides being written after the issuance of the Village Law, this study also focused on its juridical implications for the welfare of the community.

To explore the focus of village autonomy, which is the topic of this study, researchers employed a set of legal research methods to produce logical-systematic findings based on scientific evidence.²⁰ To describe data related to the construction of village autonomy arrangements after the issuance of Law No. 6 of 2014, this study utilized a qualitative research method.²¹ This method aims to explore the presence of these legal products and their correlation to create holistic public welfare.²²

Meanwhile, the approach used was a juridical-normative approach which is strengthened by a statutory approach, conceptual approach, and a hermeneutic approach. The statutory

¹⁹ Didik G. Suharto, Pawito, dan Widodo Muktiyo "Pengembangan Otonomi Desa dengan Pendekatan Desentralisasi." *Research Report*, Fakultas Ilmu Sosial dan Ilmu Politik, UNS, 2012.

²⁰ Surajyo, *Filsafat Ilmu Dan Perkembangannya Di Indonesia: Suatu Pengantar* (Jakarta: Bumi Aksara, 2013), 91. See also Andi Prastowo, *Memahami Metode-Metode Penelitian, Suatu Tinjauan Teoritis Dan Praktis* (Yogyakarta: Ar-Ruzz Media, 2011), 18.

²¹ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif Dan R & D* (Bandung: Alfabeta, 2006), 35–36. See also Abu Yasid, *Aspek-Aspek Penelitian Hukum* (Yogyakarta: Pustaka Pelajar, 2010), 79.

²² Norman K. Denzin and Yvonnas S Lincoln, *Handbook of Qualitative Research*, (Yogyakarta: Pustaka Pelajar, 2009), 307.

approach is intended to study legal facts related to village autonomy arrangements by exploring related legal provisions. Meanwhile, the conceptual approach is intended to solve and understand the problem of regulating village autonomy in-depth and systematically based on existing legal theories and concepts. Meanwhile, the hermeneutic approach is intended to explore the meaning behind the text of Law No. 6 of 2014 in order to obtain a more precise understanding.²³ The data collection technique used in this study was library research (library/literature research) or document data.²⁴ Legal documents, books, scientific journals, and literature related to village autonomy arrangements were collected using a snowball sampling pattern.

The data sources used include primary legal materials, namely Law No. 6 of 2014 on Villages, Government Regulations No. 47, and Government Regulation No. 43 on Implementation of the Village Law and related legal products. Meanwhile, secondary legal materials consisted of reference books, journals, news, and other documents related to village autonomy. Meanwhile, data analysis is performed using a reduction system, displaying data and concluding/data verification. In order to ensure the accountability aspect of the research data, triangulation was also conducted.²⁵

Therefore, the focus of the problem and the methods employed in this study are relevant to comprehensively examine the legal aspects of the welfare manifestation of village autonomy arrangements.

The Concept of Village Autonomy Arrangements in Indonesia

Etymologically, the word village comes from Sanskrit, *deca*, which means homeland, land of origin, or birth. The term village is also taken from the word "*swadesi*," which means an independent and autonomous region, place, or part. From a geographic

²³ F. Budi Hardiman, *Melampaui Positivisme Dan Modernitas* (Yogyakarta: Kanisius, 2003), 37.

²⁴ Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2004), 3.

²⁵ Triangulation can be defined as a data collection technique that is a combination of various data collection techniques and existing data sources. See Hadari Nawawi and Mimi Martini, *Penelitian Terapan* (Yogyakarta: Gadjah Mada University Press, 2005).

perspective, a village is defined as "a group of houses or shops in a country area, smaller than a town."²⁶ The term village itself varies widely in various places in Indonesia.²⁷

In the perspective of H.A.W. Widjaja, the village is defined as a legal community unit with an original composition based on individual rights. Meanwhile, the rationale for village governance is based on diversity, participation, genuine autonomy, democratization, and community empowerment.²⁸ Meanwhile, according to Law No. 23 of 2014 on regional governance, a village is defined as a legal community unit that has territorial boundaries that have the authority to regulate and administer government affairs, the interests of local communities, based on their rights of origin and traditional rights recognized and respected in the state government system the unity of the Republic of Indonesia.²⁹

Village in the above definition can be understood as an affirmation of the existence of a village as a self-community, namely a community that governs itself. This means that the position of the village, which has genuine autonomy, is very strategic, especially in terms of regulating and managing the interests of the community according to local conditions and socio-culture. In the era of regional autonomy, villages need equal attention to cities since substantial village autonomy might significantly influence regional autonomy. With genuine, unanimous, and complete autonomy and not a gift from the government, the government is obliged to respect the village's autonomy.³⁰

As a legal community unit with an original structure based on privileges, the village can carry out legal actions, both public law and civil law, own property, and be prosecuted and sued in court. The village has a strong foundation in realizing an "improvement

²⁶ Aldo Aviandri, Peranan Badan Permusyawaratan Desa (BPD) Dalam Menjalankan Fungsi Pengawasan Pemerintahan Desa, *Thesis*, UPN Veteran Surabaya, (2015), 1-2

²⁷ Yusnani Hasjimzoem, "Dinamika Hukum Pemerintahan Desa," *FIAT JUSTITIA: Jurnal Ilmu Hukum* 8, no. 3 (August 14, 2015), <https://doi.org/10.25041/fiatjustisia.v8no3.312>.

²⁸ HAW. Widjaja, *Otonomi Desa Merupakan Otonomi Yang Asli Bulat Dan Utuh* (Jakarta: Rajawali Pers, 2012), 3.

²⁹ Article I Paragraph (43) Law No. 23 of 2014 on Regional Government.

³⁰ Widjaja, *Otonomi Desa Merupakan Otonomi Yang Asli Bulat Dan Utuh*, 165.

community" where the village is no longer at the administrative level or subordinate to the region. However, on the contrary, as a "free community," the village and its people have the right to speak for the interests of the community itself. Villages are given the authority to regulate independently in various fields, including the social, political, and economic fields. It is expected that this independence will increase the participation of rural communities in social and political development.

Regarding the recognition of autonomy in this village, Taliziduhu Ndraha gave the following explanation:³¹

- a. Village autonomy is classified, recognized, fulfilled, trusted, and protected by the government. Thus the dependence of rural communities on the "generosity" of the government can be reduced.
- b. The position and role of the village government are restored, returned to normal or developed, to be able to anticipate the future.

From this explanation, at least it can be understood that the concept of village autonomy is the village community's ability and initiative to regulate and carry out the dynamics of their life based on their abilities according to the development of the village. This means that interventions from outside the village should be eliminated or at least reduced as much as possible. This follows the nature of village autonomy, which is pure autonomy, meaning that village autonomy has existed since the village began to exist and is not an abundance of the state.³²

This means that the authority possessed by autonomous regions in the context of regional autonomy is different from the autonomy possessed by villages. Because in village autonomy, the fulcrum lies in the initiative and capacity of the village community. Thus, what needs to be remembered is that the autonomy and the context of the unitary state are that there are no rights without

³¹ Taliziduhu Ndraha, *Dimensi-Dimensi Pemerintahan Desa* (Jakarta: Bina Aksara, 1997), 12.

³² Sakinah Nadir, "Otonomi Daerah dan Desentralisasi Desa: Menuju Pemberdayaan Masyarakat Desa," *Jurnal Politik Profetik* 1, no. 1 (2013): 89, <https://doi.org/10.24252/profetik.v1i1a7>.

obligations, no authority without limits.³³ In the implementation of rights, authority, and freedom in the implementation of village autonomy, it is necessary to uphold the values of responsibility towards the unitary state of the Republic of Indonesia by emphasizing that the village is an inseparable part of the Indonesian nation and state. The implementation of the rights, authority, and freedom of village autonomy demands responsibility for maintaining the nation's integrity, unity, and integrity and a commitment to realizing the welfare of the people within the framework of the Republic of Indonesia.³⁴

The rights, authority, and freedom of the village must be understood as a common thread that connects the knots of the unitary of the state. At the level of autonomous regions, the application of the territorial principle is implemented in the delegation of government administration authority tasks from the regional head to the lowest government organ as the spearhead of implementing the authority for regional autonomy within a particular territorial (regional) scope, which in this case is the village. Therefore, the village head must be understood as the personification of the regional head in administering government in a territory (area) called the village. Thus, the village social structure with all its diversity can become an important social institution in determining its progress.³⁵

In their presentation, Michael Luck and Mark d'Inverno helped sharpen the meaning of the word autonomy from the concept of "Multi-Agent Systems." In the view of the two experts, autonomy is a kind of inherited DNA that is static. Meanwhile, autonomy is the dynamic achievement of a motivated agent. Carrying this concept as a framework for viewing village autonomy

³³ Lukman Santoso, "Implikasi Pemekaran Daerah Kabupaten Pesawaran Provinsi Lampung Pasca Reformasi," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 7, no. 1 (September 19, 2017): 250–78, <https://doi.org/10.15642/ad.2017.7.1.250-278>.

³⁴ Widjaja, *Otonomi Desa Merupakan Otonomi Yang Asli Bulat Dan Utuh*, 166.

³⁵ Widjaja, 4; See also R. Agus Abikusna, "Desentralisasi Daerah Dalam Pelaksanaan Otonomi Desa," *SOSFILKOM: Jurnal Sosial, Filsafat Dan Komunikasi* 11, no. 01 (June 27, 2017): 42–48, <https://doi.org/10.32534/jsfk.v1i101.1433>.

and autonomous village communities will reinforce the meaning of each phrase. An autonomous village is a society that carries in itself the elements of independence and freedom. Freedom and independence to self-regulate and organize oneself.

Village autonomy is the achievement of village efforts based on motivation at the center of the relationship between subjects. Village autonomy is a dynamic characteristic of the village that identifies the village's victory. In simple terms, an autonomous village is illustrated by one of the beautiful displays of objects, such as yellowing rice fields, towering mountains, peasants who plowing the fields, rivers with gurgling water, and small children running cheerfully. A picture of the beauty and harmony of the village is insinuated by the term "*mooi van indie*." Beautiful and enchanting village nature paintings often hide stories of poverty, destitution, hunger, diminishing social stratification, and latent authoritarianism.

The so-called autonomous villages are villages with household arrangements, which are "very broad." The extent of village autonomy is caused by village formation at the initiative of population groups, whether based on genealogical, territorial, or a mixture of the two, which aims to form a legal community unit relatively free from outside forces.³⁶ In essence, village autonomy is not sovereignty but an acknowledgment of the right to regulate its household affairs based on community initiatives. Autonomy by itself can close the door to institutional intervention above it. On the other hand, the intervention process that is wholly forced or coercive is not justified, which is sudden and does not see the reality of the village as a community.

Construction of Village Autonomy Arrangements in Achieving People's Welfare

³⁶ Rooy Salamony, "Otonomi Desa (1)" <http://www.kompasiana.com>, accessed Mei 20, 2019. See also M. Yasin Al Arif, "Mengkaji Konstruksi Politik Hukum Pengaturan Otonomi Desa Dalam Penyelenggaraan Pemerintahan Desa," *Arena Hukum* 11, no. 1 (April 17, 2018): 119–38, <https://doi.org/10.21776/ub.arenahukum.2018.01001.7>.

Regional autonomy, which aims to develop society, must be manifested in various activities that can advance the village due to the issuance of the Village Law. The purpose of implementing this legal product is to combine the construction of a self-government community with local self-government.

Historically, in the past, before the formation of a government system that controlled the entire archipelago as a unitary state, the affairs managed by the village were only those that had been carried out from generation to generation as the norm. Some of these norms have even been institutionalized into a form of binding law. They must be obeyed jointly by the village community, or what is commonly referred to as customary law. The affairs carried out by the village from generation to generation are not only in the aspects of customs but also include community services and development and private and public law.³⁷ Moreover, customary law community units that have existed so far are part of the village. It is expected that it will be better managed and empowered to become part of the village or even the traditional village in the future.

The implementation of regional autonomy does not automatically eliminate the duties, roles, and responsibilities of the central government, because the autonomy carried out is not autonomy without limits. The elucidation of Article 18 of the 1945 Constitution states that "Indonesia is one *eenheidstaat*. Indonesia will not have a region with a state status. Autonomy is not designed to enable that a region has the characteristics of a country. The central government within the framework of autonomy is still conducting regional development. What can be understood is by managing and mobilizing all the potential of an area to be utilized in an integrated manner to realize people's welfare. This potential includes all potential resources covering population, socio-economic, socio-cultural, political, and defense and security resources.

The government must always strive to serve and meet the needs and demands of the village community. With this allocation,

³⁷ Sujanto, *Otonomi Daerah Yang Nyata Dan Bertanggung Jawab* (Jakarta: Ghalia Indonesia, 1997), 67, and 97.

naturally, the village is required to make the best use of it for the sake of mutual progress. In-state administration practice, the government establishes various policies, especially village government policies, that regulate the life order of village communities.³⁸ This determination was proven by the right to implement village autonomy, a special actor and a sophisticated weapon for the post-reform village reform movement.

This is certainly different from what happens in developed countries, where the private sector mainly carries out development and community services. Thus, in Indonesia as a developing country, the role of the government is still very much expected to drive community businesses, primarily providing services for basic needs and services for developing local community economic enterprises. The existence of the Village Law is an answer to the various needs of the village. It remains how the village government moves and is implemented in serving the community to increase development and welfare.

Regarding the realization of autonomy for services for basic needs and services for developing community economic enterprises as a means of realizing village welfare, there are at least 3 (three) things that must be considered, namely:

First is the economy of scale. The synchronization of the affairs will create efficiency, effectiveness, and economics in its administration. This relates to the economies of scale in providing these services. For this reason, there must be a match between economies of scale and the catchment area.

The second is accountability. The handing over of these functions will create accountability for the village government to the community. This depends on how to get the service closer to the community. The closer the government units provide services to the community, the more accountability will be supported.

The third is externalities. It can be called the impact caused by activities requiring these services. Externalities are closely related to

³⁸ Sutoro Eko and Abdul Rozaki, *Prakarsa Desentralisasi Dan Otonomi Desa* (Yogyakarta: IRE Press, 2005).

accountability. The wider the reach of the resulting externality, the higher the authority needed to handle these affairs.

In detail, the implementation of the Village Law in realizing people's welfare can be grouped into five areas: regional development, human resource development, overcoming and accelerating poverty reduction, structuring functional relationships, and increasing coordination or teamwork.

Based on the rights of origin, initiative, and local customs that grow and develop in the community, the village should synergize between village government officials, the Village Consultative Body, and all elements and institutions in the village to create and innovate. The village is also expected to be independent. Thus, it can prosper all members of the community in the village. Besides training village independence, regional autonomy is carried out. Thus, villages are free with all their innovations to make various changes for the welfare of their villages.

Therefore, the Village Law should be implemented properly. The creation of this law indicates that the village has been given full authority to regulate and manage all village affairs independently. The government, in this case, should support and facilitate various needs that can support the village's development. This is because what becomes the milestone for establishing a country is how the management is applied in each village.

The village development process must be interpreted as community development to make the people's welfare in the village come true. This process must also form a transformative model in which one of the indicators is the strong aspirations of the village community.³⁹ The implementation of development should make the village the object of development and the subject of steady development. The object of village development, in this case, is carried out as a whole which includes human potential (HR),

³⁹ I. Widarta, *Pokok-Pokok Pemerintahan Daerah* (Jakarta: Laper Pustaka Utama, 2001); See also M. Yasin Al Arif, "Mengkaji Konstruksi Politik Hukum Pengaturan Otonomi Desa Dalam Penyelenggaraan Pemerintahan Desa," *Arena Hukum* 11, no. 1 (April 17, 2018): 119–38, <https://doi.org/10.21776/ub.arenahukum.2018.01001.7>.

Natural Resources (SDA), and technology, as well as all aspects of life and livelihood in the village.⁴⁰

If all of these potentials can be realized, the village will be classified as a self-sufficient village. A self-sufficient village is a village that develops with an improved standard of living and community welfare. The concept of governance or economic and social resource governance that involves the influence of the state and non-state sectors in a collective activity must be considered to create self-sufficient villages. At least two strategic issues need to be considered in the implementation of this governance concept. *First*, democratic governance, namely village government that comes from community participation, is managed with accountability and transparency by the community. It is then used correctly for the responsiveness of the community itself. *Second*, the association between elements of governance in the village is based on the principles of equality, balance, and trust in carrying out village development collectively to achieve the common good.⁴¹

Governance can be defined as exercising power and authority by the government in managing government affairs in general and economic development in particular.⁴² This process involves the government and the State and actors outside the government and the State so that the parties involved can be said to be very broad. Good governance is generally interpreted as a consensus reached by the government, citizens, and the private sector in reasonable and responsible governance. So, suppose governance is mapped in villages. In that case, four main elements are consisting of the state (village government), political society (Village Representative Council), civil society (social institutions and organizations), and economic society (economic community organizations, production

⁴⁰ Eko and Rozaki, *Prakarsa Desentralisasi Dan Otonomi Desa*; See also Bobby Briando, "Desentralisasi Fiskal Desa," *Assets: Jurnal Akuntansi Dan Pendidikan* 6, no. 2 (October 27, 2017): 93–106, <https://doi.org/10.25273/jap.v6i2.1178>.

⁴¹ Ari Dwipayana and Sutoro Eko, *Membangun Good Governance Di Desa* (Yogyakarta: IRE Press, 2003).

⁴² Azam Awang, *Implementasi Pemberdayaan Pemerintah Desa* (Yogyakarta: Pustaka Pelajar, 2010).

and distribution arenas. carried out by actors and village economic organizations).⁴³

Concerning village development, the village government becomes the center of governance which has relations with the BPD, elements of civil society, and the market or economic community. The duties and functions of a village head in government are one of the activities of government officials to improve the welfare of the community. The position of the village head is the personification of the village government. The village government and village heads are part of the chain of state bureaucracy that carries out regulatory and control functions in the region through administrative services, implementation of development projects, and community mobilization to support government policies in providing services to residents in the village.

The essence of village autonomy arrangements is the implementation of local governance that focuses on the principles of democracy and community participation, equity, and justice and considers the potential and cultural diversity of the regions. Development planning in rural areas is inseparable from running the village government, which is the central unit in providing services to the community and is a strategic milestone in village development.⁴⁴

Mudrajat Kuncoro explained that development is an effort to improve human ability to affect their future.⁴⁵ There are five main implications of this definition as follows:

1. Development means generating optimal human abilities, both humans and groups (capacity)
2. Development means encouraging the growth of togetherness and equality of values and welfare (equity).

⁴³ Himawan S. Pambudi, *Politik Pemberdayaan: Jalan Mewujudkan Otonomi Desa* (Jakarta: Lappera Pustaka Utama, 2003); See also Nadir, "Otonomi Daerah Dan Desentralisasi Desa," 1–21.

⁴⁴ Sujanto, *Otonomi Daerah Yang Nyata Dan Bertanggung Jawab*, 41; See also Utang Suwaryo, "Mengembalikan Otonomi Untuk Desa," *Governance* 2, no. 1 (2011): 1–12.

⁴⁵ Mudrajat Kuncoro, *Otonomi Dan Pembangunan Daerah: Reformasi, Perencanaan, Strategi, Dan Peluang* (Jakarta: Erlangga, 2004), 27.

3. Development means putting trust in the community to build themselves according to their abilities. This belief is expressed in the form of equal opportunity, freedom of choice, and power to decide (empowerment).
4. Development means generating the ability to build independently (sustainability).
5. Development means reducing the dependence of one country on another and creating mutually beneficial and respectful relations (interdependence).

Based on statistical records, it was found that almost 60% of the population in Indonesia live in rural areas. With a large population and potential natural components, the community will receive development assets if developed and activated intensively and effectively. The standard of living and welfare of rural communities will increase. Bottom-up village policy and development is just a political developmentalism effort in the village, emphasizing two aspects, namely creating the space or opportunities created. However, in reality, what is happening is a democratic crisis where the decision-making process (policy) concerning the community's life runs without substantial involvement.⁴⁶ This is not in line with the Village Law, which emphasizes the village community as an object that must be empowered.

Furthermore, the village community also has a role as an actor of development. At the same time, the government plays a role as a driving force for the development and empowerment of the village. This is the most crucial thing in development, the existence of cooperation for the sake of common welfare. However, there are also restrictions on the access of village communities in the arena of policy reversal, especially policymakers who sometimes place themselves like parties with autonomy to make decisions even

⁴⁶ Eko and Rozaki, *Prakarsa Desentralisasi Dan Otonomi Desa*. See also N. Muhammad Khoiriza, "Desentralisasi Sebagai Upaya Pembangunan Desa Secara Menyeluruh Menurut UU No. 6 Tahun 2014," *Jurnal Ilmu Syariah Dan Hukum* Vol 50, no. 1 (2016); See also Richard Timotius, "Revitalisasi Desa Dalam Konstelasi Desentralisasi Menurut Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Jurnal Hukum & Pembangunan* 48, no. 2 (2018): 323–44.

without political participation and approval from the village people. This makes the policies in the village more of an incremental convention or the instigations of the apparatus' thoughts which are spontaneously and slightly impulsively applied as the direction of pace.⁴⁷

Village government and village communities are an integral and inseparable unit, although conceptually, they can be distinguished and contain its meaning. Village governments have historically been formed by village communities where they elect several community members who are trusted to organize, organize, serve, maintain, defend and protect various aspects of their lives.

The central aspect of village community life is usually customary law. Both written and unwritten, social, cultural, economy, agriculture, plantation, fishery, trade. Order, security, management of economic and social resources involving the influence of the state sector, and self-defense. In addition, in this case, village government is also a form of formalization of community institutional organizations.⁴⁸

Thus, government officials or village administrators must implement this mandate in various policies, especially public policy. Implementing public policies occurs because of government actions to overcome various problems in society to give birth to these decisions. This policy is seen as a policy formulation process implemented, implemented, and evaluated through stages.

Awang explained that the policy implementation stage is the stage between policy formation and consequences or policies on target groups, from planning to evaluation. Implementation is intended to achieve policy objectives that have direct consequences on people affected by the policy. This opinion can be further interpreted that the implementation process is a control system to prevent sources and policy objectives from occurring. The

⁴⁷ Ardhiwinda Kusumaputra, "Optimalisasi Pembangunan Ekonomi Nasional Melalui Otonomi Desa," *Perspektif* 22, no. 1 (January 30, 2017): 55–65, <https://doi.org/10.30742/perspektif.v22i1.605>.

⁴⁸ Anak Agung Istri Ari Atu Dewi and Anak Agung Istri, "Eksistensi Otonomi Desa Pakraman Dalam Perspektif Pluralisme Hukum," *Jurnal Magister Hukum Udayana* 7, no. 3 (2014).

implementation process can be a way for bargaining between government agencies.⁴⁹

Implementation is defined as what happens after laws and regulations prioritize a program, benefit, or explicit output form.⁵⁰ Public policy implementation does not only concern the behavior of administrative bodies responsible for implementing the program and fostering adherence to target groups but also concerning political, economic, and social forces that can directly or indirectly influence the behavior of all parties involved so that it can affect the form of a good impact following what is expected.

Regarding the mechanism for realizing the welfare of the village community, the Village Law provides 4 (four) means of implementation consisting of the implementation of Village Government, the implementation of Village Development, Village community development, and empowerment of Village communities.

Village Development is an effort related to improving the quality of life and community life as widely as possible for the welfare of the Village community. Meanwhile, what is meant by the empowerment of Village Communities is an effort to develop the independence and welfare of the community by increasing knowledge, attitudes, skills, behavior, abilities, awareness, and utilization of resources through the establishment of policies, programs, activities, and assistance following the essence of the problem and priority needs of the Village community.⁵¹

Based on the authority they have, the village head legally has a big responsibility. Therefore, there must be a delegation of authority to assistants so that the authority exercised by the village head can run effectively. The authority of the Village Head is further affirmed in article 26 paragraph (3) of Law No. 6 of 2014, namely that in carrying out the tasks referred to in paragraph (1), the Village

⁴⁹ Awang, *Implementasi Pemberdayaan Pemerintah Desa*, 27–28.

⁵⁰ Solichin Abdul Wahab, *Analisis Kebijakan Dan Formulasi Implementasi Kebijakan Negara* (Jakarta: Bumi Aksara, 2002).

⁵¹ Article 1 paragraph 12 Law No 6 of 2014 on Villages. See also Pambudi, *Politik Pemberdayaan*.

Head has the right: a) to propose an organizational structure and work procedures for the Village Government; b) submit a design and stipulate a Village Regulation; c) receive a monthly fixed income, allowances, and other legal receipts, and receive health insurance; d) obtaining legal protection for the policies implemented; and e) mandating the implementation of duties and other obligations to the Village apparatus.

It is explained in Article 28 that (1) the Village Head who does not carry out the obligations referred to in Article 26 paragraph (4) and Article 27 will be subject to administrative sanctions in the form of an oral warning and/or a written warning. (2) If the administrative sanctions as intended in paragraph (1) are not implemented, a temporary dismissal will be taken and may be continued with dismissal.

For the Village Head not to be "trapped in violation of the law," the Village Head is given several prohibitions as affirmed by Article 29 of the Village Law. The Village Head is prohibited from: a) harming public interests; b) make decisions that benefit yourself, family members, other parties, and / or specific groups; c) abuse of authority, duties, rights and / or obligations; d) commit discriminatory actions against citizens and / or certain community groups; e) take action to disturb a group of Village people; f) engaging in collusion, corruption and nepotism, accepting money, goods and / or services from other parties that can influence the decisions or actions to be carried out; g) take charge of political parties; h) become members and / or administrators of banned organizations; i) concurrently serving as chairman and / or member of the Village Consultative Body, member of the People's Representative Council of the Republic of Indonesia, the Regional Representative Council of the Republic of Indonesia, the Provincial Regional Representative Council of Regency / City Regional People's Representative Council, and other positions stipulated in the laws and regulations. Invitation; j) participate and/or be involved in general election campaigns and/or regional head elections; k) violating the oath/promise of office; and l) leaving the

assignment for 30 (thirty) consecutive working days without apparent reasons and cannot be justified.

A forum was later called the village meeting so that the implementation of village governance could be carried out democratically. In the Village Law, there is a clear definition of what is meant by village deliberations, namely in Article 1 point 5, which states that the Village Consultative Meeting or what is known as the deliberation between the Village Consultative Body, the Village Government, and elements of society is held by the Village Consultative Body to agree on this matter. which is strategic.

The one who plays a strategic role in the village deliberations is the BPD, considering that the BPD holds the village meetings. Therefore, it is also necessary to understand the duties of the BPD based on the Village Law in Article 55, where the Village Consultative Body has the following functions: a) discussing and agreeing on the Draft Village Regulation with the Village Head; b) accommodate and channel the aspirations of the Village community; and c) supervise the performance of the Village Head.

In addition, four models of governance can be implemented to increase the speed of the realization of village development to realize the welfare of the village people. *First* is a model that bases village development on a participatory aspect. Participatory development is carried out to accelerate and improve the quality of services, development, and empowerment of rural people by promoting togetherness, kinship, and cooperation. *Second*, establishing synergy between actors is the key to implementing the Village Law. Strengthening coordination and active involvement of all stakeholders is needed in this regard, including Non-Government Organizations (NGOs), the business community, universities, and the media. *The third* is related to the development of an independent Production-Based Local Economy. This will support efforts to strengthen the national economy by using food security and vital energy. *Fourth*, regarding the acceleration of distribution and use of village funds to drive the real sector of the village economy.

The paradigm shift in regulating village autonomy is presented in the following table:

	The Old one	The New one
Legal basis	Law No 32/2004 and Government Regulation No 72/2005	Law No. 6/2014
Basic Principles	Decentralization-residuality	Recognition-subsidiarity
Position	As a government organization that is in the district/city government system (local state government)	As a community government, a hybrid between self-growing community and local self-government.
Position and role of districts/cities	Districts/cities have significant and broad authority in regulating and managing villages.	Districts/cities have limited and strategic authority in regulating and managing villages, including regulating and managing areas of village affairs that do not need to be handled directly by the center.
Delivery of authority and programs	Target	Mandate
Place politics	Location: The village as the project location from above	Arena: Village as an arena for villagers to carry out governance, development, empowerment, and society
Position under construction	Object	Subject
Development model	<i>Government driven development or community-driven development</i>	<i>Village driven development</i>

Approach and Action	Sectoral imposition and mutilation	Facilitation, emancipation, and consolidation
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Referring to the table above, it can be seen clearly that the Village Law carries an ideal mission to create village independence. Thus, this is so that it follows the principles of building villages where the village is the subject of development and the village tradition. This makes the development model initially driven by the community (community-driven development) change to development driven by the village (village-driven development).⁵² However, this ideal model becomes apparent when independent development and village empowerment are only based on bureaucratic techniques.

Various programs have been implemented to realize people's welfare through bureaucratic techniques, including PNPM Mandiri, SMD, INKA MINA, Desa Siaga, PKH, etc. These various programs have been recognized as providing benefits to the village community, even though they have not been able to prosper the community and make the village community equal. This is due to the existence of a partial paradigm so that the related programs have not been able to address problems in the village comprehensively. In other words, the village regulation that has been implemented in a variety of new policies is limited to making village communities less poor.⁵³

The conclusion is that it is time for village development to be directed and based on comprehensive and integrated planning based on the potential of each region. Thus, it is expected that each region will obtain mutual benefits.

The welfare of the village people is, of course, the village government's responsibility and involves all parties. This includes two major components that act as benchmarks: essential services

⁵² Sutoro Eko et al., *Desa Membangun Indonesia* (Yogyakarta: FPPD, 2014), 45.

⁵³ Mashuri Maschab, *Politik Pemerintahan Desa Di Indonesia* (Yogyakarta: Penerbit PolGov, 2013), 167–72.

(food, housing, education, and health) and village economic development based on local potential. This potential is, of course, based on local resources, both material and non-material, to be explored as much as possible without the monopoly of outsiders.

Furthermore, this construction can also be understood that the Village Law has significantly changed the pattern of development-legal political relations. If in the past the village was only a project location, or just a level of the commodification of local elite clusters, now the village has created a consolidation of development that allows a development perspective from within the village. Even though there are still various gaps in weakness, the regulation of the Village Law has raised new hopes for a more visionary village. There are many examples of how the visionary villages set an example. Some examples in this regard are the achievements of managing tourist villages, village assets, BUMDes development pilots, administrative and financial arrangements, village information systems, and social regrouping and strengthening civic forums.⁵⁴

What the Village Law emphasizes in realizing a village that is advanced, strong, independent, democratic, and prosperous as a reconstructive imagination for a new village is the direction of sustainable village change in the future. Therefore, assistance and strengthening of village capacity must be continuously promoted so that there is no more imbalance between villages and cities. The noble ideals of the Village Law must always be maintained so that it is not distorted by various outside interests, which make the village only a development project because that will only build sandcastles.

Conclusion

Based on the discussion in this study, the conclusion is that the regulation of village autonomy through Law No. 6 of 2014 concerning Villages rests on the principles of recognition and

⁵⁴ Dina Mariana dkk, *Desa: Situs Baru Demokrasi Lokal* (Yogyakarta: IRE Press, 2017), 136–37.

subsidiarity, which are carried out to realize people's welfare through the optimization of essential services and local resources. In making it happen, the village uses two approaches: 'the village that creates' and 'the village that builds.' This approach is then integrated into village development planning, where the village head is the central figure. The village head is a crucial factor in optimizing the realization of democratic and participatory village development. This cycle is a form of learning democratic participation. From this system, an actual bottom-up mechanism will emerge. In maximizing the realization of the welfare of the village people, apart from being supported by the Village Fund Allocation (ADD), village development can also be supported by efforts to manage village assets productively and sustainably.

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