

**GRANTING AUTHORITY TO VILLAGES IN THE CONTEXT
OF REGIONAL AUTONOMY BASED ON THE IMPLEMENTATION
OF LAW NUMBER 6 OF 2014 CONCERNING VILLAGES**

Dzikri Abazis Subekti

UIN Sunan Gunung Djati Bandung, Indonesia

Email: dzikriabazissubekti@gmail.com

Abstract

Law Number 6 of 2014 concerning Villages has become the initial barometer of villages in remapping village authority, all government affairs that are the authority of the Regency / City which are handed over to the Village are government affairs that can directly improve services and community empowerment. In carrying out the implementation of Village Government, Village Development, Village Community Development, and Village Community Empowerment, Village Government requires authority in its implementation, both original authority and attributive authority. Where these authorities aim to encourage initiatives, movements, and participation of village communities for the development of village potentials and assets for mutual welfare to realize the goals of regional autonomy.

Keywords: *Village Authority, Community, Regional Autonomy*

1. INTRODUCTION

To create a just and prosperous society as mandated in the Preamble to the 1945 Constitution, the Indonesian nation must start the development paradigm from below (Village) because most of the Indonesian population and all its problems live in villages. But during this time, development tends to be growth-oriented and urban biased. The economic resources that grow in the Village area are taken by greater power, so that the Village runs out of resources and causes the flow of urbanization of villagers to the city (Putra & Alifandi, 2021).

The village is the pioneer of an autonomous and fully sovereign democratic system. For a long time, villages have had their own systems and mechanisms of government and social norms. In Law No. 6 of 2014 concerning Villages, a village is a legal community unit that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of local communities based on community initiatives, rights of origin, and/or traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia (Yudha et al., 2020).

This condition that creates injustice, poverty and backwardness is always attached to the village. In general in Indonesia, a village (or referred to by other names according to the local language) can be said to be the smallest area managed formally and independently by the community group that lives in it with mutually agreed rules, with the aim of creating order, happiness and mutual welfare which is considered to be the common rights and responsibilities of the community group.

In the current state administration system in Indonesia, the village area is part of the sub-district area, so the sub-district becomes the coordinating instrument of the supra-village ruler (the state through the Government and local government). Clarified in Article 371 paragraph (1) of Law Number 23 of 2014, states: "In the district / city regional government, a village government can be formed". The use of the term "formed" confirms that the village government is a subsystem or part of the district / city government, therefore it exercises part of the authority of the district / city government. In this law, the village is a unit of government in the regency/city government. This is different from the term used in Article 18 paragraph (1) of the 1945 Constitution which states "The Unitary State of the Republic of Indonesia is divided into provincial areas and the provincial areas are divided into regencies and cities ...". The use of the term "divided into regions" shows that in addition to respecting autonomous regions, it also confirms the existence of hierarchical and vertical central and regional government relationships. Thus, there are differences in the central and regional relationship models based on Article 18 of the 1945 Constitution with the district/city relationship model with villages based on Law No. 23/2014. However, it developed with the issuance of the Village Law, that recognition and respect for existing villages with their diversity before and after the establishment of the Unitary State of the Republic of Indonesia was recognized and given clarity on the status and legal certainty of villages in the constitutional system of the Republic of Indonesia in order to realize justice for all Indonesian people (Antlöv et al., 2016).

Efforts to strengthen regional autonomy and "village autonomy" are part of this ideal, as well as to build a strong and perfect Indonesian imagination, which transcends centralism and localism. The Republic of Indonesia will be stronger if it is supported by people's sovereignty and local independence (regions and villages), namely the center that "respects" the local and the local who "respects" the center. Village independence will be the foundation and strength of the Republic of Indonesia and Indonesia's imagination. If the village is forever marginal and dependent, it will become a heavy burden on the government and paralyze the foundation of the Republic of Indonesia. In the future we need villages as local entities that are socially powerful, politically sovereign, economically empowered and culturally dignified (Rogers, 2021).

Based on the reality on the ground, it shows that in the implementation of village authority, the main problems faced include first, in the authority of origin, where the position of the village which is a transitional village from a traditional village to a modern village resulted in the existing customs and culture not being so thick and the original autonomy possessed began to fade over time. To adjust these developments, the Government promulgated Law Number 6 of 2014 about the Village, on January 15, 2014. This law is prepared in the spirit of implementing the mandate of the constitution, namely the regulation of customary law communities in accordance with the provisions of Article 18B paragraph (2) to be regulated in the structure of government in accordance with the provisions of Article 18 paragraph (7) (Silubun et al., 2020).

However, the authority of the unity of indigenous peoples regarding the regulation of customary rights refers to the provisions of relevant sectoral laws and regulations. This law certainly cannot regulate all aspects of village life, especially those related to community aspects (customs, local wisdom, social capital, local wisdom, and so on) of the village that have been running normally. Overly detailed and far-reaching arrangements for "villages" also show state intervention that paralyzes society. The basic principle is that this Law mandates the state to provide recognition and protection of aspects of village society. Therefore, this Law is not a Village Law (which is

comprehensive) but a Law on Village governance or called the Law on Villages, which will support the implementation of national development. Then related to the implementation of village authority in the form of distributive affairs that are relatively new in the administration of village government, namely affairs that are handed over to the regulation from the government or district government to the village so that it is assumed that the village government is difficult to implement its village autonomy because there are new government affairs. It is therefore interesting to see the exercise of village authority (Widhiyanti, 2022).

2. IMPLEMENTATION METHOD

This research will use a qualitative approach with a case study method to gain a deep understanding of the implementation of granting authority to villages in the context of regional autonomy. The qualitative approach was chosen because it provides greater space to explore local contexts, social dynamics, and the complexity of policy implementation. The case study method will allow researchers to investigate in detail and in depth how village authorization occurs, as well as its effects on local and community development (Sugiyono, 2018).

Data will be collected through several techniques, including in-depth interviews with various relevant stakeholders, such as village heads, village representative body members, community leaders, and others. The interview will be the main instrument to understand various points of view and experiences related to the implementation of Law Number 6 of 2014 concerning Villages. In addition, participatory observations will be conducted to gain a direct understanding of the implementation process and dynamics of interaction between actors in the village context. During the observation, researchers will be actively involved in activities related to local development and decision-making at the village level.

Analysis of documents related to law implementation, such as village regulations, village financial statements, and other official documents, will also be carried out to gain a more comprehensive understanding of the context and implementation process. Data collection will focus on four main aspects: (1) the implementation process of Law Number 6 of 2014 on Villages, (2) the effectiveness of village authority management in local development, (3) obstacles and challenges faced in implementing village authority, and (4) community perceptions regarding the benefits and impacts of granting authority to villages. By integrating these various data collection techniques, it is hoped that this research can provide a comprehensive and in-depth picture of the implementation of granting authority to villages.

3. RESULTS AND DISCUSSION

Discussion

Understanding Village

According to Rahardjo, a village or rural environment is a community that is always associated with simplicity, backwardness, traditionalism, subsistence, and isolation. argues that villagers in their daily lives depend on nature. Nature is everything to the villagers, because nature gives humans what they need for their lives. They process nature with simple tools to pick the results to meet their daily needs. Nature is also used for dwellings.

Koentjaraningrat (2005), argues that people in rural areas are small communities that have special characteristics in the pattern of living arrangements, social ties and ins and outs of rural communities, namely;

- 1) The citizens know each other and get along intensively,
- 2) because it is small, then each special part and group in it is not too different from one another,
- 3) Its citizens can live the field of their lives well. In addition, rural communities have a high nature of solidarity, togetherness and mutual assistance that arises from the principle of reciprocity.

This means that the attitude of helping that arises in rural communities is more due to debts of merit or kindness. According to Anshoriy (2008), in his research on environmental wisdom in Java, the sociocultural life of people in pedusunan (rural) has the following characteristics: upholding togetherness in the form of mutual cooperation, mountain fall and so on,

1. Love partnership by considering anyone as a brother and must be entertained when visiting home,
2. Attaches importance to politeness in the form of uploads, manners, decency and so on related to the ethics of manners.
3. Understand the change of seasons (prey institutions) related to the harvest period and planting period,
4. Having religious considerations and calculations (good days and bad days) in every agenda and activity,
5. Have a high tolerance in forgiving and excusing every mistake of others, especially leaders or community leaders,
6. Loves art and is close to nature.

According to Shahab, in general, the characteristics of rural community life can be identified as follows:

- a. Have a homogeneous nature in livelihood, values in culture and in attitudes and behavior,
- b. Village life emphasizes family members as an economic unit which means that all family members come together to meet the family's economic needs,
- c. Geographical factors are very influential on existing life. For example, the attachment of a family member to the land or village of his birth,
- d. Relationships among community members are more intimate and lasting than in the city.

Rural and rural communities are unique communities that are different from urban communities. While all policies and legislation are the product of policymakers who in fact are urban communities, rural communities have a peculiarity in regulating various local wisdoms. Socially, the pattern of life of the people in the village can be said to be still homogeneous and the pattern of interaction is horizontal, much influenced by the family system. All interacting couples are considered family members and the thing that plays a big role in their interactions and social relationships is social motives. Social interaction is always sought so that social *unity* is not disturbed, conflicts or social conflicts as much as possible are avoided not to occur.

It is this principle of harmony that animates social relations in rural communities. The power that unites rural communities arises because of the similarity of society such as similar customs, similar goals and similar experiences. Various characteristics of rural communities above such as natural potential, homogeneity, familial traits and so on make the village community a special and unique community.

Legal Basis of Government

The 1945 Constitution of the Republic of Indonesia (UUD 1945) is the highest law and the main instrument for the Government of Indonesia. The 1945 Constitution has demanded a process of change in various institutions of government and became the basis for political stability, freedom of human rights, economic growth and social progress. The State of Indonesia is an organization of power (authority) or a form of association of life that must meet certain requirements, among others: there is a sovereign government, certain territories (regions) and people who live orderly, which is the minimum requirement that must be owned by each State and must have a purpose – the founders of the State have chosen the principle of the distribution of power in the administration of the State of Indonesia whose purpose is listed in the fourth paragraph of the Preamble to the 1945 Constitution (Moonti, 2018).

“... protect the entire Indonesian nation and all Indonesian bloodshed and to promote the general welfare, educate the life of the nation, and participate in implementing world order based on independence, lasting peace, and social justice.

To achieve this goal, officials in the regions help realize the implementation of Regional Government and social welfare through regional development because Indonesian regions are divided into autonomous or administrative regions. The principle of autonomy and the duty of formal juridical assistance is contained in Article 18 of the 1945 Constitution.

1. The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into regencies and cities where each province, regency and city has a local government regulated by law.
2. The local governments of provinces, districts, and cities regulate and manage their own government affairs according to the principle of autonomy and assistance duties.
3. The Regional Government of Provinces, regencies and cities has a Regional People's Representative Council whose members are elected through general elections.
4. The Governor, Regent and Mayor respectively as the Head of the Regional Government of the Province, Regency and City are democratically elected.
5. Regional governments exercise the widest autonomy, except for government affairs which by law are determined to be the affairs of the central government.
6. Local governments have the right to enact local regulations and other regulations to carry out autonomy and assistance duties.
7. The structure and procedures for administering local government are regulated in law.

In relation to the composition and administration of Regional Government, after the amendment of the 1945 Constitution, Village arrangements or referred to by other names in terms of government refer to the provisions of Article 18 paragraph (7) which confirms that "The structure and procedures for the administration of Regional Government are regulated in law". This means that Article 18 paragraph (7) of the Constitution of the Republic of Indonesia Year 1945 opens the possibility of a government structure in the Indonesian government system. Through the amendment of the 1945 Constitution, recognition of the unity of indigenous peoples is affirmed through the provisions in Article 18B paragraph (2) which reads "The State recognizes and respects the unity of indigenous

peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, which are stipulated in law" (Pratiwi & Istinah, 2022).

Granting Village Authority in Laws and Regulations

In the history of village regulation, several arrangements have been established regarding villages, namely Law Number 22 of 1948 concerning the Principles of Regional Government, Law Number 1 of 1957 concerning the Principles of Regional Government, Law Number 18 of 1965 concerning the Principles of Regional Government, Law Number 19 of 1965 concerning Praja Villages as a transitional form to accelerate the realization of Level III Regions throughout the territory of the Republic of Indonesia, Law Number 5 of 1974 concerning the Principles of Regional Government, Law Number 5 of 1979 concerning Village Government, Law Number 22 of 1999 concerning Regional Government, Law Number 32 of 2004 concerning Regional Government, Law Number 23 of 2014 concerning Regional Government and finally with Law Number 6 of 2014 concerning Villages, Here are the Village arrangements in several shrimp regulations – **invitations:**

1. Law Number 23 of 2014 concerning Regional Government
2. Law Number 6 of 2014 concerning Villages
3. Government Regulation Number 43 of 2014 concerning the Implementing Regulation of Law Number 6 of 2014 concerning Villages
4. Regulation of the Minister of Home Affairs Number 30 of 2006 concerning Procedures for Handing Over District/City Government Affairs to Villages

Village Authority in Realizing the Implementation of Regional Autonomy

Although the village remains part of the subsystem of the regency/city government, there is no theory and principle that justifies the transfer of authority/affairs from the district/city government to the village. On the other hand, the constitution also does not stipulate the decentralization of village authority. Therefore, village authority is based on the principles of recognition and subsidiarity, not on the principle of decentralization.

Village authority no longer follows the scheme of handing over or devolving part of the authority from the district/city, but rather with the scheme of recognition and subsidiarity for the interests of local communities, directly from the Village Law. Under this scheme there are two main types of village authority:

1. The authority of origin recognized by the state: managing assets (natural resources, customary land, village cash land) within the jurisdiction of the village, establishing the village government structure by accommodating the original structure, resolving disputes customarily and preserving local customs and culture.
2. Inherent authority (attributive) to regulate and take care of the interests of local communities on a local scale (Village): planning development and spatial planning of the Village, forming the structure and organization of Village government, organizing elections for Village heads, forming Village Representative Bodies, managing the Regional Budget, forming community institutions, developing BUMDesa, and others.

Village authority that can be regulated and managed by the Village itself based on the Village Law consists of authority based on the right of origin and local authority at the

village scale. Authority based on the right of origin is a right that is a living inheritance and Village initiatives or Village community initiatives in accordance with the development of community life, which includes:

1. fostering indigenous peoples' organizations;
2. development of community institutions and customary institutions;
3. development of institutions and customary law;
4. land management of the Village treasury;
5. development of village community participation;
6. management of natural resources for the benefit of the construction of village roads, village bridges, and village people's houses;
7. settlement of village community disputes in the land sector;
8. maintenance of the peace and order of the Village;
9. development of social living conditions of the village community;
10. development of local wisdom of the village;
11. management and preservation of Village forests;
12. Village irrigation arrangement; and
13. religious formation.

Meanwhile, village-scale local authority is the authority to regulate and take care of the interests of the village community that has been run by the village or is able and effective to be run by the village or that arises due to the development of the village and village community initiatives, which include:

1. boat mooring management;
2. Village market management;
3. management of public baths;
4. creation of traditional irrigation canals on a village scale;
5. environmental management of village community settlements;
6. community facilitation and provision of integrated service posts;
7. construction of art and learning studios;
8. village library development;
9. utilization and maintenance of Village reservoirs;
10. creation of village roads between settlements to agricultural areas;
11. art development;
12. facilitating sports;
13. facilitate people to live healthy and exercise;
14. data collection of elderly and disabled villagers;
15. institutional development of farmers and fishermen;
16. management of village-scale slaughterhouses;
17. management of village-scale fish auction sites;
18. coaching cooperative members in order to compulsorily save;
19. community economic business empowerment including savings and loans management and village granaries;
20. data collection of potential compulsory education and cultural preservation;
21. management of tourism objects owned by the Village;

22. village-scale drinking water supply;
23. development of village midwives and village polyclinics;
24. registration of villagers and poor people; and/or
25. Reading Garden Development

In addition, there is one type of authority (affairs) that is additional, namely authority in the field of assistance tasks (delegation) given by the government. The basic principle, in this assistance task, the village only carries out administrative tasks (taking care of) in the field of government and development given by the government. Assistance tasks are accompanied by funds, personnel and facilities. Then other authorities assigned by the Government, Provincial Regional Government or Regency / City Regional Government are also formulated in accordance with the provisions of laws and regulations. The village has the right to refuse assistance if it is not accompanied by funds, personnel and facilities. As a consequence of the diversity of villages based on optional villages, the authority of the village is adjusted to the selected village. Integrated villages have three authorities, namely:

1. Authority of origin
2. attributive authority
3. Assistance Tasks

While villages that coexist with indigenous peoples, the authority of origin becomes the authority of indigenous peoples. So that the implementation of village government can be more sensitive in understanding the aspirations and problems faced by the community. In this regard, there are 7 principles of Village Government that are emphasized, namely:

1. Principles of Legal Certainty
2. Principles of Orderly Public Interest
3. The Principle of Openness
4. Principles of Professionalism
5. Accountability Principle
6. Principle of Efficiency
7. Principles of Effectiveness

The authority owned by the Village cannot all be applied throughout the Village, but the Village can choose the authority that is appropriate to the local context and capacity. Autonomous regions acquire authority using the principle of decentralization (autonomy granted by the Government). In contrast to villages, which are self-governing communities using the principle of subsidiarity, where most of the authority is originally already in the community, not granted. In decentralization, if the region is unable to afford it, its authority is taken back by the Government, while in subsidiarity, if there are externalities, it is the community who asks the government to take over. This is in accordance with the mandate of the Preamble of the 1945 NRI Constitution, where the establishment of the Government of the State of Indonesia is intended to regulate and manage matters that cannot be carried out by the community itself (see the sentence "Then instead of that ... protect the whole nation ...").

The village becomes the fulcrum of the government and community in making government functions, development movements and community dynamics in the village. Various government affairs both general, technical and regional governments as well as village autonomy are located and carried out in the village such as village security and order affairs, agricultural and plantation affairs, forestry affairs, education affairs, health affairs, labor affairs and other affairs that are under the authority of the village. The village in principle has the authority to regulate, coach, service, and facilitate the village community (Ramadhan & Rosalia, 2022). All of them in the authority of government affairs in the village are assistance or medebewind duties from the central, regional (provincial, regency and city) governments and village autonomy (Moonti, 2018).

According to Taliziduhu Ndraha in his book *Dimensions of Village Government* (1981) that villages through village governments have affairs that are their authority and responsibility, which in general there are two (2) affairs, namely deconcentric and participatory affairs. Especially for villages with village autonomy, there is a third type, namely village household affairs. This view was in the enactment of Law No. 5 of 1974 concerning Local Government and Law No. 5 of 1979 concerning Village Government. Government affairs under the authority of the village based on Article 7 of Government Regulation No. 72 of 2004 include the following affairs:

1. Existing government affairs based on the right of origin of the village (village autonomy);
2. Government affairs that are the authority of the district / city are handed over to the village (decentralization);
3. Assistance duties from the government, provincial government and regency/city government (medebewind);
4. Other government affairs that by law are handed over to the village (decentralization).

Thus government affairs carried out in the village are village autonomy / village household affairs, decentralization affairs (from autonomous regions) and medebewind affairs or assistance from the central and regional governments (Provinces, Districts / Cities), so that the authority of the village government is very strategic, institutionally, policy and administrative government in carrying out these government affairs.

- 1) Household Affairs / Village Autonomy Village autonomy affairs or village households authority attached to the village government. Village autonomy or household affairs are existing government affairs based on the rights of origin, customs and culture of the village that are maintained, regulated and maintained and developed in the lives of village people. Household affairs or village autonomy are customary, traditions and culture inherent in the village which each region is different, because of differences in customs and culture, so that village household affairs are strongly influenced by the capacity of the village government, the ability of the Village Consultative Body (BPD) and community participation and guidance in village government is decision (political decision) and responsible (village government administration) Village government in its political authority to regulate and take care of the interests of the community in their village, one form of regulating the government and the community through village government policies in the form of Village Regulations (Perdesa), for example, village levies, and so on. Meanwhile, the village government is in administrative authority to carry out village government administration for the benefit of community services through regulating, managing

and fostering village apparatus organizations, Village Consultative Bodies (BPD), Village-Owned Enterprises (BUMD), Village Development Planning and village APB. In its development, village authority that is autonomous includes authority based on the right of origin and local authority at the village scale. Where what is meant by the basic right of proposal is a right that is a living inheritance and a Village initiative or Village community initiative in accordance with the development of community life. Meanwhile, village-scale local authority is the authority to regulate and take care of the interests of the village community that has been run by the village or is able and effective to be run by the village or that arises due to the development of the village and village community initiatives (Yustinus Ari Wijaya, n.d.).

- 2) Regency/City Government Affairs Included in the Regulation to the Village Village government in exercising the authority to carry out based on the authority of the District/City which is handed over to the village. The affairs of the local government can directly improve services and community empowerment in the village through Regional Regulations and their submission from the relevant local government. The essence of true autonomy is the transfer of authority from the level of government. So if there is a transfer of authority between levels of government then the consequence is autonomy. While autonomy is basically the right, authority, and obligation to regulate and take care of one's own household. can be organized by the community itself so that the village becomes the fulcrum of the government and the community in carrying out government functions, development movements and the development of community dynamics in the village. However, in its development, the existing arrangements, before the Village Law was promulgated, could not accommodate the implementation of Village authority. In carrying out the implementation of Village Government, Village Development, Village Community Development, and Village Community Empowerment, Village Government requires authority in its implementation, both original authority and attributive authority. Where these authorities aim to encourage initiatives, movements, and participation of village communities for the development of village potentials and assets for mutual welfare in order to realize the goals of regional autonomy (Vel & Bedner, 2015).

4. CONCLUSION

Granting authority to villages within the context of regional autonomy, as stipulated in Law Number 6 of 2014 concerning villages, has proven to be a pivotal step towards empowering local communities and enhancing governance at the grassroots level. This legislation acknowledges the significance of decentralization and the need to distribute power and resources more equitably across different levels of government. By granting villages greater autonomy, the law enables them to make decisions that are tailored to their specific needs and priorities, fostering a sense of ownership and accountability among residents. The implementation of Law Number 6 of 2014 has resulted in several positive outcomes. Firstly, it has facilitated the participatory involvement of villagers in decision-making processes, allowing them to have a direct say in matters that affect their daily lives. This empowerment of local communities has led to increased civic engagement and social cohesion within villages. Secondly, granting authority to villages has enabled more efficient and effective delivery of public services. Local authorities are better positioned to identify and address the unique challenges and opportunities within their respective communities, leading to more targeted and responsive service provision. Furthermore, decentralization has encouraged innovation and experimentation at the local level, as villages are free to explore new approaches to governance and development that are best suited to their circumstances. This flexibility has spurred creativity and

problem-solving, driving sustainable progress and improvement in living standards. However, challenges remain in fully realizing the potential of village autonomy. Capacity constraints, limited resources, and uneven implementation across regions pose obstacles to effective decentralization. Addressing these challenges requires continued investment in capacity-building initiatives, institutional strengthening, and ensuring adequate support mechanisms for villages, particularly those in disadvantaged areas.

In conclusion, granting authority to villages under Law Number 6 of 2014 represents a significant step towards achieving greater decentralization and empowering local communities. While progress has been made in enhancing local governance and service delivery, ongoing efforts are needed to address remaining challenges and fully harness the potential of village autonomy in promoting inclusive and sustainable development.

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