



Duties Of The Village Head In Implementing Village Development (Case Study in Paku Alam Village, Banjar Regency)

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Abstract: Law Number 6 of 2014 Concerning Villages explicitly assigns tasks to the village government, namely administering government, implementing development, community development, and community empowerment based on Pancasila, the 1945 Constitution of the Republic of Indonesia, and Unity in Diversity. To find out the implementation of the village head's duties in carrying out village development in the village of Paku Alam and to know the arrangements regarding sanctions against village heads who are not optimal in carrying out village development tasks. In research this writer uses empirical research. The Head of Paku Alam Village has carried out his duties and functions as the most important element for the community in carrying out village infrastructure development based on the APBDes. Based on the results of observations it was found that there is still uneven infrastructure development. Meanwhile, legal sanctions if the village head does not carry out his duties in village development are administrative sanctions ranging from reprimand to dismissal as village head. Meanwhile, criminal sanctions are applied if there are criminal acts such as corruption, abuse of authority and other criminal acts. The Village Head has carried out his duties and functions in carrying out village development, but there is still uneven infrastructure development. There are two sanctions for village heads who do not carry out their duties, namely administrative sanctions and criminal sanctions.

Keywords: Village head, development, criminal, sanctions

1. Introduction

Villages or what they call other names existed before the Unitary State of the Republic of Indonesia was formed (Maulidiah, 2016) . As proof of its existence, the explanation of article 18 of the 1945 Constitution of the Republic of Indonesia (before the amendment) states that in the territory of the State of Indonesia there are approximately 250 " *zelfbesturende landsschappen* " and " *volksgemeenschappen* ", such as villages in Java and Bali, Nagari in Minangkano , hamlets and clans in Palembang, and so on (SIBURIAN, 2023) These areas have an original structure and therefore can be considered as special areas, therefore, their existence must continue to be recognized and guaranteed their survival in the Unitary State of the Republic of Indonesia (Hadi, 2017)

Villages are part of the lowest government administration in development and the village government is the lowest organization in government in the Government of the Republic of Indonesia (Rahma et al., 2022) . The village itself can implement regional autonomy in accordance with the distribution of powers that have been given from the center to the village. This is stated in Law Number 6 of 2014 concerning Villages and Government Regulation Number 43 of 2014 as implementing regulations because of the

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distribution of powers given by the Indonesian government to villages. (Supriadi, 2015) . The Village in managing and regulating the running of government affairs is led by the Village Head (Supriadi, 2015) . As someone who is entrusted to lead, of course they are expected to be able to carry out their duties and functions well (Sundari et al., 2022). The Village Head is also expected to be able to carry out various village management, foster and develop and empower the local community. One of the determining factors for the progress of village development is the leadership of the Village Head (Manua et al., 2017)

The orientation of implementing regional autonomy is to improve public services *and* improve the regional economy, which basically contains three main missions, namely improving the quality and quantity of public services to the community, creating efficiency and effectiveness in regional resource management, and empowering and creating space for the community to participate in development (Sulila, 2015) In relation to the structure and administration of regional government, after the amendment to the 1945 Constitution of the Republic of Indonesia, the regulation of villages or referred to by other names in terms of government refers to the provisions of Article 18 paragraph (7) which confirms that "The structure and procedures for administering Regional Government are regulated in law". This means that Article 18 paragraph (7) of the 1945 Constitution of the Republic of Indonesia opens up the possibility of a government structure in the Indonesian government system (Tutik, 2017)

In the preamble to the Law, it is stated that Villages have original rights and traditional rights in regulating and managing the interests of local communities and have the aim as stated in article 4 (Four) of the Law, namely providing recognition and respect for existing villages with their diversity. before and after the formation of the Unitary State of the Republic of Indonesia (Djaoe, 2018) . Providing 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, preserving and advancing the customs, traditions and culture of village communities, encouraging initiatives, movements and participation of village communities (Indonesia, 2014). To develop village potential and assets for prosperity together, forming a village government that is professional, efficient and effective, open and responsible, improving public services for village residents in order to accelerate the realization of general welfare (Indonesia, 2014). Increasing the socio-cultural resilience of village communities in order to create a village community that is able to maintain social unity as part of from national resilience, advancing the economy of village communities and overcoming national development gaps, and strengthening village communities as subjects of development (Sutrisna, 2020)

Based on Law Number 6 of 2014 concerning Villages, Article 1 of which states that "Village Government is the development of government affairs and the interests of local communities in the government system of the Unitary State of the Republic of Indonesia. The village government is the Village Head or what is known by another name, assisted by village officials as the organizing element of the Village Government." Then there is the Village Consultative Body (BPD), which is an institution that carries out

government functions whose members are representatives of the village population based on democratically determined regional representation.

Thus, a village is led by a Village Head and with village officials who help run the village government. In general, the Village Head himself is tasked with organizing village government, carrying out village development, fostering village society, and empowering village communities (Antlöv et al., 2016). Therefore, the village head has rights, authority, obligations and also restrictions in carrying out government duties in the village.

Government is essentially a service to the community. Like the Good Governance paradigm in government administration, development and public services are not solely based on the government or country alone but must involve all elements, both within the internal bureaucracy and outside the public bureaucracy (society) (Widanti, 2022). Good governance, basically, is a government concept that builds and applies the principles of professionalism, democracy, transparency, efficiency, accountability, effectiveness, excellent service, and can be accepted by the entire community (Azan et al., 2021)

Paku Alam Village is one of the villages in the Sungai Tabuk District, Banjar Regency. This village is a village that is quite often visited by foreigners because there is historical tourism potential here, namely the Division IV ALRI Monument and Museum which is right on the Martapura River. Apart from this, this village is close to the Lok Baintan Floating Market. With this potential, a leader or village head is really needed who is able to develop the potential that exists in Paku Alam village so that it can benefit the village community. In connection with the above, there are indications that village development has not been implemented properly. This can be seen from the symptoms, namely the uneven development of facilities and infrastructure in the village.

Paku Alam Village faces several significant challenges in developing its tourism potential. One of the primary issues is the lack of infrastructure, including inadequate transportation and accommodation facilities, which makes it difficult for tourists to visit and stay comfortably. Additionally, limited funding hampers the village's ability to invest in necessary tourism-related projects and services. Marketing and promotion efforts are often insufficient, leaving the village underrepresented as a tourist destination. The local community also struggles with a lack of expertise in tourism management, which affects the quality of services provided. Moreover, there are environmental concerns regarding the impact of increased tourism, and efforts must be made to balance development with the preservation of natural resources and cultural heritage. Accessibility issues, due to remote location or poor road conditions, further complicate tourism development. Lastly, competition from more developed and better-marketed nearby tourist destinations poses a significant challenge. The village head of Paku Alam Village also encounters various obstacles in implementing village development. Bureaucratic challenges and the need for multiple approvals from higher authorities can delay projects. Gaining active participation and support from the local community is crucial, but resistance to change can be a significant barrier. Effective resource allocation is another challenge, as the village head must manage limited resources to address various

development needs. Building the capacity and skills of local officials and residents is essential for successful project implementation. Coordination with different stakeholders, including government agencies, NGOs, and private sector partners, requires careful planning and management. Additionally, corruption and mismanagement of funds can derail development efforts, and political influences may affect decision-making processes. Ensuring that development initiatives are sustainable and do not harm the environment or social fabric of the village is a continuous challenge that requires a balanced and strategic approach.

2. Materials and Methods

In this research, the author uses empirical research. The empirical legal research method is a legal research method that functions to see the law in real terms and examine how the law works in society. Because this research examines people in their living relationships in society, the empirical legal research method can be said to be sociological legal research. This legal research is taken from facts that exist in a society, legal entity or government agency (Muhammad Syahrudin, 2022) The nature of the research that the author uses is analytical descriptive research in the sense that all legal materials that the author obtains will be described and described and then analyzed. Researchers chose the research location in Paku Alam Village, Banjar Regency. The data collection method was carried out in two ways, namely library research and field research (Pinfield et al., 2014). The data collection process for village development projects typically begins with thorough planning and preparation, where objectives are clearly defined and a detailed plan is developed, outlining the methods, tools, timeline, and responsibilities involved. Key stakeholders in this process include the village head and local authorities, who provide leadership and ensure community engagement; community members, who participate in surveys, interviews, and focus groups; external experts, who offer expertise in data collection methods; and NGOs or partner organizations that assist with logistical support and capacity building.

Various methods are employed to collect data, such as surveys and questionnaires to gather quantitative data from community members, in-depth interviews with key stakeholders like the village head and local business owners, focus groups for qualitative insights, on-site observations to assess current conditions and facilities, and reviews of existing documents and records related to the village. The timeline for this process typically involves 1-2 weeks for preparation, including developing the plan, designing tools, and training data collectors; 2-4 weeks for the actual data collection phase; 1-2 weeks for data analysis; and 1 week for reporting the findings. Data is recorded using digital tools such as tablets or smartphones equipped with data collection apps to ensure accuracy and ease of entry. In areas with limited digital access, paper forms may be used, with data later digitized. All collected data is securely stored in a centralized digital database, ensuring both accessibility for analysis and protection of sensitive information. Regular backups and adherence to data protection regulations are maintained to safeguard the data throughout the project. The analysis of legal materials used is inductive qualitative analysis, that is, this qualitative research starts from empirical facts. Researchers go into the field, study, analyze, interpret and draw conclusions from phenomena in the field. The analysis technique is descriptive qualitative, namely ana-

lyzing the quality and then describing it in the form of systematic and understandable sentences, then drawing conclusions (Cox & Pinfield, 2014)

3. Results and Discussion

Paku Alam Village is a village in the Sungai Tabuk District, Banjar Regency, South Kalimantan Province. The beginning of Paku Alam Village was the expansion of Lok Baintan Village on December 22 1982, where Lok Baintan Village is a village in Sungai Tabuk District, Banjar Regency, geographically located on the banks of the Martapura River, and the majority of its population is engaged in farming, gardening and trading. From the expansion of Lok Baintan Village, three villages were formed, namely: (a) Lok Baintan Village, (b) Paku Alam Village, (c) Lok Baintan Dalam Village.

The name Paku Alam was given by Mr Bambang Sudjito, he was one of the pioneer fighters for the independence of the Republic of Indonesia. Before it was formed into a village, there used to be a place in Paku Alam village that was full of history and full of mysticism. This place has long been called by local residents the name "spirit realm" which is currently located on Jalan Sungai Bujur, Paku Alam village. RT 002. It is said that this place used to be a base for freedom fighters to hide, train and organize tactics, plans and strategies to fight the invaders of the nation and the unitary state of the Republic of Indonesia.

3.1. Implementation of the Duties of the Paku Alam Village Head in Carrying Out Village Development in Paku Alam Village

The results of the interview from the Village Head in "Development planning was carried out first, he invited the BPD and its members, the RT head, other village officials, the TNI and the community in the village. "In preparing the development plan and carried out through deliberation, he explained the objectives of the village planning to the community present with the aim of obtaining suggestions and ideas so that the development planning was in accordance with the community's wishes and needs." Furthermore, from suggestions, deliberations and also community responses, village development planning is formulated again, which is more important and must be prioritized, the interests of the community are the main needs and development must also be adjusted to the existing budget. The interview explained that the village head was able to carry out village development planning by deliberating with the community and also explaining the objectives of the development planning, and accommodating the aspirations of the community in village development planning that would be carried out in the future to implement this development.

In implementing development, the village head is the foremost leader in mobilizing and directing village officials and the community to always work together in implementing village development. The results of the interview that I obtained from the Village Head: in implementing village development, it is carried out in accordance with what has been determined in the APBDes, then it is carried out in accordance with the duties of the authorities based on what activities are in the APBDes and then it is carried out well according to the wishes of the community which has been planned. For example, village road construction activities already have a budget and must be implemented in stages. "In ADD, the budget is stated in the APBDes and the village head

carries out development in accordance with the implementation plan budget (RAP), then the development implementation must be informed by the BPD (as supervisor)."

Interview results from the Village Head; Every activity carried out is always evaluated. For example, there will always be an evaluation of development from the sub-district, TA, construction and village assistants. There is also an event report after the evaluation stage whether it is in accordance with the RAB (Cost Budget Plan) has been implemented.

3.2. Regulations regarding sanctions against village heads who are not optimal in carrying out village development tasks

Administrative sanctions are the most important part of law enforcement and their implementation is based on statutory regulations. Meanwhile, the village government is the village head or what is called by another name and is assisted by village officials or what is called by another name. Administrative sanctions for village heads are divided into two types of actions, namely: sanctions for not carrying out obligations and sanctions for violating prohibitions as regulated in (Abarang, 2019). Article 30 paragraph (1): Village heads who violate the prohibitions as intended in Article 29 are subject to administrative sanctions in the form of verbal warnings and/or written warnings. Administrative sanctions in the form of verbal warnings and/or written warnings can be imposed on the village head if he does not carry out the obligations as intended in Article 26 paragraph (4) and Article 27 of Law no. 6 of 2014, as follows (Article 26 Paragraph (4) and Article 17 of Law No. 6 of 2014, nd):

Article 26 paragraph (4): a. Upholding and practicing Pancasila, implementing the 1945 Constitution of the Republic of Indonesia, as well as defending and preserving the integrity of the Unitary State of the Republic of Indonesia, and *Bhinneka Tunggal Ika*; b. Improving the welfare of the Village community; c. Maintain peace and order in the Village community; d. Comply with and enforce statutory regulations; e. Implementing democratic life and gender justice; f. Implementing the principles of Village Government that are accountable, transparent, professional, effective and efficient, clean, and free from collusion, corruption and nepotism; g. Establish cooperation and coordination with all stakeholders in the Village; h. Carrying out good Village Government administration; i. Managing Village Finances and Assets; j. Carry out government affairs that fall under the authority of the Village; k. Resolving community disputes in the Village; l. Developing the economy of the Village community; m. Fostering and preserving the socio-cultural values of the Village community; n. Empowering the community and community institutions in the Village; o. Developing natural resource potential and preserving the environment; and p. Providing information to the Village community

Article 27 a. Submit a report on the implementation of Village Government at the end of each fiscal year to the Regent/Mayor; b. Submit a report on the implementation of Village Government at the end of the term of office to the Regent/Mayor; c. Provide written government administration information reports to the Village Consultative Body at the end of each fiscal year; and D. Provide and/or disseminate written information on government administration to the Village community at the end of each fiscal year (Faradhiba & Diana, 2018).

Administrative sanctions in the form of verbal warnings and/or written warnings can be imposed on village heads if they violate the prohibitions as intended in Article 29 of Law no. 6 of 2014, as follows (Article 29 of Law No. 6 of 2014, nd): Harming the public interest; Making decisions that benefit oneself, family members, other parties, and/or certain groups; Abusing authority, duties, rights and /or their obligations; Carrying out discriminatory actions against certain citizens and/or groups of people; Carrying out actions that disturb a group of Village residents; Carrying out collusion, corruption and nepotism, accepting money, goods and/or services from other parties that can influence decisions or actions that will do; Become a political party administrator; Become a member and/or administrator of a prohibited organization; Hold concurrent positions as chairman and/or member of the Village Consultative Body, member of the People's Representative Council of the Republic of Indonesia, Regional Representative Council of the Republic of Indonesia, Provincial Regional People's Representative Council or Representative Council Regency/City Regional People, and other positions specified in statutory regulations. Taking part and/or being involved in general election campaigns and/or regional head elections; Violating the oath/promise of office; and Leaving duties for 30 (thirty) consecutive working days without clear and unjustifiable reasons.

According to Law Number 6 of 2014 regarding administrative sanctions in the form of verbal warnings and/or written warnings intended for village heads for not carrying out obligations and for violating prohibitions as in the provisions of this law regarding administrative sanctions that are not carried out, temporary dismissal will be carried out and it could be continued termination. This is explained in Article 28 paragraph (2) and Article 30 paragraph (2) which reads (Article 28 Paragraph (2) and Article 30 Paragraph (2) Law No. 6 of 2014, nd): "Article 28 paragraph (2): In the event that the administrative sanctions as intended in paragraph (1) are not implemented, a temporary dismissal action will be taken and can be continued with dismissal. Article 30 paragraph (2): in the event that the administrative sanctions as intended in paragraph (1) are not implemented, a temporary suspension is carried out and can be continued with dismissal.

What is meant by dismissal of a Village Head is regulated in Article 40, as follows: The Village Head resigns because: Death; Own request; or Dismissed.b. The Village Head is dismissed as intended in paragraph (1) letter c because: His term of office has expired; He is unable to carry out his duties continuously or is permanently absent for 6 (six) months; No longer meets the requirements as a candidate for Village Head; or Violates the prohibitions as Village Head. The dismissal of the Village Head as intended in paragraph (1) is determined by the Regent/Mayor. Further provisions regarding the dismissal of the Village Head as intended in paragraph (1) are regulated in a Government Regulation.

The imposition of sanctions on village heads as referred to above is carried out by the district/city government in accordance with the provisions stipulated in Article 115 letter n of Law no. 6 of 2014 states that guidance and supervision carried out by the district/city government includes, among other things: "providing sanctions for irregularities committed by the Village Head in accordance with the provisions of statutory reg-

ulations." This means that normatively the imposition of sanctions is seen as part of the guidance and supervision of the village head's performance. Administrative sanctions for village officials are given due to sanctions for violating prohibitions as regulated in Law no. 6 of 2014, Article 52 paragraph (1): "Village officials who violate the prohibition as intended in Article 51 will be subject to administrative sanctions in the form of an oral warning and/or a written warning."

Thus, it can be interpreted that the administrative sanctions in the provisions of Law no. 6 of 2014 against the village government, namely the village head and village officials, related administrative sanctions are only in the form of verbal warnings and written warnings, while the sanctions for temporary dismissal and dismissal sanctions are not described as administrative sanctions. (Singal, 2021) Criminal Sanctions for Village Government Administrators According to the Law Law Number 6 of 2014 concerning Villages (Sajangbati, 2015) Criminal sanctions are the most important part of law enforcement and their implementation is based on statutory regulations. Law Number 6 of 2014 does not regulate criminal sanctions at all as is the case in general in law. Even though the Village Law does not regulate criminal sanctions like other laws, the 'criminal' clause for village heads is stated in Article 41, Article 42 and Article 43 of Law Number 6 of 2014, Article 41: The Village Head was temporarily suspended by the Regent/Mayor after being declared a defendant who was threatened with imprisonment for a minimum of 5 (years) based on the court case register. Article 42: The Village Head is temporarily suspended by the Regent/Mayor after being named a suspect in criminal acts of corruption, terrorism, treason, and/or criminal acts against state security. Article 43: The Village Head who is temporarily dismissed as referred to in Article 41 and Article 42 is dismissed by the Regent/Mayor after being declared a convict based on a court decision that has permanent legal authority.

Furthermore, the Village Law regulates many prohibitions which are essentially juridical and are punishable by criminal law in other laws. In Law Number 6 of 2014 concerning Village Heads, Village Heads can be prohibited (Adha, 2021) as follows (Article 51 of Law No. 6 of 2014, nd): Harmful to the public interest; Make decisions that benefit yourself, family members, other parties, and/or certain groups; Abusing their authority, duties, rights, and/or obligations; Carrying out discriminatory actions against certain citizens and/or community groups; Carrying out actions that disturb a group of Village residents; Carrying out collusion, corruption, and nepotism, accepting money, goods, and/or services from parties other things that can influence the decisions or actions that will be taken; Provincial Regional People's Representative Council or Regency/City Regional People's Representative Council, and other positions specified in statutory regulations; Taking part and/or being involved in the general election campaign and/or regional head election; Violating the oath/promise of office; and Leaving duties for 30 (thirty) consecutive working days without clear and unjustifiable reasons.

According to M. Ali Zaidan, it is known that the application of sanctions to someone who is proven to have committed a criminal act or to those who have committed a criminal act, as is known, the application of sanctions is an attempt to make criminal sanctions an *ultimum remedium*. A person who has been proven to have committed a

criminal act requires the judge to determine the appropriate type of punishment to be imposed. (I Putu Jericko Susila Adnyana, 2021).

Based on the explanation above, the legal rules governing the sanctions given to village heads who do not carry out their obligations as village heads are very clear. Law Number 6 of 2014 concerning Villages, is intended to prevent village heads from abusing their authority, duties, rights and/or obligations. If the village head violates the prohibition, he may be subject to administrative sanctions in the form of a verbal warning and/or written warning and in the event that the administrative sanctions are not implemented, temporary dismissal will be carried out and this can be continued with dismissal. The legal basis for the dismissal of a village head is regulated in Law number 6 of 2014. Article 26 paragraph (4), Article 27 and Article 28. Regarding the provision of criminal sanctions for the village government, namely the village head as referred to above must go through a court process and depend on court decisions based on statutory regulations. This means that criminal sanctions for village government administrators are given by the court by looking at the laws and regulations which regulate criminal sanctions based on the cause of the action

4. Conclusions

The implementation of development in Paku Alam Village is quite good but must be optimized further. It can be seen from the results of interviews and observations that it is still not appropriate and there is infrastructure development that is uneven and not in accordance with the principles of good governance relating to justice in the Paku Alam village area, specifically regarding justice. Sanctions against village heads who are not optimal in carrying out their duties are carried out in two ways, namely administrative sanctions (if they do not carry out their obligations and for violating prohibitions) and criminal sanctions. The Village Law does not regulate criminal sanctions like other laws, however, the 'criminal' clause for village heads is mentioned in Article 41, Article 42 and Article 43 of Law Number 6 of 2014.

To improve and optimize village development in the future, several concrete recommendations can be made. Firstly, investing in essential infrastructure such as roads, transportation, and accommodation facilities is crucial to improve accessibility and attract tourists. Securing funding through government grants, partnerships with NGOs, and private investments is also vital to support various development projects. Providing training and development programs for local residents in tourism management, hospitality, and small business development can enhance service quality and create employment opportunities. Developing comprehensive marketing strategies, including digital marketing, can promote the village as a tourist destination, with collaboration from regional tourism boards and travel agencies. Implementing sustainable tourism practices is essential to protect natural resources and preserve cultural heritage, while encouraging eco-friendly initiatives and responsible tourism. Involving the community in planning and decision-making processes ensures that development projects align with local needs and values. Ensuring regulatory compliance with existing policies promotes sustainable growth and avoids legal issues. Establishing a robust monitoring and evaluation framework helps track progress, measure impact, and make necessary

adjustments to development plans. Regarding existing regulations, Law No. 6 Year 2014 (Indonesian Village Law) includes important articles such as Article 41, which outlines principles of village development emphasizing self-reliance, sustainability, participatory development, and the utilization of local resources. Article 42 specifies the roles and responsibilities of village governments in planning and implementing development programs, including community involvement. Article 43 details the funding mechanisms for village development, including allocations from the state budget, regional budgets, and other legitimate sources. Banjar Bupati Regulation No. 1 Year 2018 provides specific guidelines for village development in the Banjar Regency, covering procedures for planning and implementing projects, criteria for prioritizing initiatives, mechanisms for community involvement, and monitoring and evaluation frameworks.

In practical application, villages often initiate infrastructure projects to improve roads, build community centers, and enhance public facilities, aligning with regulatory guidelines for sustainable development. Community programs are implemented to build local capacities in various sectors through training and workshops. Establishing transparent financial management systems ensures proper use of allocated funds as outlined in the regulations. Participatory planning is achieved by involving community members in development planning through public consultations and village meetings, as mandated by the regulations. However, obstacles such as bureaucratic hurdles, limited resources, community resistance, corruption and mismanagement, political influence, and regulatory compliance challenges can impede progress. Addressing these obstacles requires a coordinated effort involving all stakeholders to ensure effective and sustainable village development.

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