



# Analysis of Barriers to the Implementation of Participatory Principles in Implementing the Functions of the Village Consultative Body to Improve

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**Abstract:** The implementation of Village Government, between the Village Government and the Village Consultative Body must be carried out based on the principles of good governance. The Village Consultative Body has the function of discussing and agreeing on Draft Village Regulation with the Village Head; accommodate and channel the aspirations of the Village community; and supervising the performance of the Village Head. This research aims to analyze the factors that hinder the implementation of participatory principles in carrying out the functions of the Village Consultative Body; in Sukopuro village, Jabung District, Malang Regency. This research uses empirical juridical research methods, a sociological approach, extracting primary data through interviews and observations, while secondary data through literature study and analysis using sociological juridical analysis with the stages of data display, data reduction and drawing conclusions. The results of the research are that the factors inhibiting the implementation of participatory principles in carrying out the functions of the Village Consultative Body are internal factors: the Village Consultative Body (BPD) has not been able to accommodate the wishes of the community optimally; The quality of BPD's Human Resources (HR) is still lacking; Lack of socialization of BPD work programs. External factors: different human resources in the community; Society is less responsive to technological developments; The community is indifferent or does not care about the policies of the Village Government and the Village Consultative Body.

**Keywords:** Village Consultative Body, Participatory Principles, Democracy.

## 1. Introduction

Article 1 paragraph (4) of Law Number 6 of 2014 concerning Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495), states that the Village Consultative Body or what is known by other names is an institution that carries out government functions that Its members are representatives of the Village population based on regional representation and are determined democratically (Ayusni, Nur, Intan, & Heryanti, 2023), (Hidayat, 2022).

Article 55 of the Village Law states that the Village Consultative Body has the function of: (Bender, 2016) discussing and agreeing on Draft Village Regulations with the Village Head; accommodate and channel the aspirations of the Village community; and supervising the performance of the Village Head (Dewi, Sumarni, & Indra, 2020), (Wijaya, 2016).

Based on grammatical interpretation, Article 55 of the Village Law, as mentioned above, is a legal code that regulates the function and role of the Village Consultative Body as a supervisory institution because it has the task of supervising the implementation of the village head's duties (Sopannah, Kurniwati, & Budgeti, 2023), and the function of democracy in the village, because it functions to accommodate and channel community aspirations and functions as a legislative body in the village, because it has the role and function of discussing and agreeing on Draft Village Regulations with the Village Head (Razi, 2020), (LESTARI, 2020).

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In the statutory regulations governing the administration of village government, in Article 24 of Law Number 6 of 2014 concerning Villages, it is stated that the administration of village government is carried out based on the principles (Mauludin, 2022), namely: (Bender, 2016) legal certainty; orderly administration of government; orderly public interests; openness; proportionality; professionalism; accountability for effectiveness and efficiency; local wisdom; diversity; and participatory (Akhmaddhian, 2018), (Kindangen, 2020).

Based on grammatical interpretation, Article 24 of the Village Law, as mentioned above, is a legal code that regulates the principles of village governance by the Village Government and the Village Consultative Body, in order to create good, clean and authoritative governance. (Permana, 2016), (NITARIA, 2023).

The explanation of Article 24 letter (k) states: What is meant by "participatory" is the implementation of Village Government which includes Village institutions and elements of the Village community (Bihamding, 2019), (Bawono, 2019).

The Village Consultative Body has the authority to: discuss and agree on Draft Village Regulations with the Village Head; accommodate and channel the aspirations of the Village community; and supervising the performance of the Village Head (Setyaningrum & Wisnaeni, 2019), (Langoy, 2016).

Henk Addink stated that there are three main foundations in a modern legal state, namely: the rule of law (law enforcement), democracy (democracy), and good governance (good governance). (Prawiranegara, 2021). Good governance is the propriety of state authorities in a transparent and participatory manner, even more than that. In essence, good governance is concerned with fulfilling the three basic tasks of government, namely to guarantee the security of individuals and society, setting an effective and responsible framework for the public sector, and supporting the country's economic and social goals in accordance with the expectations of the population, including government that The lowest level is village government (Sawir, 2020), (Satibi, 2023).

Sofyani stated that the form of community participation in village government policies in Indonesia is that which involves the community directly in implementing village programs and activities. (Lovita et al., 2022)

The existence of village meetings held by the Village Consultative Body in each village is one form of implementing village community participation. As an effort to improve institutional performance at the village level, strengthen togetherness, and increase community participation and empowerment (Prasetya, 2016), the Village Government and/or Village Consultative Body facilitates the holding of Village Deliberations. Village Deliberation or what is called by other names is a deliberation forum between the Village Consultative Body, Village Government, and elements of society organized by the Village Consultative Body to discuss and agree on strategic matters in the administration of Village Government. (Pangestika, 2019)

Society has a democratic nature where common interests take priority over individual interests. Democracy and justice in society run together with communal values and mutual cooperation. Democratic behavior is influenced by the values of general power, the principle of deliberation, and representation in the government system. Through democratic government, villages are able to develop their communities into people who are proactive in various activities and policy making in the development and governance order in rural areas (Wetik, 2022).

Village community participation in village government policy making is synonymous with village democracy. Remembering that the essence of democracy is community involvement in every government policy making, including the implementation of village government. Community participation in the implementation of good governance, including the performance of village government, is very necessary because it can improve the quality of democracy in the village (Harefa & Fatolosa Hulu, 2020).

The essence of the concept of democracy is community involvement in determining government policy. This includes government policies in the legal sector, whether in the form of laws, regional regulations or village regulations, either directly or through representatives elected through a general election mechanism or appointed based on an agreement to represent them. (Tjandra & SH, 2023).

In order to discuss and agree on the Draft Village Regulations with the Village Head; accommodate and channel the aspirations of the Village community; and monitoring the performance of the Village Head, whether the community and community groups have had ample opportunities to provide input, and in what form the input is provided. The aim of this research is to analyze the factors that hinder the implementation of participatory principles in carrying out the functions of the Village Consultative Body.

## 2. Materials and Methods

The type of research in this research is empirical legal research or sociological legal research and can also be called field research, namely examining applicable legal provisions and what happens in reality in society (Komarudin & Hadi, 2023). Or in other words, it is a research carried out on the actual situation or real conditions that occur in society with the aim of knowing and finding the facts and data needed, after the required data is collected it then leads to problem identification which ultimately leads to solving the problem. This research is included in empirical legal research, because it wants to look at the legal implementation of good governance principles in the implementation of village government in Sukopuro Village, Jabung District, Malang Regency.

The approach used in this research is a sociological juridical approach. The sociological juridical approach is to identify and conceptualize law as a real and functional social institution in a real life system. The sociological juridical approach emphasizes research that aims to obtain legal knowledge empirically by going directly to the object, namely knowing and analyzing the legal implementation of the principles of good governance, in this case the principle of community participation in carrying out the duties and authority of the Village Consultative Body (BPD) in the village. Sukopuro, Jabung District, Malang Regency.

The data used in this research are primary data and secondary data. The primary data used in this research method is data obtained directly from the field based on respondents and sources. Meanwhile, secondary data or indirect data is obtained from literature study.

Data collection in this research was through interviews and observations with sources who mastered the problems in this research. Interviews are used as a data collection method which is carried out by means of verbal questions and answers between interviews with research subjects/informants. Research subjects or informants are people who are able to provide information about the situation and conditions of the research background. The informants are: Sodik Mulyono (Chairman of the Village Consultative Body); Muhajirin (Deputy Chair of the Sukopuro Village Consultative Body); Robiatul Adawiyah (Secretary of the Sukopuro Village Consultative Body); Wiwin Andik Hermawan (Treasurer of the Village Consultative Body); Slamet Andrianto (Member of the Sukopuro Village Consultative Body); Syaifuddin Zuhri (Member of the Sukopuro Village Consultative Body). The observation method used in this research was using an observation guide and recorded with a writing instrument. Primary data collection activities were carried out from November 2023 to February 2024 in Sukopuro Village, Jabung District, Malang Regency.

The data collected from observations, interviews and documentation is then processed and analyzed. Data analysis methods in empirical legal research follow analysis in social research. In qualitative social research, the descriptive method used to analyze

data was developed by Mills and Huberman as follows: (Rijali, 2018) through data display, data presentation, data reduction and drawing conclusions.

### 3. Results and Discussion

Factors that hinder the implementation of participatory principles in carrying out the functions of the Village Consultative Body.

Based on the results of interviews with: 1). Sodik Mulyono (Chair of the Village Consultative Body – Interview 28 November 2023), 2). Muhajirin (Deputy Chair of the Sukopuro Village Consultative Body – interview 31 December 2023). 3). Robiatul Adawiyah (Secretary of the Sukopuro Village Consultative Body – Interview 30 December 2023). 4). Wiwin Andik Hermawan (Treasurer of the Village Consultative Body – interview 30 December 2023). 5). SLAMET ANDRIATO (Member of the Sukopuro village Consultative Body interview on January 1 2024 ), 6). Syaifuddin Zuhri (Member of the Sukopuro Village Consultative Body – Interview 30 December 2023). Factors that hinder community participation in supporting the implementation of the functions of the Village Consultative Body are:

- a. There is a request for compensation from the community that cannot be fulfilled, when the community proposes/requests compensation for damage to the fence/terrace of the house if the construction of the water channel is carried out, while there is no budget for compensation;
- b. It is still found that some people do not dare to express their aspirations, because of HR (Human Resources). Human resources are different so they cannot quickly understand or interpret information coming from the village, on the other hand, openness from all parties is very necessary (lack of openness).
- c. There are still people who are indifferent/don't care about the performance of the village government and the Village Consultative Body due to proposals that are not responded to/not followed up by the village government and the Village Consultative Body. And also because of the low quality of public knowledge (HR).
- d. Some people lack the courage/don't dare to convey urgent aspirations or suggestions (the existence of a problem) in their respective hamlet environments.
- e. Because the quality of the Village Consultative Body's human resources/HR is still lacking (capacity and creativity), it often lags behind in absorbing information from the village government and from the community.
- f. Lack of socialization of government and Village Consultative Body work programs to the community when development programs in villages are implemented, resulting in pros and cons between the village government and the community.

The quality of human resources (HR), both for members of the Village Consultative Body and the community, is very important, because it will have an impact on the ability to improve their rights and obligations. The quality of Human Resources (HR) can be achieved through education and training. Whether formal education, informal education or non-formal education, so that the community and members of the Village Consultative Body understand and are able to carry out their rights and obligations as members of the community and as administrators of village government.

Yusriadi, et al. Mentions that: One of the processes in developing apparatus capacity is education and training activities. Because of this, education and training programs require a lot of time, funds and energy, almost all organizations implement them and mention the costs incurred as investments in human resources, learning through training and materials that are relevant to the employee's work, with the hope that employees can accommodate growth and development of service needs for the community. (Yusriadi et al., 2019)

This means that education and training are very important, even though the budget and costs involved are very large, they can improve the quality of service to the community. Not to mention education and training regarding the duties and responsibilities of

members of the Village Consultative Body, it is very important, so that members of the Village Consultative Body are able to carry out their functions well, one of which is accommodating and following up on community aspirations. This will increase the degree of democracy in the village.

Article 1 paragraph (4) of the Village Law states that the Village Consultative Body or what is known by other names is an institution that carries out government functions whose members are representatives of the Village population based on regional representation and are determined democratically. (Bender, 2016).

Article 55 of the Village Law states that the Village Consultative Body has the following functions: (Bender, 2016)

- a. discuss and agree on the Draft Village Regulations with the Village Head;
- b. accommodate and channel the aspirations of the Village community; And
- c. supervise the performance of the Village Head.

The Village Consultative Body (BPD) is a legislative body at the village level whose role is to fight for the interests of village communities. The functions carried out include discussing and agreeing on draft village regulations with the village head, accommodating and channeling the aspirations of the village community, and supervising the performance of the village head. These three functions need to be implemented optimally so that each village program's goals can be realized well. Based on this function, the BPD can be said to be an institution that is obliged to fight for the benefit of the village in a better direction. (Ady et al., 2022)

The placement of the Village Consultative Body (BPD) at the village level is a strategic step in realizing democracy at the village level because it deserves to be called an institution for the realization of village democracy. (Ady et al., 2022)

The existence of the Village Consultative Body is the embodiment of democracy and people's sovereignty. In essence, there are two (2) types of popular sovereignty or democracy, namely direct democracy, democracy where the community is involved in determining government policy. This can be done if the number of people is small and the country is not large. The second is indirect/representative/representative democracy (in direct democracy). The existence of the Village Consultative Body (BPD) is a form of indirect/representative democracy at the lowest level of government, namely village government.

A democratic government system is a system of government administration that places the community as a role holder in making government policies. The more people are involved in determining government policy, the higher the degree of democracy. Soleh et al., stated that the draft village regulations created had democratic nuances. This means that there is community involvement in providing input into the planning of village level regulations that have been made. (Soleh et al., 2020).

Soleh also mentioned that forming regulations that involve the community is a form of democracy. Based on a teleological or sociological interpretation of the law, the intention of the legislators is that the Draft Village Regulation concerning the Village Revenue and Expenditure Budget prepared by the Village Government, before being discussed with the Village Consultative Body, must be consulted with the community to obtain Opinions, Suggestions and Responses. one form of democratic law formation, because it involves the wider community to provide opinions, input and suggestions. (Soleh, 2020)

The village government is the Village Head and the Village Consultative Body (BPD). The existence of the BPD is a representation of the community which has the function of: discussing and agreeing on Draft Village Regulations with the Village Head, accommodating and channeling the aspirations of the Village community, supervising the performance of the Village Head. (Setyaningrum & Wisnaeni, 2019)

Huda, stated that on the basis of democratic representation, filling in the members of the Village Consultative Body can be processed through direct election and/or through representative deliberation. This is adjusted to the needs and agreements of the commu-

nity in each village. The Village Consultative Body membership period is 6 (six) years starting from the date of taking the oath/promise. Members of the Village Consultative Body can be elected a maximum of 3 (three) times consecutively or not consecutively. (Setyaningrum & Wisnaeni, 2019).

The Village Consultative Body is a milestone in starting local regional democracy, while other opinions say that village laws are a way to build village independence and economic development for residents. The existence of Law Number 6 of 2014 concerning Villages provides a firmer and clearer relationship between villages and the government central, and village with local government. With this arrangement, it is hoped that it can overcome existing problems in the village ranging from economic, social and cultural. Village government is an inseparable part of the administration of the Unitary State of the Republic of Indonesia (NKRI). (Setyaningrum & Wisnaeni, 2019)

Robert A Dahl, stated that Democracy is a system of government with the characteristics of the freedom of citizens to form and participate in organizations, express or hold opinions, become public officials, carry out competition or contestation among citizens to gain support in order to fight for positions. important public positions, voting in general elections, there are fair elections, there are alternative sources of information outside those provided by the government, and there is an institutional guarantee that every government policy depends on voting support and other forms of expression of desire, and because There must be a guarantee of periodic general elections so that every policy made by the government is open to evaluation and accountability in the general elections. (Dewi & Widyawati, 2021)

A democratic state is impossible without freedom of expression. Freedom of expression encourages society to clearly convey its demands regarding how the authorities should carry out their duties. (Kasimi, 2020).

A clean state administrator is a state administrator who adheres to the general principles of state administration and is free from practices of corruption, collusion and nepotism (KKN), as well as other disgraceful acts. (Widjiastuti, 2017) Consequently, the implementation of good governance leads to handling community problems based on the implementation of statutory regulations, so that those involved act based on legal responsibility. (Suksi, 2021)

Sofyani stated that the form of community participation in village government policies in Indonesia is that which involves the community directly in implementing village programs and activities. (Sofyani et al., 2022)

The existence of village meetings held by the Village Consultative Body in each village is one form of implementing village community participation. As an effort to improve institutional performance at the Village level, strengthen togetherness, and increase community participation and empowerment, the Village Government and/or Village Consultative Body facilitates the holding of Village Deliberations. Village Deliberation or what is called by other names is a deliberation forum between the Village Consultative Body, Village Government, and elements of society organized by the Village Consultative Body to discuss and agree on strategic matters in the administration of Village Government. (Sofyani et al., 2022)

The quality of the implementation of democracy in villages can be measured by assessing how much involvement the community and community groups have in planning, determining, implementing and supervising the implementation of village government policies both in the development of public infrastructure and financial accountability. The greater the community's access to information on village government administration and providing input, proposals and suggestions, the greater the degree of implementation of democracy in the village.

The implementation of democracy in large and strong villages will be able to increase the level of welfare of the village community itself. Bearing in mind that the village community itself knows the needs to fulfill their lives, both the need for living ex-

penses, work that can generate continuous financial income, the need for health and the need for housing and old age. The measure of people's welfare in a village can be seen from how much people can meet their needs for living costs, housing, health or health insurance, education for their children and old age benefits.

Meuwissen, distinguishes three forms of enforcement, all three of which are interrelated. (Sidharta, 2013).

- a. Social enforcement or factual implementation (concerning the effectiveness or "Wirksamkeit" of legal rules. What is meant is that legal rules are actually obeyed or, compliance with legal rules is enforced with the help of sanctions. Also sanctions for non-compliance are included in this situation.
- b. Juridical validity. A legal code is formed in accordance with the procedural legal rules in force by the authorized body, and does not substantially conflict with other rules (especially higher rules).
- c. Normative validity / moral validity. A legal code whose content is in accordance with the wishes of the community, ethically the substance of the law is reasonable/rational (for example, a law that guarantees human rights).

According to Herbert. C. Kelman, there are three types of someone who obeys the law or obeys the law, namely: (Herbert C. Kelman, 1959)

- a. Compliant: a person obeys the law or is obedient to the law, not because the law is in accordance with the wishes of his heart, but, someone obeys the law because he is afraid of sanctions for violating the law.
- b. Identification: a person obeys the law or obeys the law because he maintains good relations with others who are the object of the law. So obeying the law simply means maintaining harmonious relationships with fellow people who are the objects of the law.
- c. Internalization: a person obeys the law or obeys the law, because the law is in line with the values desired by that person and the law is in accordance with that person's needs.

Soerjono Soekamto, said there are several factors related to law enforcement, including legal principles. Namely a). Law enforcement institutions with various facilities, infrastructure and supporting institutional work mechanisms; b). work culture related to equipment, including regarding the welfare of the equipment; And c). A set of regulations that support institutional performance and regulate legal material that is used as work standards, both material law and procedural law.

Systematic law enforcement efforts must pay attention to these three aspects simultaneously so that the internal process of law enforcement and justice can be realized in reality. (Soleh, 2022)

Community compliance with the law can be caused by the community's trust in the law makers or village government and the Village Consultative Body, the content of the law itself is in accordance with the wishes of the community and the behavior of the law implementers is in accordance with what is desired by the law itself.

If the content of the law is in accordance with what the community desires, and the implementers of the law behave in accordance with what is outlined in the law itself and provide an example of obedience to the law to the community, then the community will be obedient and obedient to the law itself.

Referring to the expert opinion mentioned above, legal implementation is greatly influenced by the infrastructure and facilities of legal institutions, the legal institutions themselves, the traditions or culture of the community, socialization of the law, and the behavior of legal administrators. So the factors that hinder the implementation of community participation in implementing the functions of the Village Consultative Body, in Sukopuro Village, Jabung District, Malang Regency in carrying out its function to discuss and agree on draft village regulations to become village regulations with the Village Head; accommodate and channel the aspirations of the Village community; and super-

vising the performance of the Village Head, namely: the existence of internal factors and external factors.

Internal factors: First: The leadership and members of the Village Consultative Body (BPD) cannot accommodate the interests and wishes of the community, especially regarding demands for compensation for repairing fence buildings. Second: The quality of Human Resources/HR from the Village Consultative Body (BPD) is still lacking (intellectual ability and creativity), so they often lag behind in absorbing information from the village government and from the community and are less sensitive to the needs and desires of the community. Third: lack of facilities from the Village Consultative Body regarding the availability of information disclosure media. Lack of socialization of government work programs and Village Consultative Councils to the community when village development programs are implemented, resulting in pros and cons arising between the village government and the community.

External factors: First: People do not dare to express their aspirations, because human resources are limited. HR (Human Resources) are different so they cannot quickly understand or interpret information coming from the village. Second: The community is less responsive to technological developments, so information conveyed through the media is also late, therefore openness of all parties to information is very necessary. public(lack of openness). Third: People who are indifferent/don't care about the performance of the village government and the Village Consultative Body due to community proposals and wishes that are not responded to/not followed up by the Village Government and the Village Consultative Body.

If the participatory principle in this case, the participation of the community and community groups is not channeled properly, it will hamper the implementation of democracy in the village itself, which in the end will also hamper the welfare of the village community itself.

#### 4. Conclusion

Factors that hinder the participatory principle, namely the involvement of the community and village community organizations in supporting the implementation of the function of the Village Consultative Body, in carrying out the function of discussing and agreeing on Draft Village Regulations with the Village Head; accommodate and channel the aspirations of the Village community; and monitoring the performance of the Village Head, there are internal factors, namely: the Leadership and Members of the Village Consultative Body (BPD) cannot accommodate the interests and wishes of the community, especially related to demands for compensation for repairing fence buildings; The quality of Human Resources/HR from the Village Consultative Body (BPD) is still lacking (intellectual ability and creativity), so that they often lag behind in absorbing information from the village government and from the community and are less sensitive to the needs and desires of the community; lack of facilities from the Village Consultative Body regarding the availability of information disclosure media. Lack of socialization of government work programs and Village Consultative Councils to the community when village development programs are implemented, resulting in pros and cons arising between the village government and the community. External factors, namely: People do not dare to convey their aspirations, because human resources are limited. HR (Human Resources) are different so they cannot quickly understand or interpret information coming from the village; Society is less responsive to technological developments, so that information conveyed through the media is also late, therefore openness of all parties to public information is very necessary (lack of openness); People who are indifferent/don't care about the performance of the village government and the Village Consultative Body due to the community's proposals and wishes not being responded to/not followed up by the Village Government and the Village Consultative Body.



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