

## Implementation of Village Autonomy: A Normative Study of Law Number 6 of 2014 Concerning Villages

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**Abstract:** *This study focuses on gaining an in-depth understanding of the implementation of village autonomy based on the legal framework of Law Number 6 of 2014 concerning Villages. This study uses a normative legal research method, also known as library legal research. This means that this study is based on searching and analyzing library materials and applicable legal provisions, then linking them to the issues being studied. The statute approach is the main analytical foundation of this research. The results of this research explain that Law Number 6 of 2014 concerning Villages is indeed an important milestone designed to strengthen decentralization and autonomy at the village level in Indonesia. Conceptually, this law gives villages broader authority in managing resources and making strategic decisions. However, in practice, the implementation of village autonomy still faces a series of complex obstacles. Significant obstacles identified include overlapping authorities between policies originating from the central government and local governments, as well as legal ambiguities that cause uncertainty at the village level. Overcoming these challenges is essential to ensure that village autonomy can operate effectively and efficiently.*

**Keywords:** *Village Autonomy; Governance; Development; Community Building; and Community Empowerment.*

### A. Introduction

Indonesia is a unitary state structured into central and regional governments. This is specifically stipulated in Article 18 Paragraph (1) of the 1945 Constitution of the Unitary State of the Republic of Indonesia, which states that the Unitary State of the Republic of Indonesia is divided into provinces, and these provinces are further divided into regencies and cities. Each of these governmental levels has its own local government regulated by law. After the 1998 reformation, through amendments to the 1945 Constitution, there was a significant shift in the division of authority between central and regional governments. This is clearly visible in the transition of the state administration system from centralization towards decentralization.

According to Sunyoto, there are two main reasons why village community development remains a relevant topic for discussion. First, despite the rapid growth of cities in the last two decades, rural areas still dominate most of our country's territory and are expected to remain so for a relatively long time. Second, although the New Order government since the 1970s launched various policies and programs for rural development and empowerment, marked by



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modern technological innovations, the socio-economic conditions in villages generally remain concerning. Issues of poverty and inequality are still crucial problems in rural areas.<sup>1</sup>

According to Law Number 6 of 2014 concerning Villages, a village is defined as a legal community unit with specific territorial boundaries, empowered to regulate and manage government affairs and local community interests. This authority is based on community initiative, original rights, and/or traditional rights recognized and respected within the governmental system of the Unitary State of the Republic of Indonesia. Law Number 6 of 2014 significantly grants broad autonomy to villages in managing their internal governance. This is further clarified in Article 18, which includes authority in various areas: the organization of village governance, the implementation of village development, the fostering of village communities, and the empowerment of village communities. All these authorities must be exercised based on community initiative, original rights, and village customs. This village authority is a crucial element in the study of village autonomy, as it represents the village's right to fully manage its internal affairs. Historically, there was a stark difference. Law Number 5 of 1979 concerning Village Government positioned villages under sub-districts and standardized the status of villages across Indonesia. This approach significantly hindered the creativity and participation of local village communities, as they could not manage their villages according to their unique cultural and customary conditions.

With the increasing demands to accelerate regional development and reduce disparities between villages and cities, Law Number 6 of 2014 concerning Villages was enacted as a response to the need for greater village autonomy. The Village Law is designed to provide a strong legal basis for strengthening village autonomy, with the primary goal of empowering villages by granting them more authority in natural resource management, policy making, and decision-making that is closer to the needs of the village community. The Village Law also regulates the establishment of village-owned enterprises, the management of village funds, and the implementation of more independent development at the village level.<sup>2</sup>

The constitutional status of Regional Governments and Villages in Indonesia has been regulated in the 1945 Constitution, as well as reinforced by various legislative regulations from the beginning of independence until the post-reform era to date. In the Indonesian constitution, Article 18 of the 1945 Constitution of the Unitary State of the Republic of Indonesia specifically discusses Regional Government. The explanation of this Article details that the territory of Indonesia will be divided into provinces, and each province will be further divided into smaller areas. All these areas, whether they are autonomous (local self-governing communities) or merely administrative regions, will be regulated by law. In autonomous regions, a Regional Representative Body will be established, as governance at the regional level will also be based on the principle of deliberation.

The formal legal existence of villages is recognized in Indonesian legislation. This formal juridical recognition is found in Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (hereinafter referred to as Law Number 9 of 2015), as well as regulated in Government

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<sup>1</sup> Sunyoto Usman, *Pembangunan Dan Pemberdayaan Masyarakat* (Pustaka Pelajar, 2006).

<sup>2</sup> Tommy Faizal, "Tinjauan Fiqh Siyasah Terhadap Implementasi Undang-Undang Nomor 18 Tahun 2008 Tentang Pengelolaan Sampah" (Universitas Islam Raden Intan, 2023).

Regulation Number 72 of 2005 concerning Villages, and most recently, Law of the Republic of Indonesia Number 6 of 2014 concerning Villages.

Although the legislative process for the Village Law involved various political interests, the main attention after its enactment primarily focused on the amount of funds each village would receive. However, there are many other equally urgent issues besides funding that should serve as a benchmark for the welfare mandated by the law. One of the crucial problems that often arises is the low management capacity at the village level. Many villages struggle to formulate efficient and sound budget plans. This is particularly prevalent in villages with limited administrative capacity, leading to village fund management that is less transparent, prone to misuse, and often inconsistent with established goals. The lack of training for village officials in administrative and financial management exacerbates this situation.<sup>3</sup> Therefore, improving the capacity of village officials in financial and administrative management is essential to ensure that village funds can be utilized effectively and on target.

The Village Law aims to restore the existence of villages as legal community units whose status was previously ambiguous. This Law grants villages the flexibility to govern themselves independently and democratically. Villages can now manage their affairs based on the principles of recognition (*rekognisi*) (acknowledgment of original rights) and subsidiarity (delegation of authority to the level closest to the community).

## B. Methodology

This type of research is normative legal research, which involves the study of law as written legal norms in legislation. This article uses a statute approach, focusing specifically on all laws and regulations related to Regional Government and Village Government, obtained through the collection of primary, secondary, and tertiary legal materials. The technique for collecting legal materials is done through library research, namely reading, summarizing, and recording materials or data obtained through legal materials. Furthermore, the data or legal materials obtained will be analyzed qualitatively using descriptive analysis methods.

## C. Results and Discussion

As a socio-political entity, villages existed long before the formation of a state. However, ironically, this long history has not necessarily led to improved village life; instead, villages are often burdened by powers above them. After independence, there was a serious effort to foster village self-reliance, manifested in the enactment of Law Number 5 of 1974 concerning Village Government. Yet, despite having its own law, the condition of villages did not improve, but rather worsened.

Subsequently, Law Number 32 of 2004 defines a village as a legal community unit with territorial boundaries empowered to regulate and manage local community interests. This authority is based on original rights and customs recognized and respected within the governmental system of the Unitary State of the Republic of Indonesia. In Law Number 32 of 2004, the government consistently granted villages the flexibility to manage their own affairs.

Since the enactment of Law Number 6 of 2014 concerning Villages, the existence, authority, and position of villages as one of the lowest governmental institutions in the Unitary

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<sup>3</sup> Muhammad Agil Alfandy, "Implementasi Undang-Undang Nomor 6 Tahun 2014 Tentang Desa Terhadap Pembangunan Desa Dalam Perspektif Siyasah Dusturiyah (Analisis Pada Desa Dirgahayu Kecamatan Pulau Laut Utara Kabupaten Kotabaru Provinsi Kalimantan Selatan)." (Universitas Islam Negeri Syarif Hidayatullah, 2022).

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State of the Republic of Indonesia have become increasingly solid and strengthened (Irawan: 2017). This Law also marks a new era of village self-reliance, where every village is required to be independent and capable of developing its own potential.<sup>4</sup> Previously, villages were often considered merely a complement to cities, marginalized, underdeveloped, highly dependent, and even a burden on the central government. This passive situation is also reflected among village communities, who, to this day, still tend to be passive observers of the implementation of development in their areas.<sup>5</sup>

One of the important development policies contained in Law Number 6 of 2014 concerning Villages is the focus on developing village potential. Every village now has the freedom to develop and build based on its unique potential. This village autonomy empowers the village government to utilize and optimize this potential to realize mutual benefits.<sup>6</sup> This Village Law opens a new path to foster the dignity of village communities, where they can build their villages in accordance with their struggles and values.<sup>7</sup>

The Village Law recognizes the autonomy held by villages, or equivalent designations. Through the village government, the head of the village can receive assignments or delegations of authority from the central or regional governments to carry out certain governmental affairs. For villages outside the genealogical type, such as those formed due to village expansion, transmigration, or other reasons resulting in pluralistic, diverse, or heterogeneous populations, village autonomy is given room to grow and develop according to the dynamics of the village itself.<sup>8</sup> However, even though the Village Law explicitly grants greater power to villages to manage their own affairs, there are several crucial issues that require attention. One is the potential for disharmony between village authority as regulated in the Village Law and policies implemented by regional governments. Regional government policies sometimes do not always align with the principles of decentralization that are central to the Village Law. This situation can lead to overlapping authorities, which ultimately hinders village autonomy or even creates legal uncertainty for village officials.<sup>9</sup>

Village communities hold significant importance in national development. Together with the village government, which also plays a central role, both should collaborate in carrying out village development in accordance with the mandate of Law Number 6 of 2014 concerning Villages. Ideally, the village government opens opportunities for the community to be actively involved, and the community responds to these opportunities. This involvement is expected to cover the entire development cycle, from program planning, implementation, supervision, to maintenance, which ultimately allows the community to enjoy the benefits of development

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<sup>4</sup> Antono Herry P.A, "Kesiapan Desa Menghadapi Implementasi Undang-Undang Desa (Tinjauan Desentralisasi Fiskal Dan Peningkatan Potensi Desa)," *Civis: Jurnal Ilmiah Ilmu Sosial Dan Pendidikan* 5, no. 1 (2015), <https://doi.org/10.26877/civis.v5i1.634>.

<sup>5</sup> Abdul Fatah Fanani and Supardi Ibrahim, "Collaborative Governance Dalam Kemandirian Desa: Studi Pada Implementasi Undang-Undang No. 6 Tahun 2014 Tentang Desa Di Kabupaten Sidoarjo," *Dialektika: Jurnal Ekonomi Dan Ilmu Sosial* 3, no. 2 (2018): 1–18, <https://doi.org/10.36636/dialektika.v3i2.148>.

<sup>6</sup> Teofilus Aglis Mariano et al., "Strategi Pengembangan Potensi Desa dan Dampaknya Bagi Desa dan Masyarakat di Desa Sidomukti, Kecamatan Bandungan, Kabupaten Semarang," *Journal of Politic and Government Studies* 12, no. 4 (2023): 4.

<sup>7</sup> Betha Rahmasari, "Paradigma Pembangunan Desa Dalam Pengelolaan Keuangan Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi*, December 30, 2020, 117–32.

<sup>8</sup> Sadu Wasistiono and M. Irwan Tahir, *Prospek Pengembangan Desa*, Cetakan 1 (Fokusmedia, 2006).

<sup>9</sup> Mahfud et al., "Analisis Terhadap Masa Jabatan Kepala Desa Dalam Sistem Hukum Positif Indonesia (Kajian Atas Undang-Undang Nomor 3 Tahun 2024)," *Jurnal Yustitia* 25, no. 2 (2025): 2, <https://doi.org/10.53712/yustitia.v25i2.2526>.

carried out together.<sup>10</sup> However, although village communities should be key actors in development planning, in its implementation, their participation is often neglected. This condition implies that the programs formulated are not relevant to the actual needs of the village community. As explained by Muluk, the reality on the ground shows that decentralization, which aims to increase community participation, often does not achieve its targets.<sup>11</sup>

As the smallest unit in the Indonesian governmental system, a village can be described as an integrated entity inhabited by many families forming a group.<sup>12</sup> Most villages in Indonesia have their own governance systems, led by a village head in their administrative area.<sup>13</sup> Throughout its development, the village has now become an example of a legal entity established by law and inseparable from Indonesian society. The government recognizes the existence of villages as a development initiative based on the village's own activities and ownership. In order to implement structural and legal policies, the government enacted Law Number 6 of 2014 concerning Villages.<sup>14</sup> The position of the village is very important, both as a means of achieving national development goals and as a strengthening pillar of Indonesia's governmental structure.<sup>15</sup>

Village autonomy is an original, complete, and holistic autonomy, not merely a grant from the government.<sup>16</sup> This does not mean villages possess full sovereignty, but rather it is the recognition of the right to manage their own internal affairs based on community initiative. By its nature, such autonomy prevents forced intervention from higher institutions. Conversely, sudden, coercive interventions that disregard the reality of the village community are absolutely not justified.<sup>17</sup>

According to Soepomo, the Republic of Indonesia is fundamentally based on the concept of a "village republic." This applies to the essence, justification for existence, and purpose of the Indonesian state, all of which are congruent with the essence, formation, and purpose of the village. Regarding the essence and ideals of the Indonesian state, Soepomo refers to the ideals found in village communities (*paguyuban*): where their leaders are united with the people and their community.<sup>18</sup> Village development is carried out based on various interests and community participation. Community involvement in every stage of development is very important to distribute benefits and advantages evenly, so that implemented programs can truly meet the basic needs of the residents. In support of these activities, the village government plays an active role by providing space and other supporting facilities.<sup>19</sup>

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<sup>10</sup> Ulber Silalah, *Kepemimpinan Pemerintah Desa dan Partisipasi Masyarakat dalam Pembangunan Desa* (Uwais Inspirasi Indonesia, 2023).

<sup>11</sup> Mujibur Rahman Khairul Muluk, *Menggugat Partisipasi Publik Dalam Pemerintahan Daerah (Sebuah Kajian Dengan Pendekatan Berpikir Sistem)* (Banyumedia Publishing, 2010).

<sup>12</sup> Sutoro Eko, *Implementasi UU Desa: Perspektif Hukum Tata Negara dan Hukum Ekonomi* (Pusat Penelitian, Badan Keahlian DPR RI, Sekretariat Jenderal DPR Republik Indonesia bekerjasama dengan Intelegensia Intrans Publishing, 2018).

<sup>13</sup> Muhamad Mu'iz Raharjo, *Tata Kelola Pemerintahan Desa* (Bumi Aksara, 2021).

<sup>14</sup> Ilham Zitri et al., "Implementasi Dana Desa Dalam Meningkatkan Kesejahteraan Masyarakat Desa Berdasarkan Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Journal of Governance and Local Politics (JGLP)* 2, no. 2 (2020): 2, <https://doi.org/10.47650/jglp.v2i2.60>.

<sup>15</sup> Hanif Nurholis, *Pertumbuhan Dan Penyelenggaraan Pemerintahan Desa* (Erlangga, 2011).

<sup>16</sup> H.A.W. Widjaja, *Otonomi Desa: Merupakan Otonomi Yang Asli, Bulat Dan Utuh* (Rajawali Pers, 2008).

<sup>17</sup> Dadang Juliantara, *Pembaharuan Desa, Bertumpu Pada Angka Terbawah* (Lappera Pustaka Utama, 2003).

<sup>18</sup> Nimatul Huda, *Hukum Pemerintahan Desa* (Setara Press, 2015).

<sup>19</sup> I. Putu Gede Diatmika and Sri Rahayu, *Model Pemberdayaan Ekonomi Masyarakat Lokal Dan Peran Pemerintah* (Ahlimedia Book, 2022).



Through Law Number 23 of 2014 (as amended by Law Number 9 of 2015), regional governments now have significant authority to manage their territories in accordance with the needs and aspirations of local communities. This law is democratic in nature, designed to facilitate community empowerment at the regional level, including villages, by introducing policies that promote broader village autonomy.

In addition to challenges related to operational capacity and resource management, legal issues also pose significant obstacles to the implementation of the Village Law. One of the main problems is the inconsistency between policies applied by the central government and policies issued by regional governments. In some cases, regional government policies contradict the Village Law, creating confusion for village officials in carrying out their duties. This discrepancy leads to legal uncertainty and hinders the implementation of planned programs.<sup>20</sup>

Meanwhile, Law Number 32 of 2004 defines a village as a legal community unit empowered to regulate and manage local community interests, recognized within the national governmental system, and located within a regency. The phrase "regulate and manage" implies that villages have the capacity to manage their own internal affairs, thereby possessing autonomy. It is important to understand that the autonomy possessed by villages is not a formal autonomy like that of provincial or regency governments, but rather an autonomy based on original rights and customs. This means this autonomy has existed since ancient times and has become an inherent part of the traditions of the respective village communities.

Based on Law Number 6 of 2014, village governments possess a range of extensive authorities. These include: Exercising authority based on original rights and local village-scale authority; Performing duties and functions assigned by the Central Government, Provincial Regional Governments, or Regency/City Regional Governments; Holding full authority over the management of village finances and assets; Proposing village draft regulations, with the village head authorized to enact these regulations; Conducting the nurturing of village community life, including maintaining peace and order; Managing and developing village income sources; Regulating and determining the direction of village development; Representing the village in legal matters, both in and out of court, and; Executing other authorities in accordance with applicable legal provisions.

Law Number 6 of 2014 concerning Villages explicitly stipulates that village communities have the right to participate in decision-making through village deliberations (*musyawarah desa*). This village deliberation should ideally serve as the primary forum for citizens to express aspirations, engage in discussions, and collectively formulate village policies. The expectation is that this participatory mechanism will form the main foundation for managing village autonomy, because by involving the community at every stage of decision-making, village development will be more relevant and aligned with the real needs of its residents.<sup>21</sup>

#### D. Conclusion

The Village Law, Law Number 6 of 2014, serves as a crucial foundation for strengthening village autonomy in Indonesia. However, there's a significant gap between the theoretical

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<sup>20</sup> Proborini Hastuti, "Menakar Konstitusionalitas Penundaan Dan/Atau Pemotongan Anggaran Transfer Ke Daerah Dalam UU APBN," *Jurnal Konstitusi* 19, no. 4 (2022): 4, <https://doi.org/10.31078/jk1945>.

<sup>21</sup> Proborini Hastuti, "Reduksi Kewenangan Atribusi Pemerintah Daerah Dalam Pengaturan Pemilihan Kepala Desa," *Jurnal Yudisial* 11, no. 1 (2018), <https://doi.org/10.29123/jy.v11i1.265>.

aspirations of this law, which grants villages extensive authority in resource management and decision-making, and the reality of its implementation on the ground, which is fraught with obstacles. Serious challenges include overlapping authorities between central and regional policies, and legal ambiguity at the village level, all of which urgently need to be resolved for effective village autonomy. Furthermore, while the Village Law primarily aims to improve community welfare through the allocation of Village Funds, the utilization of these funds is often suboptimal. This is attributed to limited management capacity and a lack of transparency in many villages. Villages with inadequate managerial capabilities frequently struggle to plan and utilize funds efficiently. Therefore, enhancing the administrative and financial management capacity of village officials is an absolute prerequisite. Without adequate training and oversight, the potential for Village Funds to yield maximum benefits will be jeopardized. In response, the government is obliged to promptly review and revise various provisions within the Village Law. Priority for revision should be given to legal norms that still cause conflicts (both vertically and horizontally), those that are unclear, or those that constitute legal gaps. Additionally, strengthening villages' capacity to implement development must be supported by providing professional facilitators.

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