



IMPLEMENTATION OF COMMUNITY RIGHTS IN VILLAGE DEMOCRACY

IMPLEMENTASI HAK-HAK MASYARAKAT DALAM DEMOKRASI DESA

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Abstract

The community has the right to express aspirations, suggestions, and opinions in the village government's execution. The goal of this study is to examine how community rights are implemented and identify barriers to their effective execution in village management. In particular, the preparation of the Draft Village Regulation aims to enhance the implementation of democracy in the Village. The research method employed is empirical legal research, utilizing primary and secondary data collection methods through in-depth observations and interviews. The results are based on field studies and documents from the Gunungsari Village Government, Tajinan District, Malang Regency. A qualitative juridical analysis is then carried out. The study's results show that implementing community rights in expressing aspirations, suggestions, and opinions is crucial in preparing the draft village regulations. In the planning activities for preparing village regulations, participation has been carried out through village deliberations and hamlet deliberations, which have identified inhibiting factors. First, there are still people who do not understand their rights. Second, there are still people who remain indifferent. Third, the community has not been informed about the village authority's plan to create village ordinances. Techniques for conquering difficulties 1). connecting the community's and the village government's perspectives, goals, and tactics. 2) Budgetary support from the village government for improving community human resources through education, training, and courses. 3) Village government programs and activity plans must be oriented towards improving community income and welfare. 4) Improved facilities and infrastructure for disseminating plans for drafting village regulations.

Keywords : Community Rights; Village Government; Democracy.

Abstrak

Masyarakat berhak menyampaikan aspirasi, saran, dan pendapat dalam pelaksanaan pemerintahan desa. Tujuan penelitian ini adalah untuk mengkaji bagaimana hak-hak masyarakat diimplementasikan dan mengidentifikasi hambatan dalam pelaksanaannya yang efektif dalam pengelolaan desa. Secara khusus, penyusunan Rancangan Peraturan Desa bertujuan untuk meningkatkan pelaksanaan demokrasi di Desa.



Metode penelitian yang digunakan adalah penelitian hukum empiris, dengan memanfaatkan metode pengumpulan data primer dan sekunder melalui observasi dan wawancara mendalam. Hasilnya didasarkan pada studi lapangan dan dokumen dari Pemerintah Desa Gunungsari, Kecamatan Tajinan, Kabupaten Malang. Kemudian dilakukan analisis hukum kualitatif. Hasil penelitian menunjukkan bahwa penerapan hak masyarakat dalam menyampaikan aspirasi, saran, dan pendapat sangat penting dalam penyusunan rancangan peraturan desa. Dalam kegiatan perencanaan penyusunan peraturan desa, partisipasi telah dilakukan melalui musyawarah desa dan musyawarah dusun, yang telah mengidentifikasi faktor-faktor penghambat. Pertama, masih ada orang yang tidak memahami hak-hak mereka. Kedua, masih ada orang yang tetap bersikap acuh tak acuh. Ketiga, masyarakat belum diberi tahu tentang rencana pemerintah desa untuk membuat peraturan desa. Teknik untuk mengatasi kesulitan 1). menghubungkan perspektif, tujuan, dan taktik masyarakat dan pemerintah desa. 2) Dukungan anggaran dari pemerintah desa untuk meningkatkan sumber daya manusia masyarakat melalui pendidikan, pelatihan, dan kursus. 3) Program pemerintah desa dan rencana kegiatan harus berorientasi pada peningkatan pendapatan dan kesejahteraan masyarakat. 4) Peningkatan fasilitas dan infrastruktur untuk penyebaran rencana penyusunan peraturan desa.

Kata Kunci : Hak Masyarakat, Pemerintahan Desa, Demokrasi.

1. INTRODUCTION

The Village is made up of communities and their customs, or what is referred to as a village under another name. Public regulations unify it with recognized borders. The government of the Unitary State of the Republic of Indonesia recognizes public local governments for organizing and managing affairs based on the initiative of society, rights of origin proposals, and/or traditional and acknowledged rights. As stated in Law Number 6 of 2014 regulating Villages, often known as Village Law, Article 1, Paragraph 1. (RI, 2016)

Government village implementation is carried out by the Village Consultative Body and the Village Head. The Village Government determines village regulations, holds regular meetings, and regulates the Village Head. Government villages aim to increase public welfare through the organization of government villages, development, coaching, and empowerment of the public.

Public involvement in government village organizations is essential to democratic governance systems and the application of good governance (Good Governance). Village communities have the freedom to: express goals, ideas, and opinions verbally or in writing in a responsible manner about the organization of activities, Village administration, village development implementation, village community coaching, and village community empowerment; (RI, 2016)

According to Village Law, village communities are entitled to: a. request and obtain information from the Village Government and oversee activities of village organizations within Village Administration, including the implementation of Village Development, coaching of the village community, and empowerment of the village community; b. obtain equal and fair service; c. convey aspirations, suggestions, and opinions, oral or written, in a responsible manner about the activity organization Village Government, implementation of Village Development, coaching Village community, village community; and empowerment. d.



choosing , being chosen , and/ or set become : 1. Village Head ; 2. Village apparatus ; 3. member of the Village Consultative Body; or 4. member institution Village community; e. get care and protection from disruptions to the Village's peace and order (Article 68 (1)). (RI, 2016)

Village Deliberation is conducted by the Village Deliberative Body, which is assisted by the Village Government, according to Article 80 (1) of the Regulation Government regarding Regulation Executor Invite Number 6 of 2014 concerning Village. (2) The Village Government, Village Consultative Body, and other members of society adhere to Village Deliberation as mentioned in paragraph (1). (3) Public elements mentioned in paragraph 2 consist of the following: a. figure a. customs; b. religious figures ; c. figures society ; d. figures education; e. representation group farmer; f. representative group fishermen; g. Representatives: Group craftsman; H. Representative group of women; I. Representative group of observers and protectors of children, and J. Representative group of poor communities. (4) In addition to the elements public as referred to in paragraph (3), the Village deliberation can involve elements from other communities. (Ri, 2014b)

Village communities have the right to give input on Design Village Regulations. Good in a way, as it directly provides feedback to the head village for compilation and design regulation, as well as indirectly through the Village Consultative Body (BPD), conveying aspirations and input.

Regulation In 2018, the Regent of Malang declared: (1) The Village Head is responsible for leading the government village. (3) In carrying out the government village task-lead organization. The role of the village chief is: a. setting up village governments, like civil service governments, determining village regulations, land development problems, maintaining peace and order, carrying out efforts to protect society, administering population and village area planning and management ; (2018, 2018)

Examine This differs from others, such as Rosidin's debt and the findings of his research: The public's involvement in the Village's formation and regulatory process is a component of village-level democracy. (4) . Prayogi Pangestu et al, results research: Public participation through indicator assessment, the public is involved in giving values in development, as well as involved in stage planning, so that development is carried out in accordance with the potential of society. (5) . Tesyalom Sembel, et al, research: results show that the level of community participation in the Village of Sinsingon Barat Dalam implementation development physique is still said to be low. This is reflected in the still-low enthusiasm for attending meetings in planning and development. (Pangemanan, 2017)

State of the Art (SoA) or Problem Statements (PS) from research conducted by researchers are implemented to convey aspirations, suggestions, and opinions to the general public—both in oral and written form—as part of a democratic government system. Through E-Government, it can facilitate the implementation of public participation in government village initiatives. Problem study. This is how the implementation of the correct public in conveying aspirations, suggestions, and opinions in the preparation of the village design regulation.



2. RESEARCH METHOD

Types of research in study include legal, empirical, sociological, and can also be known as a study field, namely the study of provisions applicable to law, as well as what happens in reality in society. (7). Or, to put it another way, research is done to actually or condition real things that occur in society with the meaning to know and find the facts and data needed. Once the necessary data is gathered, problems are identified, and eventually a solution is found. Examine. This is included in the study of empirical law because the goal is to observe how community rights are implemented in Gunungsari Village, Tajinan District, Malang Regency, by communicating goals, recommendations, and viewpoints.

The methodology employed in the research. This method is a legal sociological technique. The goal of juridical sociology is to recognize and understand law as a real, functional social institution inside a real-world system. In Gunungsari Village, Tajinan District, Malang Regency, juridical sociology emphasizes research that aims to obtain empirical knowledge of law, with a direct approach to the object, and analyzes the implementation of community rights to convey aspirations, suggestions, and opinions on the implementation of village government.

Information utilized in research. These two types of data are primary and secondary. The technique study's primary data were gathered directly from the field using various sources and respondents. Meanwhile, literature reviews provide secondary or indirect data.

The study utilizes both primary and secondary data sources. Secondary data gathering was conducted through Wisnuwardhana University literature studies and the library village of Gunungsari, while the primary data collection involved a bicycle study. This is a thorough interview with the informant in control of the problem in the study. This is: 1) **Rukadi** (Head of Gunungsari Village). 2) **Bambang Setyo Budi** (Secretary of Gunungsari Village). 3). **Sukadi** (Head of the Village Community Empowerment Institute / LPMD). 4. **Nachrowi** (Head of Baran Hamlet, Gunungsari Village). 5). **Senawan** (Head of Krajan Hamlet, Gunungsari Village)

Data analysis in social research is followed by data analysis in empirical legal research. Descriptive approaches are commonly employed in data analysis for qualitative social research. The data is obtained and presented descriptively, beginning with describing and explaining what has been obtained from references or data. This data analysis process is carried out by starting to examine all the collected data. From the description above, a data analysis scheme is formed based on a collection of data collection techniques based on the analysis method developed by Miles and Huberman as follows: (8). Stages of data analysis are: 1). One method for analyzing qualitative data is data presentation. Data presentation is the process of organizing a collection of information to facilitate the drawing of conclusions. 2) One method for analyzing qualitative data is data reduction. Data reduction is a type of analysis that refines, categorizes, focuses, eliminates unnecessary information, and organizes data so that conclusions can be drawn. 3) Drawing Conclusions, The third important analysis activity is drawing conclusions and verification. The research location is a specific place or object where



research is conducted. The research location is at the village office, Gunungsari Village, Tajinan District, Malang Regency.

3. RESULT AND DISCUSSION

According to Article 68 (1) of Law No. 6 of 2014 concerning Villages, village communities have the following rights: a. obtain equal and fair service; b. communicate aspirations; c. request and receive information from Village Government and supervise activity organization Village Government, implementation of Village Development, coaching Village community, and empowerment Village community. Recommendations and opinions regarding village government activities, village development implementation, village community coaching, village community empowerment, oral or written, in a responsible manner. d. select, be selected, and/or set to become: 1. Village Head; 2. Village apparatus; 3. Village Consultative Body member; or 4. Village community member institution. e. get care and protection from disruptions to the Village's peace and order. (RI, 2016)

According to theological interpretation, Article 68 (1) of Law No. 6 of 2014 About Village: Provide the community with opportunities and rights to express their goals, ideas, and opinions verbally or in writing responsibly regarding village government activities, village development implementation, village community coaching, village community empowerment, and village development. Is the Village's type of democracy?

Village Deliberations are conducted by the Village Deliberative Body, which is assisted by the Village Government, according to Article 80 (1) of Government Number 43 of 2014 concerning Regulation Executor Invite Number 6 of 2014 concerning Village. (2) The Village Government, Village Consultative Body, and other members of society follow the Village Deliberations mentioned in paragraph (1). (3) The public elements mentioned in paragraph (2) include those mentioned earlier: a. figure a. customs; b. religious figures ; c. figures society ; d. figures education; e. representation group farmer; f. representative group fishermen; g. representative group craftsman; h. representative group women; i. representative group observer and protector children; and j. representatives of poor communities. (4) In addition to the elements public as referred to in paragraph (3), the Village deliberation can involve elements from other communities. (Ri, 2014b)

According to a grammatical interpretation of Article 80 (1) of Government Number 43 of 2014 concerning Regulation Executor Invite Invite Number 6 of 2014 concerning Village, the community is entitled to participate in any village deliberation that is organized by the Village Consultative Body in conjunction with the Village head.

According to Article 6 of Minister of Home Affairs Regulation Number 111 of 2014 regarding Guidelines Technical Village Regulations: (1) The Village Government initiates the preparation and design of Village Regulations. (2) Draft Village Regulations that have been compiled must be consulted by the public, and can be consulted by the sub-district head to get input. (3) Design Village Regulations that were consulted as referred to in paragraph (2) are prioritized for public or group-related communities directly with substantive material settings.



(4) Input from public Village and sub-district heads, as referred to in paragraph (2), is used by the Village Government for follow-up of the drafting process of the Village Regulations. (5) The Village Head submits the draft village regulations that have been reviewed as mentioned in paragraph (3) to BPD for joint discussion and approval. (Ri, 2014a)

Article 6, Article (2) of Minister of Home Affairs Regulation Number 111 of 2014 respecting Guidelines Technical Village Regulations is interpreted theologically. The idea is that every design rule should be aspirational and adaptable. This means that community input becomes a necessity, as it is perceived as "obligatory" and is consulted with society. There are consequences under the law if a planner implements a regulation without consulting the community, disregarding their aspirations, suggestions, and opinions, whether oral or written. Therefore, the Village's planning regulation is not legitimate according to the law.

Soetrisno defines participation as the will of the people to support programs determined by the government, with clear objectives. He also added that participation is the same between the people and the government in planning, implementing, preserving, and developing results. (Gosal2 & Pangemanan, 2017)

According to Conyers, participation in society is crucial for growth for three basic reasons: 1. Public participation is a technique for learning about local realities, needs, and attitudes that will fail in the absence of development programs and projects. 2. Projects or development initiatives will be more trusted by society. They will become more knowledgeable about the project and feel a sense of belonging if they participate in the planning and preparation phase. 3. When the public participates in development on its own, it is assumed that democracy is doing something right. It is believed that the public has the right to offer suggestions regarding the kind of development that will be carried out in their locality. (Gosal2 & Pangemanan, 2017)

Dody Eko Wijayanto said that the Village Law emphasizes participatory governance, which requires leaders of the Village to consult with inhabitants on important decisions. However, Puji Astuti and Neny Marlina said that non-elite candidates face obstacles in participating in the election for village head, which results in a government structure controlled by elites, prioritizing personal interests above societal needs. Next, Fitria Esfandiari and Sholahuddin Al-Fatih stated that this situation creates division between the leaders' villages and residents, which is a dangerous effort to push participation in real society governance. Participation in a low society can result in ineffective government policies in a village that cannot be implemented. Does not have strong binding and is difficult for the community to obey alone. (Al-Fatih et al., 2025)

According to Herbert. C. Kelman, does someone comply with the law or obey the law? There are three types, namely : (Muhammad Soleh, 2024)

- a. Characteristic *compliance*: somebody complies with the law or obeys the law, not because the law is already in accordance with their will, but because they are Afraid of sanctions for violating the law



- b. Characteristic *Identification*: Someone complies with the law or obeys the law. Because the guard connection is good with Sesema, which becomes the object of the law, compliance with the law ensures a harmonious relationship with fellow people who are also the object of the law.
- c. Characteristic *Internalization*: someone complies with the law or is obedient to it because the law is already something with the values a person desires, and the law is already suitable for their needs.

Meuwissen, Differentiating three forms of validity, the third is related to the other two. (Sidharta, 2013)

- a. Applicability social or validity factual (regarding effectiveness or "*Wirksamkeit*" from method law. The intended method is the law, which is obeyed, or its compliance is enforced with help from sanctions. Also, the absence of sanctions undermines his obedience, including in this atmosphere.
- b. Applicability juridical. A method law formed in accordance with the rules of law procedures of the law in force by the competent authority, and is not substantially contradictory with other rules (especially more rules in total).
- c. Validity / moral validity. One key aspect of the law that is in accordance with the will of the heart society, in general, is ethical substance law that enters reason/rationality (eg, the law that guarantees the fundamental rights of man)

Sudikno Mertokusumo mentions that the invitation law has a condition for it to be valid or for it to have strength. Three types of strength apply, namely, the strength of valid juridical, sociological, and philosophical. (Mukhammad Soleh, 2020)

- a. Strength valid juridical (*jurist*) *Geltung*)

The law has valid juridical and formal requirements for its formation, as outlined in the Constitution, That has been fulfilled.

- b. Strength Valid Sociological (*Soziologische Geltung*)

Here, the primary concern is the overall effectiveness or utility of the method. What is meant by this is that its validity is or has been accepted as law within public opinion. That, in fact, depends on whether the regulatory law was established in accordance with formal requirements or not. So, here, the law is reality within the public.

Strengthens the validity of the law within the public. There are two kinds :

- 1) According to the theory of strength (*Machttheorie*). The law has sociological validity if enacted by the authorities, regardless of whether it is accepted or not by the public.
- 2) According to the theory of recognition (*Anerkennungstheorie*), laws have strong sociological validity if they are accepted and recognized by the public.
- c. Strength Valid Philosophical (*Philosophische Geltung*)

The law has a strong, valid philosophical foundation in accordance with the ideals of law (*Rechtsidee*), marking the highest positive values (*überpositiven Werte*: Pancasila, a fair and prosperous society). So that the law functions, the method of law must fulfill



the third element, which says it must have strength that is valid juridically, sociologically, and philosophically at the same time.

As a form of democratic law, the community must be engaged before any policy for creating village laws is debated by the Village Consultative Body. Its creation, since it incorporates the thoughts, suggestions, and contributions of the larger community. (M Soleh, 2022)

The community's participation in shaping public policy is at the heart of democracy. This comprises the legal policies of the government, whether they take the shape of laws, regional rules, or village regulations, either directly or through representatives chosen by a general election process or appointed in accordance with an agreement to represent them. (Mukhammad Soleh et al., 2020)

Contestation and inclusion are the key features of democracy. The ability of leaders to sustain their support base at different levels is determined by the inclusivity dimension, even while less contestation (public support) will boost the resources available to them and create long-term reputational incentives. (Örsün, 2020)

Hidajat said: The importance of People's participation in a democratic country is crucial for the sustainability of a country. This means that the people have the power to make decisions in the field of politics and government, through representation and direct statements of opinion, either orally or in writing, in a constitutional manner. (Bulqiyah et al., 2019)

Before consulting the Village Consultative Body, the Village Government created the Design Village Regulations regarding the Village's Budget Income and Expenditure, and consulted with the public to gather opinions, suggestions, and responses. This is a form of democratic law because it involves public input, opinions, and recommendations. (M Soleh, 2022)

Public involvement in the execution of excellent governance, including performance government villages, is crucial because it can improve the Village's level of democracy. (Mukhammad Soleh et al., 2023) Formation regulations involving the public are one of the forms of democracy. (Mukhammad Soleh, 2024)

Interview results with informants, that is, Father Rukadi. Head of Gunungsari Village, District Tajinan, Malang Regency. Interview September 12, 2025. Form a village community to participate in the manufacturing regulation village. Follow Deliberation village, which is implemented by the Village Government together with the BPD and Village Institutions, along with Community and Youth Leader: Bambang Setyo Budi, Secretary of Gunungsari Village, District Tajinan Malang Regency. Interview August 2, 2025. Form activities participated in by the village community, which include the following: village deliberation and deliberation in Sukadi hamlet. Head of the Village Community Empowerment Institute (LPMD) of Gunungsari Village, District Tajinan, Malang Regency. Interview July 15, 2025. Form participation Society, namely follow Deliberation Village; Deliberation Development Planning. Senawan. Head of Krajan Hamlet, Gunungsari Village, District Tajinan, Malang Regency. Interview, July 22, 2025. Which provides information as follows: The community



participates in deliberation hamlets and deliberation villages. Through participation, the people are all elements that contribute to deliberation in the Village, conveying the result to the public. Nachrowi, Head of Baran Hamlet, Gunungsari Village, District Tajinan, Malang Regency. Interview, July 23, 2025. This provides information as follows: Community participation in manufacturing regulation in the Village involves attending musyawarah village meetings and socializing the results of deliberations with the community at the hamlet level.

In a government village, implementers and decision-makers must understand and apply the rights of the public responsibly and fairly. This can be achieved by providing education and awareness against the perpetrators and those who take advantage of public rural rights in a regular manner, so that they form a shared understanding and awareness. This is necessary to maintain and guarantee these rights. This can help support and ensure rights in rural areas, thereby preventing injustice and guaranteeing public welfare in these areas. (Hudaya & Triadi, 2024)

High Community Participation can be measured by the number of suggestions, input, and opinions made public regarding the government's planning policy for the Village. Increasingly, there are numerous tips and inputs from the community, which in turn lead to increasingly high levels of implementation of its democracy. This will also increase public welfare.

From the statements of the informants and the opinions of the experts above, it shows that implementation correct public in convey aspirations, suggestions and opinions oral or written in a way responsible answer about activity organization Village Government, in particular planning regulation village in Gunungsari Village, District Tajinan, Malang Regency, has implemented, even though Still not optimal, because only with form convey aspirations, suggestions and opinions That through his participation in activity deliberation village and deliberation hamlet.

4. CONCLUSION

Implementation of the right to public participation in conveying aspirations, suggestions, and opinions in the preparation, design, and regulation of the Village. The organization of village activities by the village government, particularly the planning of village regulations in Gunungsari Village, Tajinan District, Malang Regency, has been implemented, although it is still not optimal. This is because it is currently limited to conveying aspirations, suggestions, and opinions through participation in village deliberation activities and hamlet deliberations.

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