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**POSITION OF THE TEMPURAN VILLAGE HEAD IN THE
IMPLEMENTATION OF VILLAGE AUTONOMY**

***KEDUDUKAN KEPALA DESA TEMPURAN DALAM PENERAPAN
OTONOMI DESA***

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ABSTRACT

The role of the village head in implementing village-scale local authority as a form of village autonomy according to Law Number 6 of 2014 concerning Villages is the authority to regulate and manage the interests of village communities that have been carried out by the village or are capable and effectively carried out by the village. Authority based on the right of origin and local authority on a village scale is a good opportunity for the village to be able to determine its own destiny in planning, implementing and evaluating development in the village. Villages have a large space to map various village assets and use them as much as possible for the benefit of the village. This study uses an empirical juridical approach. The empirical juridical approach is to conduct research in the field, namely by looking at the existing facts regarding the position of the village head in the application of regional autonomy. The result of this research is that the Head of Tempuran Village, Trimurjo District, Central Lampung Regency conveys the role of the Village Head regarding regional autonomy and village autonomy is very important. Law Number 23 of 2014 concerning Regional Government provides a strong foundation for villages in realizing a "Development Community" where the village is no longer an administrative level or regional subordinate but on the contrary as an "Independent Community". The village and its community have the right to speak for the interests of the community itself. Villages are given the authority to regulate their villages independently, including in the social, political and economic fields. With this independence, it is hoped that it will increase the participation of rural communities in social and political development.

Keywords : Village Head; Village Autonomy; Law.

ABSTRAK

Peranan kepala desa dalam pelaksanaan kewenangan lokal berskala desa sebagai wujud otonomi desa menurut Undang Undang Nomor 6 Tahun 2014 tentang Desa adalah kewenangan untuk mengatur dan mengurus kepentingan masyarakat desa yang telah dijalankan desa atau mampu dan efektif dijalankan oleh desa. Kewenangan berdasarkan hak asal usul dan kewenangan lokal berskala desa merupakan peluang yang baik untuk desa bisa menentukan nasibnya sendiri dalam merencanakan, melaksanakan dan mengevaluasi pembangunan yang ada di desa. Desa memiliki ruang yang luas untuk memetakan berbagai aset desa dan dipergunakan semaksimal mungkin untuk kepentingan desa. Penelitian ini menggunakan pendekatan yuridis empiris. Pendekatan yuridis empiris adalah dengan melakukan penelitian di lapangan yaitu dengan melihat fakta-fakta yang ada mengenai Kedudukan Kepala Kampung Dalam Penerapan Otonomi Daerah. Hasil dari penelitian ini adalah Kepala Desa Tempuran Kecamatan Trimurjo Kabupaten Lampung Tengah menyampaikan peranan Kepala Desa terkait otonomi daerah dan otonomi desa sangatlah penting Dengan dimulai dikeluarkannya Undang-Undang Nomor 22 Tahun 1999, Undang-Undang Nomor 32 Tahun 2004 dan kemudian terakhir diubah dengan Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah memberikan landasan kuat bagi desa dalam mewujudkan "Development Community" dimana desa tidak lagi sebagai level administrasi atau bawahan daerah tetapi sebaliknya sebagai "Independent Community" yaitu desa dan masyarakatnya berhak berbicara atas kepentingan masyarakat sendiri. Desa diberi kewenangan untuk mengatur desanya secara mandiri termasuk bidang sosial, politik dan ekonomi. Dengan adanya kemandirian ini diharapkan akan dapat meningkatkan partisipasi masyarakat desa dalam pembangunan sosial dan politik.

Kata Kunci : Kepala Desa; Otonomi Desa; Hukum.

I. INTRODUCTION

The concept of a unitary state is the concept of a state that does not have government units that have sovereignty.¹ C.F Strong stated that the essence of a unitary state is a state whose sovereignty is not divided, or in other words, a state whose central government power is not limited because the unitary state constitution does not recognize the existence of a law-making body other than a central law-making body.²

The central government has the highest power or authority in the field of government. The logical consequence of its position as the organizer of people's sovereignty is that government units that are formed and are under the central government must submit to the Central Government. Without

¹ Nurcholis, H. (2017). *Teori dan Praktik Pemerintahan dan Otonomi Daerah*. PT Grasindo(pp. 1–32). Grafindo.

² Rose, S. (1950). Modern Political Constitutions: an Introduction to the Comparative Study of their History and Existing Form. *International Affairs*, 26(2), 299–299. <https://doi.org/10.2307/2605733>

organizational submission and compliance based on applicable regulations, there will be overlaps in carrying out their authority.³

According to Ateng Safrudin, a unitary state is a state that has a constitution that gives the right and obligation to carry out the authority to administer government to the Central Government.⁴

The 1945 Constitution of the Republic of Indonesia gives the authority of the state government to one government, namely the central government, because the implementation of all rights interests, both from the center and from the regions is actually the obligation of one government.⁵ In terms of the size of the region, the central government has more and more tasks to take care of. In line with the progress of society and the state, the differences between one another are difficult to know and difficult to regulate centrally, so if the conditions of the regions are possible, the center leaves it to the regions to manage and organize their own special needs from the regions.⁶

Maintaining the unity and integrity of the state is one of the reasons why the Central Government dominates the implementation of government affairs by neglecting the roles and rights of local governments to be directly and independently involved in managing and fighting for the interests of their regions. The dominance of the Central Government over government affairs has resulted in the relationship between the Central Government and the regions within the unitary state becoming disharmonious or even at an alarming point, resulting in the idea of turning the unitary state into a federal state.

Autonomy can literally be said as a region. In Greek, the word *autos* means themselves and *nomos* means law or order. Based on Law Number 23 of 2014 concerning Regional Government, the definition of regional autonomy or decentralization is the transfer of government authority by the central government to autonomous regions.⁷ To regulate and manage government affairs in the system of the Unitary State of the Republic of Indonesia. The achievement of autonomy is not only in legal notification, but also the need for globalization, which is strengthened by giving regions greater authority. The basic values of regional autonomy In the book *Decentralization and Regional Autonomy* (2007) by Syamsuddin haris.⁸

Regional autonomy has several basic values, namely the freedoms of the community and local government in taking actions and policies to solve common problems. Community participation plays an active role in the

³ Sugawara, E., & Nikaido, H. (2014). Hukum Tata Negara dan Hukum Administrasi Negara Dalam Prespektif Fifiyah Siyasah. *Antimicrobial Agents and Chemotherapy*, 58(12), 7250–7. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/25246403%0Ahttp://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4249520>

⁴ Darmawan. (2010). Kedudukan Hukum Adat dalam Otonomi Khusus (The Existence of Customary Law in Special Autonomy). *Kanun, Agustus*(51), 334–348.

⁵ Ariyanto, B. (2020). Pengelolaan Hubungan Antar Pusat dan Daerah. *Suloh Jurnal Program Studi Magister Hukum*, 37–57.

⁶ Nur Wijayanti, S. (2017). Hubungan Antara Pusat dan Daerah Dalam Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Nomor 23 Tahun 2014. *Jurnal Media Hukum*, 23(2). <https://doi.org/10.18196/jmh.2016.0079.186-199>

⁷ IMPLIKASI, URUSAN DAN PROSPEK OTONOMI DAERAH. (2020). *Kebijakan: Jurnal Ilmu Administrasi*, 11(1), 36–46. <https://doi.org/10.23969/kebijakan.v11i1.2233>

⁸ Haris, S. (2007). Desentralisasi dan Otonomi Daerah.

process of planning, implementing, and supervising public policies in their regions. The history of Regional Autonomy in Indonesia is effective and efficient through freedom and community participation, the government will be more targeted (effective) and will not waste the budget or waste will occur. The principles and principles of regional autonomy carry the principles and principles of using the principles of decentralization, deconcentration and co-administration. The implementation of the principle of decentralization in a complete and unanimous manner which is carried out in the Regency and City areas. The principle of co-administration that can be carried out in the provinces, districts, cities and villages. The purpose of regional autonomy has several objectives for granting regional autonomy, such as equitable and fair regional distribution, improved public services, the existence of a national justice, the development of democratic life, maintaining harmonious relations between the center, regions, and between regions for the integrity of the Republic of Indonesia. Encouraging community empowerment, fostering initiative and creativity, increasing community participation and developing the roles and functions of the Regional House of Representatives. Definition of Regional Autonomy and the legal basis for regional rights in carrying out regional autonomy According to Article 20 of Law Number 23 of 2014, according to co-administration tasks and concurrent affairs.

Regional obligations in carrying out regional autonomy according to Article 12 of Law Number 23 of 2014, mandatory government affairs are with basic services, mandatory government affairs are not related to basic services and selected government affairs. Good governance is the most prominent issue in the management of public administration, the intense demands made by the community for the government to implement good governance are in line with the increasing level of public knowledge, in addition to the influence of globalization.⁹ The old patterns of governance are no longer appropriate for the changing social order. Therefore, this demand is a natural thing and the government should respond by making changes that are directed at the realization of good governance. The implementation of village government requires sources of village finance and income. Village finances according to Law Number 23 of 2014 concerning Regional Government, in Article 371 and Article 372.

Village finance management is carried out by the village head as outlined in the village regulations regarding the village income and expenditure budget. The form of the role of the Village Head in implementing village-scale local authority as a form of village autonomy according to Law Number 6 of 2014 concerning Villages is the authority to regulate and manage the interests of village communities that have been carried out by the village or are able and effectively carried out by the village or which arise due to village developments. and village community initiatives, including additional village markets, public baths, irrigation canals, environmental sanitation, integrated service posts, art and learning studios as well as village libraries, village reservoirs and village roads. The manifestation of the implementation of village-scale local

⁹ Pomeranz, E. F., & Stedman, R. C. (2020). Measuring good governance: piloting an instrument for evaluating good governance principles. *Journal of Environmental Policy and Planning*, 22(3), 428–440. <https://doi.org/10.1080/1523908X.2020.1753181>

authority by the village government is in line and in harmony with village development. Law Number 6 of 2014 concerning Villages has become the initial barometer of the village in remapping village authority. The village authority is clearly stated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 44 of 2016 concerning Village Authority. Authority based on the right of origin and local authority on a village scale is a good opportunity for the village to be able to determine its own destiny in planning, implementing and evaluating development in the village. Villages have a large space to map various village assets and use them as much as possible for the benefit of the village.¹⁰

In order to improve services to the village community, the implementation of village government must be carried out properly. One aspect of the creation of good village governance is the existence of competent village officials in their fields, one of which has implications for the leadership of the village head. The implementation of village government will be better and more advanced if its implementation is not only based on regulations, but it is very necessary to also be supported by the principles of village governance. government towards better progress.¹¹

The implementation of the original autonomy owned by the village must be carried out by taking into account the principles of democracy that bring community participation in government. This is done in order to encourage the government to empower the community. Besides that, it is also to develop the role and function of the village government. The inclusion of village government as a unit in the regional government law. In terms of government politics, including village government in the regional government law has an important meaning. As a form of regional government, the village should have all the statuses and positions, along with various elements of local government such as the province, district, or city. As part of the regional government, the village has an entire autonomous government structure that is independent in carrying out all its household affairs. The organizational structure and village government are no longer just a mirror of the history of the past government with all traditional authenticity. Village government must be an integral part of the government of the Unitary State of the Republic of Indonesia which carries out the functions of the new government.

II. METHOD

This study uses an empirical juridical approach. The empirical juridical approach is to conduct research in the field, namely by looking at the existing facts regarding the position of the village head in the application of regional autonomy. However, the author also continues to use a normative juridical

¹⁰ Sugiman, S. (2018). Pemerintahan Desa. *Binamulia Hukum*, 7(1), 82–95. <https://doi.org/10.37893/jbh.v7i1.16>

¹¹ Semaun, F. (2019). PENYELENGGARAAN PEMERINTAHAN DESA. *JURNAL PEKAN: Jurnal Pendidikan Kewarganegaraan*, 4(1), 17–35. <https://doi.org/10.31932/jpk.v4i1.373>

approach, namely an approach based on legislation, theories and concepts related to this research.¹²

III. ANALYSIS AND DISCUSSION

a. The Position of the Tempuran Village Head in the Application of Regional Autonomy

Duties and functions of the village head, the village head is the head of the village government who leads the administration of village government.¹³ The village head is in charge of administering village government, implementing development, community development, and community empowerment. Referring to the Regulation of the Minister of Home Affairs Number 84 of 2015 concerning the Organizational Structure and Work Procedure of the Village Government, to carry out his duties, the village head has the following functions:

- 1) Organizing village administration, such as administrative administration, establishing village regulations, fostering land issues, fostering peace and order, carrying out community protection efforts, population administration, and structuring, and managing areas.
- 2) Carry out supervision of the process of development in the village.
- 3) Carry out development, such as construction of rural infrastructure and development of health education
- 4) Community development, such as the implementation of community rights and obligations, community participation, community social culture, religion, and employment.
- 5) Community empowerment, such as the task of socializing and motivating the community in the fields of culture, economy, politics, the environment, empowering families, youth, sports, and youth groups.
- 6) Maintain partnership relationship with community institutions and other institutions.

The history of the Village arrangement in it has stipulated several regulations regarding the Village, namely Law Number 22 of 1948 concerning Principles of Regional Government, Law Number 1 of 1957 concerning Principles of Regional Government, Law Number 18 of 1965 concerning Principles of Government Regions, Law Number 19 of 1965 concerning Praja Villages as a Transitional Form to Accelerate the Realization of Level III Regions throughout the Territory of the Republic of Indonesia, Law Number 5 of 1974 concerning Principles of Governance in the Regions, Law Number 5 of 1979 concerning Village Administration, Law Number 22 of 1999

¹² Sonata, D. L. (2015). METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM. *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 8(1). <https://doi.org/10.25041/flatjustisia.v8no1.283>

¹³ Andika, W. A., S, B. U., & Sulistio, E. B. (2021). Gaya Kepemimpinan Kepala Desa dalam Meningkatkan Partisipasi Masyarakat untuk Pembangunan Desa (Studi Gedung Wani Kecamatan Marga Tiga Kabupaten Lampung Timur). *Administrativa: Jurnal Birokrasi, Kebijakan Dan Pelayanan Publik*, 3(2).

concerning Regional Government, and finally Law Number 32 of 2004 concerning Regional Government.¹⁴

Villages have original autonomy rights based on customary law, can determine the composition of government, regulate and manage households, and own wealth and assets.¹⁵ Therefore, the existence of the village needs to be emphasized to realize the welfare of the village community. However, deregulation and village structuring after several amendments to the state constitution and its laws and regulations gave rise to a new perspective on village regulation in Indonesia. With the enactment of Law Number 6 of 2014 concerning Villages, as an autonomous region, special rights are indeed granted, including those related to financial management and village fund allocation, village head elections and the village development process.¹⁶

Village autonomy is genuine, unanimous, and complete autonomy and is not a gift from the government. On the other hand, the government is obliged to respect the original autonomy of the village. As a legal community unit that has an original structure based on privileges, the village can carry out legal actions, both public law and civil law, own wealth, property and can be prosecuted and sued in court.

The Head of Tempuran Village, Trimurjo District, Central Lampung Regency said that the role of the Village Head or Village Head related to regional autonomy and village autonomy was very important. amended by Law Number 23 of 2014 concerning Regional Government providing a strong foundation for villages in realizing a “Development Community” where the village is no longer an administrative level or subordinate to the region but on the contrary as an “Independent Community”. The village and its people have the right to speak in the interests of the community itself. Villages are given the authority to regulate their villages independently, including in the social, political and economic fields. With this independence, it is hoped that it will increase the participation of rural communities in social and political development.

For villages, the autonomy they have is different from the autonomy possessed by the provincial and district and city areas. The autonomy possessed by the village is based on its origins and customs, not based on the transfer of authority from the government. Village or other names, hereinafter referred to as village are legal community units that have the authority to regulate and manage the interests of local communities based on local origins and customs which are recognized in the National Government system and are located in the Regency Area. The rationale that needs to be developed at this time is diversity, participation, genuine autonomy, democracy, and community empowerment.

¹⁴ Satriawan, M. I. (2015). POLITIK HUKUM PEMERINTAHAN DESA DI INDONESIA. *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 7(2). <https://doi.org/10.25041/flatjustisia.v7no2.373>

¹⁵ Muhtadli, M. (2020). Pengakuan Desa Adat Sebagai Penyelenggara Pemerintahan Daerah di Indonesia Berdasarkan Asas Otonomi. *Constitutionale*, 1(1), 43. <https://doi.org/10.25041/constitutionale.v1i1.200>

¹⁶ Sugiman, S. (2018). Pemerintahan Desa. *Binamulia Hukum*, 7(1), 82–95. <https://doi.org/10.37893/jbh.v7i1.16>

Village autonomy is the right, authority and obligation to regulate and manage their own government affairs and the interests of the community based on the rights of origin and socio-cultural values that exist in the community to grow and develop following the development of the village. Government affairs based on village origins, affairs that are under the authority of the Regency or City government are handed over to the village.¹⁷

But it must always be remembered that there are no rights without obligations, no authority without responsibilities and no freedom without limits. Therefore, in implementing the rights, authorities and freedoms in implementing village autonomy, it is necessary to uphold the values of responsibility towards the Unitary State of the Republic of Indonesia by emphasizing that the village is an inseparable part of the Indonesian nation and state. The implementation of the rights, authority and freedom of village autonomy requires the responsibility to maintain the integrity, unity and integrity of the nation within the bonds of the Unitary State of the Republic of Indonesia and the responsibility to realize the welfare of the people which is carried out within the corridors of the applicable laws and regulations.

In addition to this, the village head also has the authority to regulate village finances. Minister of Home Affairs Regulation Number 20 of 2018 states that Village Finance is all Village rights and obligations that can be valued in money and everything in the form of money and goods related to the implementation of village rights and obligations.

Overall village financial management activities include planning, implementation, administration, reporting, and village financial accountability. The Village Financial Management Authority Holder is the village head or other designation who because of his position has the authority to carry out the overall village financial management.

Village Financial Management Authority, Article 3 of the Regulation of the Minister of Home Affairs Number 20 of 2018 as follows:

- 1) The Village Head is the Village Financial Management Authority Holder and represents the Village Government in the ownership of separated Village assets.
- 2) The Village Head as the Financial Management Authority Holder as referred to in paragraph (1) has the authority to:
 - a) Establish policies regarding the implementation of the Village Revenue and Expenditure Budget.
 - b) Establish policies on the management of Village property.
 - c) Carry out actions that result in expenditures at the expense of the Village Revenue and Expenditure Budget Menetapkan Pelaksana Pengelolaan Keuangan Desa.
 - d) Approving the Budget Implementation List, Budget Change Implementation List, and Advanced Budget Executing Documents.
 - e) Approving the Village Treasury Budget Plan.
 - f) Approve the Payment Request Letter.

¹⁷ Barniat, Z. (2019). Otonomi desa : Konsepsi teoritis dan legal. *Jurnal Analisis Sosial Politik*, 5(1), 20–33. Retrieved from <http://publikasi.fisip.unila.ac.id/index.php/JASP/article/view/13>

- g) In exercising the power of Village financial management as referred to in paragraph (2), the Village Head delegates part of his power to the Village apparatus as the Implementer of Village Financial Management.
- h) The delegation of part of the power of the Village Financial Management Authority Holder to the Village Financial Management Executor is determined by a decision of the Village Head.

Implementing Village Financial Management is a village apparatus that carries out village financial management based on the decision of the Village head who authorizes some of the powers of the Village Financial Management Authority. Implementers of Village Financial Management consist of the Village Secretary, Head of Affairs and Section Heads, and Head of Financial Affairs.

b. The Role of the Village Head

1. The Role of the Village Head in Village Government Affairs

The results of this study indicate that in general the Tempuran village head is quite good in carrying out his role, especially in the field of village government affairs. The village head as a village government administrator in Tempuran village as well as a formal leader at the village level shows his ability to communicate and coordinate with his work partners, namely the Village Consultative Body or Village Consultative Body and other stakeholders. On the other hand, the village head is able to motivate the community to participate in the process of administering village governance, especially with regard to the fulfillment of community rights as citizens, such as the right to obtain self-identity and family, as well as other civil rights. Based on the results of the research above, it can be explained that the ability of the village head to carry out the main tasks of the village government reflects the administrative capabilities of the village government itself, while the administrative capabilities of the village government are supported by building a strong village government organizational structure and carrying out their respective duties and functions. within the framework of a partnership between the Village Head and the Village Consultative Body or the Village Consultative Body. The product of the partnership work is in the form of village regulations as guidelines and guidelines in carrying out the village's mission towards its independence.¹⁸

2. The Role of the Village Head in Development

Referring to the summary of the results of the interview, it is known that in village development affairs, the village head plays a fairly active role in preparing village development plans with his partner the Village Consultative Body through village deliberation forums. The resulting product is a village regulation on the Village Revenue and Expenditure Budget in each fiscal year. However, not all village development plans/programs can be realized properly. This is constrained by the low level of adequacy of the village budget, as well as complicated bureaucracy, the range of control and the geographical

¹⁸ Rohman, A. (2020). KEWENANGAN PENJABAT KEPALA DESA DALAM MENGANGKAT PERANGKAT DESA. *Syiar Hukum: Jurnal Ilmu Hukum*, 18(1), 62-82. <https://doi.org/10.29313/shjih.v18i1.6026>

location of the village which is difficult to reach, which are inhibiting factors for delays in the disbursement of Village Fund Allocations and Special Autonomy funds. The results of this study indicate that the role of the village head in carrying out village development tasks is going quite well, but there are several obstacles that result in delays in the disbursement of the Village Fund Allocation and Special Autonomy funds which should be a solution to the inadequate village development budget.^{19 20}

3. The Role of the Village Head in Village Community Development

In terms of fostering village communities, the village head plays a sufficient role in encouraging the empowerment of rural communities, especially in the economic sector or food crop agriculture, education, health and customs sectors. However, there were informants who gave special notes, where the construction of the posyandu could not be completed so that the weighing activities for toddlers were carried out at the village head's house. Environmental support has the most basic function as the main support or support for the establishment of a village government system as a whole, while structural support is a building framework that stands upright on the basis of environmental support, while performance is the driving force for the implementation of government and development itself. The weakness of the three support systems above means that the capacity of village government is also weakened which in turn will drag the system of government and village development as a whole so that it hinders the achievement of the goals and objectives of implementing government and village development itself. Further studies show that the weak capacity of the village government, according to the observations of some experts, is caused by various factors, including the weak structure and culture of the village itself. Meanwhile, the weakness of rural culture and structure which basically lies in:²¹

- 1) The weak implementation of the tasks (performance) of the village government in particular and government administration and village development administration in general and this is structural in nature and is a common symptom among governments of developing countries.
- 2) In addition, in the face of increasingly rapid and global social change (related to cultural change), rural leadership, especially the Village Head and his apparatus, village institutions, and other formal leaders in the village have not been able to play an optimal role. Based on the description above, it can be concluded that cumulatively the three development support systems which include: environmental support, structural support and the implementation of government duties can spur the achievement of goals or even hinder the achievement of the Village Development goals itself. In

¹⁹ Hermansyah. (2015). Peran Kepala Desa Dalam Pelaksanaan Pembangunan Kecamatan Tana Lia Kabupaten Tidung. *Pemerintahan Integratif*, 3(2).

²⁰ Persepsi Kepala Desa tentang Kompetensi Pendamping Desa dalam Memfasilitasi Pembangunan Desa. (2020). *AGRIEKSTENSIA*, 19(1).
<https://doi.org/10.34145/agriekstensia.v19i1.436>

²¹ Luthfy, R. M. (2019). MASA JABATAN KEPALA DESA DALAM PERSPEKTIF KONSTITUSI. *Masalah-Masalah Hukum*, 48(4), 319.
<https://doi.org/10.14710/mmh.48.4.2019.319-330>

other words, that the Village Government, especially the capable Village Head can encourage the achievement of Village Development in the sense of (1) being able to improve conditions and improve people's living standards, (2) being able to increase community participation, and (3) being able to develop the level of community independence. village. Thus, it is clear that the linkage between the three systems of supporting the implementation of government and village development is part of the socio-cultural factors that determine the level of success of village development which is a theoretical conclusion as well as a framework for thinking in this research.

c. Inhibiting Factors for the Tempuran Village Head in the Implementation of Village Autonomy

The implementation of Village Autonomy is certainly not very easy, this is also felt by the Village Head and Secretary of the Tempuran Village, Trimurjo District, Central Lampung Regency. There are several things regarding the inhibiting factors of the Village Head in implementing village autonomy, including:

- 1) At least village assets that generate income so that villages in general have difficulty getting adequate village income sources, so that the implementation of village development.
- 2) The low salary or honorarium for village officials, resulting in a low work ethic for village officials, including the salary of the Village Consultative Body so that in the end it will greatly interfere with the optimal implementation of village autonomy.
- 3) The village apparatus does not understand the meaning of village autonomy itself.
- 4) The absence of regulations concerning the delegation of authority to the Village Government or village autonomy is a factor that can hinder the implementation of village autonomy.
- 5) The implementation of village government is not yet optimal.

In addition to the five inhibiting factors above, it turns out that there is still a mindset that assumes that the village government paradigm has not lost its position as subordinate to the Regent rather than as an Autonomous Government. So far, it has not changed or been finished from such stereotypes, it is difficult for the village to become an autonomous political social entity. Therefore, efforts are needed to eliminate the perspective of all officials in the Regency that the village is the lowest government structure under the Regency. This view may only be relevant when it relates to bureaucratic matters.

This assumption will not encourage the formation of village autonomy. This is because the Regency still considers itself entitled to manage the village and sees that the village is still unable to manage its life independently. This can be seen clearly from the many affairs that are actually internal to the village, many are taken over by the Regency, so there is no room for the village to carry out government management in the context of *self governing*

community.²² There is a gap or lack of integrity between the wishes of the village and the wishes of the district in the preparation of the budget. Villages in preparing their budgets still have to refer to what has been determined by the Regency.

IV. CONCLUSION

Village or other names, hereinafter referred to as village are legal community units that have the authority to regulate and manage the interests of local communities based on local origins and customs which are recognized in the National Government system and are located in the Regency Area. The rationale that needs to be developed at this time is diversity, participation, genuine autonomy, democracy, and community empowerment. Village autonomy is the right, authority and obligation to regulate and manage their own government affairs and the interests of the community based on the rights of origin and socio-cultural values that exist in the community to grow and develop following the development of the village. Government affairs based on the origin of the village, affairs that are the authority of the Regency or City government are handed over to the village.

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REFERENCE

- Andika, W. A., S, B. U., & Sulistio, E. B. (2021). Gaya Kepemimpinan Kepala Desa dalam Meningkatkan Partisipasi Masyarakat untuk Pembangunan Desa (Studi Gedung Wani Kecamatan Marga Tiga Kabupaten Lampung Timur). *Administrativa: Jurnal Birokrasi, Kebijakan Dan Pelayanan Publik*, 3(2).
- Ariyanto, B. (2020). Pengelolaan Hubungan Antar Pusat dan Daerah. *Suloh Jurnal Program Studi Magister Hukum*.
- Barniat, Z. (2019). Otonomi desa: Konsepsi teoritis dan legal. *Jurnal Analisis Sosial Politik*, 5(1), Retrieved from <http://publikasi.fisip.unila.ac.id/index.php/JASP/article/view/13>
- Darmawan. (2010). Kedudukan Hukum Adat dalam Otonomi Khusus (The Existence of Customary Law in Special Autonomy). *Kanun, Agustus*(51)
- IMPLIKASI, URUSAN DAN PROSPEK OTONOMI DAERAH. (2020). *Kebijakan: Jurnal Ilmu Administrasi*, 11(1), 36–46. <https://doi.org/10.23969/kebijakan.v11i1.2233>
- Nurcholis, H. (2017). *Teori dan Praktik Pemerintahan dan Otonomi Daerah*. PT Grasindo. Grafindo.
- Hermansyah. (2015). Peran Kepala Desa Dalam Pelaksanaan Pembangunan Kecamatan Tana Lia Kabupaten Tidung. *Pemerintahan Integratif*, 3(2).
- Persepsi Kepala Desa tentang Kompetensi Pendamping Desa dalam Memfasilitasi Pembangunan Desa. (2020). *AGRIEKSTENSIA*, 19(1). <https://doi.org/10.34145/agriekstensia.v19i1.436>
- Haris, S. (2007). Desentralisasi dan Otonomi Daerah.
- Muhtadli, M. (2020). Pengakuan Desa Adat Sebagai Penyelenggara Pemerintahan Daerah di Indonesia Berdasarkan Asas Otonomi. *Constitutionale*, 1(1), 43. <https://doi.org/10.25041/constitutionale.v1i1.200>

²² Pemerintahan, J., & Politik, D. (2016). DEMOKRASI LOKAL DI SUMATERA BARAT Memahami Pendekatan “Self Governing Community” Pada Sistem Pemerintahan Nagari Modern di Minangkabau. *AGUSTUS*, 2(1). Retrieved from <https://relawandesa.wordpress.com/2008/06/16/posisi-politik->

- Negara Dalam Prespektif Fifi Siyasa. *Antimicrobial Agents and Chemotherapy*, 58(12), 7250–7. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/25246403><http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=PMC4249520>
- Nur Wijayanti, S. (2017). Hubungan Antara Pusat dan Daerah Dalam Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Nomor 23 Tahun 2014. *Jurnal Media Hukum*, 23(2). <https://doi.org/10.18196/jmh.2016.0079.186-199>
- Pomeranz, E. F., & Stedman, R. C. (2020). Measuring good governance: piloting an instrument for evaluating good governance principles. *Journal of Environmental Policy and Planning*, 22(3), 428–440. <https://doi.org/10.1080/1523908X.2020.1753181>
- Pemerintahan, J., & Politik, D. (2016). DEMOKRASI LOKAL DI SUMATERA BARAT Memahami Pendekatan “Self Governing Community” Pada Sistem Pemerintahan Nagari Modern di Minangkabau. *AGUSTUS*, 2(1). Retrieved from <https://relawandes.wordpress.com/2008/06/16/posisi-politik->
- Rose, S. (1950). Modern Political Constitutions: an Introduction to the Comparative Study of their History and Existing Form. *International Affairs*, 26(2), 299–299. <https://doi.org/10.2307/2605733>
- Rohman, A. (2020). KEWENANGAN PENJABAT KEPALA DESA DALAM MENGGANGKAT PERANGKAT DESA. *Syjar Hukum: Jurnal Ilmu Hukum*, 18(1), 62–82. <https://doi.org/10.29313/shjih.v18i1.6026>
- Sugawara, E., & Nikaido, H. (2014). Hukum Tata Negara dan Hukum Administrasi
- Sugiman, S. (2018). Pemerintahan Desa. *Binamulia Hukum*, 7(1), 82–95. <https://doi.org/10.37893/jbh.v7i1.16>
- Semaun, F. (2019). PENYELENGGARAAN PEMERINTAHAN DESA. *JURNAL PEKAN: Jurnal Pendidikan Kewarganegaraan*, 4(1), 17–35. <https://doi.org/10.31932/jpk.v4i1.373>
- Sonata, D. L. (2015). METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM. *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 8(1). <https://doi.org/10.25041/flatjustisia.v8no1.283>
- Satriawan, M. I. (2015). POLITIK HUKUM PEMERINTAHAN DESA DI INDONESIA. *FIAT JUSTISIA: Jurnal Ilmu Hukum*, 7(2). <https://doi.org/10.25041/flatjustisia.v7no2.373>
- Sugiman, S. (2018). Pemerintahan Desa. *Binamulia Hukum*, 7(1), 82–95. <https://doi.org/10.37893/jbh.v7i1.16>
- Luthfy, R. M. (2019). MASA JABATAN KEPALA DESA DALAM PERSPEKTIF KONSTITUSI. *Masalah-Masalah Hukum*, 48(4), 319. <https://doi.org/10.14710/mmh.48.4.2019.319-330>