

Sub-districts as Sub-district Apparatus in the Implementation of Government According to Law 23 of 2014

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Abstract

The Village Government in the era of Regional autonomy has undergone many changes along with the changing paradigm of government as mandated in Law Number 23 of 2014 concerning Regional Government and Government Regulation Number 73 of 2005 concerning Villages. The purpose of Village structuring and government implementation in the era of Regional Autonomy is to improve coordination of government administration, public services, implementing development, and empowering Village/Sub-district communities. The method used is an empirical research method with a legislative study approach and a conceptual and sociological approach. The data analysis used is the method of interpretation of legislation and authentic interpretation. The expected result is that the Village government is required to be open to the community, both regarding development programs and the budget obtained, so that there is high trust in the Village government from the community, thus realizing the vision and mission of the village. All public services and civil services that were previously conventional are now required to be technology-based. The Village Head, as the head of government at the Village level, and other government units, including the Technical Implementation Unit, should collaborate and coordinate in all sectors by empowering the community so that a just, prosperous, and equitable society is realized.

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1. INTRODUCTION

The formation of sub-districts in Indonesia is regulated through laws and regulations such as the Minister of Home Affairs Regulation Number 31 of 2006 and Government Regulation Number 73 of 2006. As is known, in the explanation of Government Regulation Number 73 of 2005 concerning Sub-districts, it is stated that "granting broad autonomy to regions is directed at accelerating the realization of community welfare through improving services, empowerment and community participation. In the implementation of regional government, regional heads are assisted by the regional apparatus. The district/city regional apparatus consists of the regional secretariat, the DPRD secretariat, regional agencies, regional technical institutions, sub-districts, and sub-districts."

"In addition to that, to improve public services and carry out government functions in urban areas, it is necessary to form sub-districts to accelerate the realization of public welfare. For this reason, the formation of sub-districts must consider various requirements such as administrative requirements, technical requirements, and territorial requirements.

Sub-districts are led by village heads assisted by sub-district officials whose status is that of State Civil Apparatus, who, in carrying out their duties, are delegated by the Regent/Mayor. Apart from that, the sub-district head has the task of always coordinating with the sub-district head. The main duties of the sub-district head are:

- (1). Organizing village government activities;
- (2). Implement community empowerment and development;
- (3). Serving the public in various administrative matters;
- (4). Maintaining public order and peace, and harmony
- (5). maintenance of public service infrastructure and facilities".

"In the case of the delegation of duties from the Regent/Mayor to the Village Head, the Regency/City government needs to verify the delegated duties proportionally. The implementation of the village head's duties will be carried out optimally if accompanied by the provision of financial resources whose amount is adjusted and aligned with the implementation of government activities and demands need "urban society".

In accordance with the dynamic development of an IT-based society and public demand for services, of course, it greatly affects the readiness of the government. Therefore, regulations on regional governance must inevitably follow these developments. Law Number 23 of 2014 concerning Regional Government is here to answer these demands, including the Government Regulation governing urban villages and sub-districts, which has undergone changes. "Urban villages are part of the regulations in this Government Regulation because, based on their position in Law Number 23 of 2014 concerning Regional Government, urban villages are no longer a regional apparatus, but rather a sub-district apparatus. In the context of developing urban village facilities and infrastructure and empowering communities in urban villages, a budget is allocated for urban villages in urban areas that do not have villages of at least 5% (five percent) of the regional revenue and expenditure budget after deducting special allocation funds. Meanwhile, for districts that have urban villages and cities that have villages, the budget allocation is at least the lowest village fund allocation received by villages in the district/city."

Considering this statement, before the enactment of Government Regulation Number 17 of 2018 concerning Districts, urban villages were regulated by Government Regulation Number 73 of 2005 concerning Urban Villages, whereby, during the enactment of this Government Regulation, urban villages were part of the district/city government apparatus. Along with the development of the government paradigm, urban villages became part of the sub-district apparatus, as mandated by Law Number 23 of 2014 concerning Regional Government.

The formation of sub-districts as referred to in Law Number 23 of 2014 is established by Regional Regulation, regulated in Article 229, which, among other things, states as follows: "(1). Sub-districts are established by Regional Regulation (Perda) of the Regency/City guided by government regulations" (2). Sub-districts are led by a sub-district head called a lurah as a sub-district apparatus and are responsible to the sub-district head. "(3). Sub-district heads are appointed by the regent/mayor on the recommendation of the regional secretary from civil servants who meet the requirements in accordance with the provisions of statutory regulations". Taking into account these provisions, the formation of sub-districts is carried out by the Regional Regulation of the Regency/City, in each regency/city area, which requires services at the urban/sub-district level in its area, to be able to bring public services closer to the area in the context of implementing regional autonomy. Thus, the presence of sub-districts in the area is expected to be more capable of

empowering the potential of the community in the area of the sub-district concerned, in accordance with the main tasks, roles, and functions of the sub-district itself.

Further details regarding the duties of the village head are regulated in paragraph (4) of Law Number 23 of 2014 concerning Regional Government, which, among other things, states:

“Paragraph (4). The village head has the duty to assist the sub-district head in:

- a. carrying out village government activities,
- b. carrying out community empowerment,
- c. carrying out community services,
- d. maintaining public order and peace,
- e. maintaining public service infrastructure and facilities,
- f. carrying out other tasks assigned by the sub-district head, and
- g. carries out other duties in accordance with statutory provisions”.

Considering these provisions, we can see that the village head's duties as head of a sub-district are truly complex, adapting directly to the needs of the community. The increasingly rapid development of science and technology in society is naturally accompanied by demands for services desired by the community. Therefore, village governance must adapt to these demands and developments. The village is the frontline in providing services to the community, and therefore, village officials must thoroughly understand the technical aspects of government and be physically and mentally prepared to carry out their duties. Considering this, as mandated by Law Number 23 of 2014 concerning Regional Government, specifically concerning sub-district and village governments, adjustments have also been made, with the issuance of Government Regulation Number 17 of 2018 concerning Sub-districts, which also regulates village governments. “This Government Regulation is drafted to replace Government Regulation Number 19 of 2008 concerning Districts and Government Regulation Number 73 of 2005 concerning Villages. This Government Regulation regulates the arrangement of Districts and Villages, which includes the formation, merger, and adjustment, the formation of Districts in the context of national strategic interests, the duties of sub-district heads and village heads, including the duties of sub-district heads in national border areas, requirements for sub-district heads, classification, organizational structure, and work procedures of Districts, leadership coordination forums in Districts, District planning, the position of Villages, village head requirements, empowerment, assistance to Village communities, Village community institutions, District and Village funding, and uniforms as well as guidance and supervision of Districts and Villages.”

Based on the description above, the problem can be formulated as follows:

1. How are sub-districts arranged according to Government Regulation Number 17 of 2018?
2. How is the community empowerment program in the sub-district?

2. RESEARCH METHODS

The research used in this study is empirical legal research, by combining normative and empirical patterns to answer the problem.

The approach method used in this research is as follows:

- 1) Sociological Approach (*Sociological Approach*), namely the type of approach used to find out how legal rules are implemented in reality, is related to the effectiveness of the law working in society.

- 2) Conceptual Approach, namely an approach that starts from the views and doctrines that have developed in legal science.
- 3) Statutory Approach, namely an approach that examines statutory regulations consisting of primary legal materials and secondary legal materials that are related to the problem being studied by examining all statutory regulations and regulations related to the issue being faced.
 - a. Data Types
 - 1) Primary data, namely Law Number 23 of 2013 concerning Regional Government, Government Regulation 73 of 2005 concerning sub-districts and Government Regulation Number 17 of 2018 concerning Districts.
 - 2) Secondary data is data obtained through literature studies related to research, by collecting data obtained from official documents, books, laws and regulations, the internet, and other literature data related to the research.
 - b. Data source
 - 1) Field data sources are data obtained through interviews conducted with informants.
 - 2) Library data sources are data obtained through the collection of data or information related to the research. These sources include documents, books, laws and regulations, theses, journals, the internet, and other library-related sources.

Direct observation is a method of collecting data using the senses without the aid of other standard tools for this purpose. observation or observation is one of the most important research techniques.

Interview techniques using interview guidelines so that questions will be asked to the resource person regarding the duties and responsibilities of the sub-district.

Documentation is a method of collecting data and reviewing literature, where documents are considered to support and be relevant to the problem to be researched, in the form of literature, annual reports, magazines, journals, tables, and scientific papers. Document: Government regulations and laws that are available at the relevant institutions are studied, reviewed, and compiled/categorized in such a way that data can be obtained to provide information regarding the research to be carried out.

Before analyzing legal materials, the legal materials are first processed, namely by deductive processing, concluding a general problem to the concrete problem at hand, and by considering legal interpretation methods relevant to the problem at hand. The legal materials and data are then further processed in accordance with the research objectives and the issues discussed in this study.

3. RESULTS AND DISCUSSION

1. Village Arrangement according to Government Regulation Number 17 of 2018

Taking into account the text of Article 18, Government Regulation Number 17 of 2018 concerning Districts, the arrangement of sub-districts is regulated as follows: "Village planning includes:

- a. formation of sub-districts;
- b. merger of sub-districts; and
- c. Village adjustments".

Furthermore, Article 19 reads as follows:

1. The formation of a sub-district, as referred to in Article 18, letter a, is carried out through:

- a. expansion of 1 (one) sub-district into 2 (two) or more sub-districts;
- b. merging of parts of a sub-district from adjacent sub-districts in 1 (one) sub-district area into a new sub-district; or
- c. "Merging of parts of a sub-district from adjacent sub-districts from 2 (two) or more sub-district areas into a new sub-district".
2. The formation of a sub-district as referred to in paragraph (1) must fulfill basic requirements, technical requirements, and administrative requirements.
3. "Sub-districts are formed by district/city regional regulations in accordance with the provisions of laws and regulations."

In the government regulation on sub-districts, it also regulates urban villages, which were previously regulated by government regulation number 73 of 2005. This was issued possibly to avoid overlapping governance at the lower level, in connection with the issuance of Law Number 6 of 2014, concerning Villages. The formation of urban villages, as referred to in government regulation Number 17 of 2018, requires three 3 (three) requirements for the formation of urban villages, namely: "(1). Basic requirements (2). Technical requirements, and (3). Administrative requirements."

1. The basic requirements for establishing a sub-district, as referred to in Article 19 paragraph (2), include:
 - a. minimum population;
 - b. minimum area; and
 - c. minimum age of the sub-district.
2. The basic requirements for establishing a sub-district as referred to in paragraph (1) are listed in Attachment II, which is an integral part of this Government Regulation.
1. "The technical requirements for the formation of a sub-district as referred to in Article 19 paragraph (2) include:
 - a. regional financial capacity;
 - b. government facilities and infrastructure; and
 - c. other technical requirements.
2. The regional financial capacity as referred to in paragraph (1) letter a is the ratio of employee expenditure to the district/city regional revenue and expenditure budget of no more than 50% (fifty percent).
3. The government facilities and infrastructure, as referred to in paragraph (1), letter b, must at least have land for the sub-district office and land for other public service supporting facilities and infrastructure.
4. Other technical requirements as referred to in paragraph (1) letter c include:
 - a. clarity of sub-district boundaries using coordinate points in accordance with statutory provisions; and
 - b. name of the sub-district to be formed".

"The administrative requirements for the formation of a sub-district as referred to in Article 19 paragraph (2) are a decision of the sub-district communication forum or what is known by another name."

1. "The decision of the sub-district communication forum as referred to in paragraph (1) is agreed upon through deliberation, which must be attended by all members of the sub-district communication forum or those referred to by other names."
2. "The decision of the sub-district communication forum as referred to in paragraph (1) is agreed upon through deliberation, which must be attended by all members of the sub-district communication forum or those referred to by other names."

Taking into account the provisions in the formation of sub-districts as regulated in Government Regulation Number 17 of 2018 concerning Districts, it can be used as a guideline for every region that wishes to form a new sub-district in its territory, so that there is no expansion of the region (sub-district) with less-than-ideal goals, which deviate from the real goal. The purpose of forming a new sub-district, of course, has a strategic goal, including wanting to bring services closer to the public in this era of autonomy, providing opportunities for the community to participate in the development of their region, and developing the potential resources in their region, for the greatest possible welfare of their community.

3. Community empowerment program in the sub-district

From a government perspective, the community is a crucial and crucial factor in gaining the attention of every government official. As a lower-level government official, the village head (lurah) is at the forefront of community empowerment. This position is strategic for him to interact directly with the community. Therefore, the village head is required to be close to the people. The village head must also be able to empower local wisdom within his area of jurisdiction, understanding the customs and traditions of the local community. "Where the land is stepped on, there the sky is upheld." This proverb needs to be understood by a village head to build a harmonious relationship between the people and their leader.

"The term empowerment refers to measures designed to increase the level of autonomy and self-determination in people to enable them to represent their interests in a responsible and self-determined manner, acting on their own authority.... Empowerment as action refers to the process of self-empowerment and professional support of people, which enables them to overcome feelings of powerlessness and lack of influence, and to recognize and use their resources to do the work they have strengths."

"The word empowerment, or in English *empowerment*, comes from the word 'daya', which has the prefix ber-, which becomes the word 'berdaya', which means to have power. Daya means strength, while to be empowered means to have power. So, empowerment can be interpreted as making something powerful or having power or strength.

"Term *Empowerment* According to Merrian Webster in the Oxford English Dictionary, "itself" contains two meanings, namely:

1. *To give ability or enable to*, if translated, it means to give skills/abilities or make possible".
2. *To give power of authority to*, if translated, it means giving power". Of (<https://www.indonesiastudents.com/pengertian-pemberdayaan/>, downloaded on 29-8-2020).

Judging from the discussion of empowerment above, empowering communities is intended to foster and build upon existing strengths within the community, enabling them to build themselves using their existing strengths. Empowering communities is intended to provide strength or power to the community. This allows the community to experience a change in themselves. For this reason, the government consistently provides a portion for the community to participate in all community activities related to governance.

Article 27 of Government Regulation Number 17 of 2018 states the following;

1. Empowerment and assistance to the Kelurahan community are carried out in accordance with the provisions of laws and regulations."

2. The Kelurahan community institution is formed by the community according to needs and is a partner of the village head who helps carry out tasks in organizing the Kelurahan government."
3. Further provisions regarding the Kelurahan community institution are regulated by Ministerial Regulation."

Furthermore, Kartasasmita (1995: 95) "puts out the methods that must be carried out as an effort to empower the people, namely:

1. "Creating an atmosphere or climate that allows the community's potential to develop. This condition is based on the assumption that every individual and community has potential that can be developed. The essence of people's independence and empowerment lies in the belief and potential of each individual's independence, which must be empowered."
2. The process of community empowerment has strong roots in the process of independence of each individual, which can potentially extend to families and community groups at both the local and national levels."
3. Strengthening the potential or power possessed by the community by implementing concrete steps, accommodating various inputs, providing good physical infrastructure and targets (irrigation, roads, and electricity), and social (school facilities, health services) that can be accessed by the lowest levels of society."
4. Access to various opportunities can empower people, such as through the availability of funding, training, and marketing institutions. Key elements in this community empowerment effort include improving the quality and enhancement of education and health facilities, as well as access to sources of economic progress such as capital, technology, information, jobs, and markets.
5. Empowering communities means protecting and defending the interests of the vulnerable. The empowerment process must prevent the weak from becoming weaker or marginalized in the face of the strong.

"Therefore, protecting and supporting the weak is fundamental to the concept of community empowerment. Protecting and defending must be seen as efforts aimed at preventing unequal competition and exploitation of the weak." (in) <https://www.indonesiastudents.com/pengertian-pemberdayaan/>, downloaded on 29-8-2020).

Furthermore, in the context of community empowerment in sub-districts, the explanation of Government Regulation Number 17 of 2018 concerning Sub-districts is explained as follows:

"The sub-district is part of the regulations in this Government Regulation because, based on its position in Law Number 23 of 2014 concerning Regional Government, the sub-district is no longer a regional apparatus, but rather a sub-district apparatus. To develop sub-district facilities and infrastructure and empower communities in the sub-district, a budget is allocated for the sub-district in the area" For cities without villages, at least 5% (five percent) of the regional revenue and expenditure budget after deducting special allocation funds. Meanwhile, for districts with sub-districts and cities with villages, the budget allocation is at least the lowest village fund allocation received by villages in the district/city."

"This Government Regulation is drafted to replace Government Regulation Number 19 of 2008 concerning Districts and Government Regulation Number 73 of 2005 concerning Villages. This Government Regulation regulates the arrangement of Districts and Villages, which includes the formation, merger, and adjustment, the

formation of Districts in the context of national strategic interests, the duties of sub-district heads and village heads, including the duties of sub-district heads in national border areas, requirements for sub-district heads, classification, organizational structure, and work procedures of Districts, leadership coordination forums in Districts, District planning, the position of Villages, village head requirements, empowerment, assistance to Village communities, Village community institutions, District and Village funding, and uniforms as well as guidance and supervision of Districts and Villages."

The aims of community empowerment include the following:

1. Empowerment in society is formed from the potential that exists in community life."
2. Community empowerment is carried out to strengthen potential."
3. Empowerment is carried out as a step to improve the meaning of social capital".
4. The aim of empowerment in society is carried out in an effort to protect society from various forms of oppression in economic aspects." (Ibid. di<https://www.indonesiastudents.com/pengertian-pemberdayaan/>, downloaded on 29-8-2020).

Observing the empowerment goals of the government, particularly those at the village level, is essential. Without encouragement and motivation from government officials, communities will be left without empowerment. The potential within communities represents a potential resource that can be developed to the greatest extent possible, aimed at improving the well-being of the community in that area. During the COVID-19 pandemic, a key focus is empowering communities to consistently adhere to health protocols in their daily lives, especially in the face of the new normal, where the community needs to be empowered to break the chain of the development of the coronavirus in the community.

For the success of this achievement, of course the position of government leaders starting from the Governor at the provincial level, the regent/mayor at the district/city level, the sub-district head in the sub-district working area, and the Village Head/Village Head at the sub-district and village levels, occupy an important and strategic role to encourage and build community participation in their respective working areas to actively participate together with the government in building and developing their regions in accordance with the potential and resources available in the relevant regions, in accordance with the principles of autonomy.

The principle of regional autonomy is as follows:

- (1). "The implementation of Regional Autonomy is carried out by taking into account aspects of democracy, justice, equality, as well as regional potential and diversity."
- (2). The implementation of Regional Autonomy is carried out in broad, real and responsible autonomy";
- (3). The implementation of broad and complete Regional Autonomy in one district or city is placed in the Regency or City Region, and that which is across districts and/or cities is placed in the Provincial Region."
- (4). The implementation of Regional Autonomy must be in accordance with the state constitution, so that harmonious relations between the central and regional governments are guaranteed."
- (5). The implementation of autonomy must further enhance the independence of autonomous regions, and therefore, there are no longer administrative regions in districts and cities. Likewise, for special areas managed by the government or other parties, such as the Authority Agency, port areas, residential areas, industrial areas,

plantation areas, mining areas, new urban areas, tourism areas, and the like, the provisions of autonomous regional regulations apply.”

- (6). "The implementation of Regional Autonomy must increase the role and function of the legislature, the supervisory function, and the budget function for the implementation carried out by the Regional Government."
- (7). "The implementation of the principle of decentralization is placed in the Provincial Region, in its position as an administrative region to carry out certain government authorities delegated to the Governor as the representative of the Government."
- (8). The implementation of the principle of assistance tasks is possible not only from the Government to the Region, but also from the Government and Region to the Village, accompanied by financing, facilities, and infrastructure, as well as Human Resources (HR), with the obligation to report on implementation and be accountable to the person who assigned it."

Considering the principles of regional autonomy implementation, every government official should be able to adhere to these principles in managing, administering, and organizing their region, including the Lurah, as the vanguard in the field of government at the village level. Lurah, in this era of autonomy, is no longer a district/city apparatus, but rather a sub-district apparatus. As sub-district apparatus, they are of course responsible to the sub-district head, and assist the sub-district head's duties in the field of government that includes public services, community empowerment, and participation in maintaining and preserving security and public order in their work areas, while still prioritizing the principles of regional autonomy.

In this era of autonomy, regions have a significant opportunity to regulate and manage their territories for the advancement of their respective regions and to improve the standard of living of their people. However, it is important to ensure that each region does not over-exploit its territory. For example, in managing natural resources, we must avoid over-exploitation, which could have detrimental environmental impacts for our children and grandchildren.

As regulated in Article 25 of Government Regulation Number 17 of 2018, the current position of the Village is as a District Apparatus. This is different from the previous provisions stipulated in Government Regulation Number 73 of 2005 concerning Villages, that Villages are a Regency/City Regional Apparatus. In the general provisions of Government Regulation Number 73 of 2005, it is stated, "Regency/City regional apparatus consists of the regional secretariat, DPRD secretariat, regional services, regional technical institutions, sub-districts and villages". As a regional apparatus, the village budgeting should be sourced from the APBD of each district/city, but in some places, there are village budgets still stuck in the sub-district. So, there was a slight imbalance at that time, the sub-district as a regional apparatus, the Lurah could not do much in managing the governance at the sub-district level at that time, especially regarding development at the sub-district level, the Lurah could not do much, besides the budget allocation being small/inadequate, the bureaucracy was also very long.

Field funding as a source of village finances is regulated in Article 30, which reads as follows:

1. The district/city regional government allocates a budget in the district/city regional revenue and expenditure budget for the development of village facilities and infrastructure, and community empowerment in the village.

2. The budget allocation as referred to in paragraph (1) is included in the sub-district budget in the village budget section to be utilized in accordance with the provisions of laws and regulations."
3. In the context of implementing the budget for the development of village facilities and infrastructure and community empowerment in the village, the village head has the position of authorized budget user."
4. In implementing the budget for the development of facilities and infrastructure and community empowerment in the sub-district as referred to in paragraph (3), the village head appoints an official to manage the financial activities in accordance with the provisions of laws and regulations."
5. Determination of activities for the development of village facilities and infrastructure and community empowerment in the village, as referred to in paragraph (1), is carried out through village development deliberations."
6. "The implementation of the budget for the development of local facilities and infrastructure in the sub-district and community empowerment in the sub-district involves community groups and/or community organizations."
7. For urban areas that do not have villages, the budget allocation as referred to in paragraph (1) is at least 5% (five percent) of the regional revenue and expenditure budget after deducting special allocation funds."
8. For districts that have sub-districts and cities that have villages, the budget allocation for sub-districts, as referred to in paragraph (1), is at least the lowest village fund received by villages in the district/city."
9. Further provisions regarding the determination of activities for the development of village facilities and infrastructure and community empowerment in the village, as referred to in paragraph (5) and paragraph (6), are regulated by Ministerial Regulation."

From a government perspective, the community is a crucial and crucial factor in gaining the attention of every government official. Village heads, as lower-level government officials, are at the forefront of community empowerment. Their position is strategically important for them to interact directly with the community. Therefore, village heads are required to be close to the people. They must also be able to leverage local wisdom within their jurisdiction and understand the customs and traditions of the local community. "Where the land is stepped on, there the sky is upheld." This proverb needs to be understood by a village head to build harmonious relations between the people and their leader.

4. CONCLUSION

As stipulated in Article 25 of Government Regulation Number 17 of 2018, the current position of the Village is as a District Apparatus. This is different from the previous provisions stipulated in Government Regulation Number 73 of 2005 concerning Villages, which stated that the Village is a Regency/City Regional Apparatus. In the general provisions of Government Regulation Number 73 of 2005, it is stated, "Regency/City regional apparatus consists of the regional secretariat, the DPRD secretariat, regional agencies, regional technical institutions, sub-districts, and villages.

Community empowerment is a structured process to increase the ability, independence, and access of communities, both individuals and groups, to be able to recognize potential, solve problems, and improve their own quality of life. This is a participatory effort in which the community becomes the subject.

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