

ANALYSIS OF LOCAL GOVERNMENT POLICY MODEL IN PREVENTING CORRUPTION IN A VILLAGE GOVERNMENT SECTOR*

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Abstract

*A research problem is related to the number of corruption crimes that occur in a village government sector, especially with the issuance of Law number 6 of 2014 concerning villages (Village Law), in the mandate of the law village governments with the principles of recognition and subsidiarity are given the authority to manage village funds allocation. From the broad authority owned by the village, it has the potential to be misappropriated due to many factors that includes human resources factors of the village apparatus, political factors and also the existence of power relations. The research purpose determined the regional government policy model in an effort to prevent corruption in the village government sector which was a model for local government policies. Therefore, the corruption in the village is increasingly suppressed. While this research method used empirical juridical research methods, the empirical approach sees law as a social, cultural reality or *das sein*. Since the primary data used were obtained directly from Bangkalan in this research. The result showed that the local governments had the obligation to supervise village governments as article 115 of Law Number 6 of 2014 concerning the villages. It stated that districts / cities have a vital role, namely supervising village governments. Moreover, the minister of home affairs regulation number 113 of 2014 concerning village financial management explained that the government provinces are required to foster and supervise the provision and distribution of village funds, allocation of village funds, and revenue sharing of local taxes and levies from districts/cities. The potential for misappropriation of village government governance is caused by many factors, including human resources of village apparatus, political factors and also the existence of power relations. The policy model of the Bangkalan Regency Regional Government in an effort to reduce the misappropriation of power, especially the criminal act of corruption committed by the village apparatus, is still minimal.*

Keywords: *Local Government Policy Model; Corruption; Village Government.*

INTRODUCTION

The issuance of Law Number 6 of 2014 concerning Villages is a new point for villages to become independent villages. Since the Village Law the authority of the Village Government becomes broad and can determine its own destiny. With the principle of subsidiarity and recognition, it is hoped that villages can be economically empowered and culturally dignified as the face of village independence and village development (Silahuddin, 2015). The existence of this

The village law makes the village an “arena” for the implementation of development programs from the Government. By that way, the Village can be able to organize government, village development and become the subject of development no longer as an object of development. One form of reform in Law number 6 of 2014 concerning villages is the allocation of the state budget to finance village development in the form of Village Funds, along with autonomy in its management. In Government Regulation Number 60 of 2014, it is

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explained that village funds are prioritized to finance the development and empowerment of village communities (article 19 paragraph (2)). For the first time it was launched in 2015, the amount of village funds budgeted reached Rp. 20.67 trillion. This figure continues to increase every year, until 2021 a total of Rp. 400.5 trillion has been disbursed to villages. The amount of village funds allocated to each village is determined based on population, area, poverty level and geographical difficulties of the village (Movanita 2014).

From the description above, it can be said that the village is part of the lowest autonomous government. Changing the political system from centralistic to decentralized does not always provide best practices. Corruption has not only occurred in the central government but has penetrated to the regions up to the village level. News about corruption crimes committed by village officials is not new, even with the Village Law which provides broad enough authority to increase the number of village officials who are caught in the corruption crime case.

The Indonesian Corruption Perception Index in 2020 which fell 3 points from a score of 40 to a value of 37 out of a total score of 100, and was ranked 102 out of 180 countries (noname 2020). It is proof that Indonesia is already in a state of emergency for corruption.

From 2004 to January 3, 2022, no less than 22 governors and 148 regents/mayors have been prosecuted by Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*). That number could certainly be greater if combined with data from the Prosecutor's

Office and the Police. ICW noted, throughout 2010 – June 2018 no less than 253 regional heads were designated as corruption suspects by law enforcement officials. The forms of corruption committed by local officials are, first, Activity Management Team in the procurement of goods/services financed by the Regional Revenue and Expenditure Budget and also State Budget. The second is Activity Management Team in budget abuse. The third is the Activity Management Team in natural resource permits that are not in accordance with the provisions. The fourth is Activity Management Team Acceptance of bribes.

Not only regional officials, but many village officials are also trapped by Activity Management Team, this condition is certainly contrary to the purpose of the village law, which is to create an independent village that brings welfare to the village community.

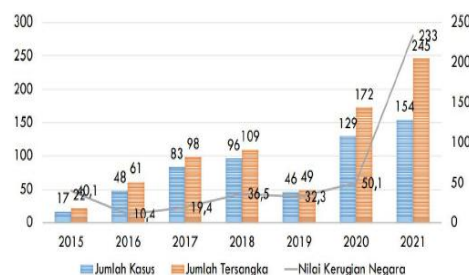


Figure 1; Corruption of Village funds (Source; KPK RI).

Bambang Waluyo (2014) explained that in general there are four broad lines of strategies that can be applied in preventing criminal acts of corruption, namely (1) Increasing the integrity and ethics of state administrators, (2) Strengthening and accelerating bureaucratic reform, (3) Strengthening the anti-corruption culture of the community, (4) Firm, consistent and integrated law

enforcement. according to Fatkhuri (2017) there are two ways that can be done. First, strengthening the internal institutional bureaucracy. Second, strengthening human resources so that the bureaucracy can be filled by professional and competent people. The Corruption Eradication Commission implements the Coordination and Supervision program by providing assistance to local governments. This program has been implemented since 2017 and can be seen its progress regularly through the portal of the Prevention Coordination and Supervision Information System or known as MCP (Monitoring Center for Prevention) can be accessed on the page (<https://korsupgah.kpk.go.id>). There are 9

Task Forces in the Prevention Area Coordination unit formed in collaboration with other relevant agencies such as BPKP, LKPP, and APIP to assist local governments in eight (8) intervention areas. In the process of handling Covid19, this Task Force coordinates related to refocusing activities and reallocating the regional budget. Based on 8 intervention areas, the village management component was found to be the lowest, reaching only 59%. As well as mentoring and supervision programs, it is fitting that the village management component reaches a better percentage. This is important considering that cases of village government corruption are also still rife today, as in the table below;

No	Areas of Intervention	March 2020 achievements
1	Regional Revenue and Expenditure Budget Planning	74%
2	Procurement of Goods and Services	60%
3	One-Stop Integrated Services	74%
4	Government Internal Monitoring Apparatus Capabilities	54%
5	State Civil Apparatus Management	68%
6	Regional Revenue Optimization	74%
7	Regional Asset Management	69%
8	Village Governance	59%

Source; <https://korsupgah.kpk.go.id>.

Based on the above issues, it is necessary to conduct an in-depth study related to the extent of the role of local governments in the prevention of criminal acts of disruption in village governments. This research is very important and relevant considering that cases of corruption in villages have increased and require appropriate strategic efforts in preventing corruption.

Based on the background description above, the following problems can be formulated: the first, how is the regulation

of the participation of local governments in preventing corruption at the village government level? And the Second, what is the policy model of the Bangkalan Regency Regional Government in an effort to prevent corruption in the Village Government sector?

RESEARCH METHOD

The research method used the type of juridical-empirical legal research. The research that examines applicable legal provisions and what happens in reality in

society (Arikunto 2012). This research can describe the problems that exist in local governments related to the prevention of criminal acts of corruption. Empirical juridical research is legal research on the enactment or implementation of normative legal provisions in action on certain legal events that occur in society (Muhammad 2004). The empirical approach sees law as a social, cultural reality or *das sein* because in this study the data used primary data obtained directly from the research site. The location of this research is Bangkalan district.

RESULT AND DISCUSSION

A. Prevention of Corruption

Efforts to eradicate corruption cannot solely rely on repressive efforts in the form of enforcement by law enforcement officials. This is because corruption itself is very broad in terms and forms, and involves a number of internal and external factors. The factors causing corruption in Indonesia are classified into 4 (four) aspects (Surbakti and Supriyanto 2013), namely: 1) Aspects of individual behavior, such as greed, consumptive lifestyle, and not practicing religious teachings correctly; 2) Organizational aspects, such as lack of example from the leadership; 3) Community aspects, namely the community environment in which individuals and organizations are located, lack of public awareness and participation in preventing corruption; 4) Aspects of laws and regulations, namely the issuance of monopolistic laws and regulations, the imposition of sanctions that are too light, inconsistent, and indiscriminate.

Currently, efforts to prevent corruption can be done in various ways. Starting from formal institutional strategies such as strengthening internal and external supervisory apparatus, improving the quality of management and control systems, and the use of information and technology facilities in government administration. Prevention efforts can also be made to overcome organizational environmental factors. Articles from Wiranta, review aspects of preventing abuse of power and corruption in the bureaucracy by maximizing the application of ethics and integrity. He took the example of how OECD countries implement ethical infrastructure and 12 principles of ethical management implemented in the form of Bureaucratic Transformation (Prakasa 2019). The same thing was emphasized by Hariman Satria, so that the government compiles a number of policies in order to prevent corruption in the public service sector. Among others, by adopting the theory of situational crime prevention, giving strict sanctions to apparatuses who receive gratuities, rewarding honest bureaucrats, utilizing IT-based licensing systems, organizing service culture, and strengthening ethics and bureaucratic governance through the principles of good corporate governance (Andrianto and Johansyah 2010).

One of the prevention efforts is carried out by strengthening public participation. Research from Firdaus recommends that public participation in the process of forming laws to be more substantial, no longer a "right" but affirmed as an "obligation". The public must be involved in every stage of law formation starting from planning,

drafting, discussing, ratifying or determining, and promulgation. Corruption in the legislation sector can also be (Andrianto and Johansyah 2010)

B. Role of Local Government in Preventing Corruption in the Village Government Sector

Corruption is treatment defined as abuse of power entrusted to personal income According to the World Bank, corruption is defined as the act of abuse of public office for personal gain. Corruption can mean using office for personal gain (Robert Klitgaard 2000). In addition, corruption can mean collecting money for services that should be provided, or using authority to achieve illegitimate goals. Corruption can include both legitimate and illegitimate activities. Corruption can occur inside the body of the organization, for example, embezzlement of money or outside the organization, for example, extortion. Corruption sometimes has a positive impact in the social field, but corruption gives rise to inefficiency, injustice, and inequality (Fathur Rahman 2011).

Systematic corruption can cause huge economic losses and have far-reaching consequences for the misery of the people. When corruption has developed to such an extent that property rights are no longer respected, economic and political development suffers as a result. This deviant act is caused by several factors, both weak religious and ethical education, poverty, lack of education, weak sanctions, to factors related to government structure problems (Hariri 2019).

In general, there are two sectors in village government that are very vulnerable to corruption, namely the village fund management sector and the

election of village heads. In the village financial sector, ICW noted that there has been a fairly consistent increase in corruption cases in the village since the allocation of village funds based on Law Number 6 of 2014 concerning Villages. Village fund corruption cases were the most handled by law enforcement officials throughout 2021, with the number of cases reaching 154 cases and 245 suspects. Corruption in the village government sector is generally carried out in a number of modus operandi whose form is determined by the characteristics and geography of the local village. The modes of corruption at the village level according to Rahman include: 1) Reduction in the allocation of Village Fund Allocation; 2. Cuts in the allocation of Direct Cash Transfer; 3) Reduction of rice rations for the poor (raskin); 4) sale of village treasury land (crooked); 5) Rental of Village Cash Land that is not his right; 6) Illegal levies of a program (Fathur Rahman 2011).

Based on Law Number 6 of 2014 concerning Villages in Article 1 Paragraph (1), what is meant by village is a community unit that legally has territorial boundaries and authority in regulating and managing affairs in government, interests for local communities based on community initiatives, rights of origin, or rights traditionally recognized and respected in the government system of the Unitary State of the Republic of Indonesia. This means that the village with the existence of Law Number 6 of 2014 concerning this Village can be said to be an autonomous district. Village autonomy is the authority for villages to regulate community interests in accordance with existing

initiatives. Based on Government Regulation Number 43 of 2014 concerning the Implementation Regulations of Law Number 6 of 2014 concerning Villages Article 34, villages have authority based on their original rights in managing systems in community organizations, institutional development for the community and legal institutions, management of village cash land, and development of the role of village communities.

Government Regulation Number 43 of 2014 concerning the Implementation Regulations of Law Number 6 of 2014 concerning Villages Article 1 Paragraph (1-2), what is meant by village government is the implementation of affairs for the government and interests for the local community in the government system of the Unitary State of the Republic of Indonesia, while the village government is the village head assisted by village officials as an element of village government administration. Village government consists of the village government which includes the village head and village officials and Village Consultative Body.

Therefore, with such a broad authority, it is not surprising that many village heads are entangled in corruption crimes. First, the village head becomes the fulcrum of all villagers, and directly the community will interact with the village head. Including when there are residents who are in trouble, the village head must make a donation. Donations are not one day one but can be more than that. Second, village heads are elected based on good electability but economic modalities are so weak that they are encouraged to commit corruption crimes.

Third, the position of village head becomes the coffers of political parties at the grassroots (Christensen 1994). Fourth, lack of supervision and openness in the administration of village government.

The relationship between village financial management and regional government can actually be analyzed using the theory or principle of decentralization, in as described above that the village is part of a regional government that has autonomy as mandated by Law No. 6 of 2014, autonomy itself is a manifestation of the principle of decentralization (Hariri 2019).

Using village finance, the village government is responsible to the local government. Regarding village accountability in the use of Village Fund Budget and Village Fund, Article 24 (2) of PP Number 60 of 2014 explains Village Funds sourced from the State Opinion and Expenditure Budget. The Village Head submits a report on the realization of the use of Village Funds to the mayor regent every semester. The submission of the village head's report to the mayor regent is coordinated by the local sub-district, Explanation of Article 24 Paragraph (1) of PP Number 60 of 2014 concerning Village Funds Based on the State Budget. In the event that the Village Head does not or is late in submitting a report, the regent/mayor may postpone the distribution of Village Funds until the use of Village Funds is reported (Hariri 2019a)

Article 112 paragraph (1) of Law Number 6 of 2014 concerning Villages mandates that; The Government, Provincial Regional Government, and District/City Regional Government foster

and supervise the implementation of Village Government (2) The Government, Provincial Regional Government, and District/City Regional Government can delegate guidance and supervision to regional officials. (3) Government, Provincial Government, and District/City Governments empower rural communities by improving the quality of government and village communities through education, training, and counseling (4) Village community empowerment (Yasin et al. 2015).

Then in the same law in Article 113 reads; Guidance and supervision carried out by local governments include a. providing guidelines and standards for the implementation of Village Government; b. provide guidelines on funding support from the Government, Provincial Government, and City District Local Government to Villages, c. provide rewards, guidance, and guidance to Village community institutions; d. provide guidelines for the preparation of participatory development planning, e provide standard position guidelines for Village officials, f. provide guidance, supervision, and consultation on the implementation of Village Government, Village Consultative Bodies, and societal institutions. give awards for achievements carried out in the implementation of Village Government, Village Consultative Bodies, and Village Correctional Institutions, h. determine direct financial assistance to Villages; i conduct certain education and training to the Village Government apparatus and Village Consultative Bodies; j conduct research on the implementation of Village Government in certain villages, k encourage the acceleration of rural

development, l. facilitate and conduct research in the context of determining the unity of customary law communities as villages; and m compile and falityfy technical guidelines for Village BUM and Village cooperation institutions (Rahman 2016).

C. Bangkalan Regency Local Government Policy Model in an Effort to Prevent Corruption in the Village Government Sector

Based on the Regulation of the Minister of Home Affairs Number 113 of 2014 concerning Village Financial Management, it is explained that the provincial government is obliged to foster and supervise the provision and distribution of village funds, the allocation of village funds, and the revenue sharing of regional taxes and levies from districts/cities. The district/city government is also obliged to foster and supervise the implementation of village financial management. According to Law Number 6 of 2014 concerning Villages Article 115, guidance and supervision carried out by the district/city local government include providing guidelines for the implementation of assignments of district/city affairs carried out by villages, providing guidelines for the preparation of village regulations and village head regulations, providing guidelines for preparing participatory development planning, facilitating village governance, evaluating and supervising village regulations, determine the financing of the allocation of balanced funds for villages, supervise village financial management and utilization of village assets, conduct guidance and supervision of village governance, and organize

education and training for village governments, village consultative bodies, community institutions, and customary institutions (Hariri 2020).

Bangkalan Regency does not yet have laws and regulations that regulate related to supervision and guidance of village governments. Therefore, it causes a lack of a system of supervision of village governments. In addition, the Human Resources of the village apparatus in the implementation of village government are still low. This is marked

by the increasing number of corruption crimes in Bangkalan Regency (Hamidi and Lutfi 2011).

In 2021, the number of village-level for Activity Implementation Team is the highest number compared to other institutions or governments, which is 154 cases. Of course, each region is different. Some examples of TPK cases carried out by village officials in Bangkalan Regency are as follows;

Table 2; Village apparatus entangled in Corruption

Village/ Sub-district	Allegations of Corruption
Karang Gayam / Begah Village	alleged corruption of Village Fund Conspires to Embezzle Village Fund Rp 587 million
Tanjung Bumi Village	alleged corruption of village funds in 2021 amounting to 300 million
Kelbung Village, Galis District	alleged corruption of Hope Family Program in Social Aid amounting to 2 billion
Gili Anyar Village, Kamal District	alleged corruption of Hope Family Program in Social Aid of approximately 1 billion
Buduran Village, Arosbaya District	alleged corruption of village funds for Fiscal Years 2018 and 2019

Source; From various sources

Corruption crimes committed by village officials, especially those that occur in the Bangkalan Regency area, such as what happened to the Head of Tanjung Bumi Village, Bangkalan Regency, who was dealing with a village fund corruption case. Then what is the role of the Bangkalan government in fostering and supervising village government, because in article 115 of Law Number 6 of 2014 concerning Villages, it is stated that districts / cities have a vital role, namely supervising the village government. Corruption in the village can be better carried out in congregation so that they can hold each

other hostage, protect each other between bureaucratic structures at the village level though.

The village as a government organization was formed and established with the aim of providing services to the community. Village officials who lack knowledge and skills about their field of duty will experience difficulties and delays in working. There are several ways to develop village equipment according to their shortcomings and needs, namely:

First, Improving the level of education Increasing the level of education is carried out for village officials who have education at the

elementary (elementary school) and junior high school (junior high school) levels. Second, Training is organized by a special institution in charge of developing the government apparatus. Third, Course or in-house training Course is an educational process carried out at a skill education institution. In-house training is training conducted for employees in their workplace by inviting professional trainers. Fourth, Development of village apparatus selection system to get quality village equipment, of course, a good selection system is needed, which allows obtaining human resources who have knowledge and skills according to the field of duty to be given.

As for the guidance to village apparatus in the Bangkalan Regency environment has not been massive, this causes the performance of the village head and village apparatus to be very slow and unprofessional, for example there are still services that require fees even though they should be free, village offices have not opened during working hours, services are slow, this indicator if left unchecked and no improvement will lead to greater action.

CONCLUSION

As for the discussion above, the first conclusion can be drawn, the role of local governments has the obligation to supervise and supervise village governments as article 115 of Law Number 6 of 2014 concerning Villages states that districts / cities have a vital role, namely supervising village governments and Minister of Home Affairs Regulation Number 113 of 2014 concerning Village Financial Management explains that the government Provinces are required to

foster and supervise the provision and distribution of village funds, allocation of village funds, and revenue sharing of local taxes and levies from districts/cities. Second, the policy model of the local government of Bangkalan Regency in an effort to reduce Corruption Crimes committed by the village apparatus is still minimal. This can be seen from the absence of policies or regional laws that strengthen the village government governance system even though these regulations are very important. The lack of a strong local government policy model in the prevention of corruption in the village government sector has an impact on increasing village apparatus that faces the law as the responsibility of village government management.

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