



Juridical Analysis of The Application of The Principle of Good Corporate Governance in Enterprises Owned By Batu Beriga Village, Central Bangka Regency As A Village-Based Business Entity

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Abstract: Village Owned Enterprises (BUMDes) are strategic instruments in village economic development which are expected to be able to improve community welfare through professional management of local potential. Strengthening the position of BUMDes as a legal entity through Government Regulation Number 11 of 2021 emphasizes the importance of good governance in achieving these goals. However, in practice, there is still a gap between normative goals and empirical implementation, especially related to the effectiveness of the management and implementation of the principles of Good Corporate Governance (GCG) at the village level. This study aims to analyze the implementation of BUMDes Batu Beriga in achieving the goals as stipulated in Government Regulation No. 11 of 2021 and examine the application of GCG principles in its management. The research method used is empirical juridical with a legislative approach and a case approach. Data was obtained through document studies and interviews, then analyzed qualitatively using descriptive-analytical techniques. The results of the study show that formally the Batu Beriga BUMDes have fulfilled the aspect of institutional legality, but substantively it has not been optimal in achieving the goal of increasing Village Original Income and community economic empowerment. The application of GCG principles has also not been running optimally, especially in the aspects of transparency, accountability, and independence which are still influenced by limited managerial capacity and dominance of local actors. The implications of this study confirm that the success of BUMDes is not only determined by legal legitimacy, but also by the quality of good governance. Therefore, it is necessary to strengthen institutional capacity, improve the professionalism of managers, and have effective supervision mechanisms to encourage the optimal application of GCG principles to achieve the goals of sustainable village economic development.

Keywords: BUMDes, Good Corporate Governance, Village Governance

INTRODUCTION

Legal issues in the management of Village Owned Enterprises (BUMDes) are no longer solely related to the legality aspect of formation, but have shifted to the issue of institutional governance that is not fully in line with the principles of Good Corporate Governance (GCG).¹

¹ H. Alting and Suwarti, "LEGAL ANALYSIS OF THE POSITION OF VILLAGE OWNED BUSINESS ENTITIES AS A LEGAL ENTITY AFTER THE ENTRY OF LAW NUMBER 11 YEAR 2020 CONCERNING

Strengthening the status of BUMDes as a legal entity through Government Regulation Number 11 of 2021 has the juridical consequence that BUMDes must be managed professionally, transparently, and accountably like business entities in general. However, the regulation has not explicitly regulated operational standards for the application of GCG principles in the context of village institutions, thus creating a diverse interpretation space at the implementation level. This lack of technical norms has implications for the emergence of legal problems in the form of overlapping authority between village governments and BUMDes managers, weak supervision mechanisms, and potential conflicts of interest that can hinder the effectiveness of BUMDes as village-based business entities.²

In an empirical context, the management of BUMDes in various regions shows dynamics that do not fully reflect the purpose of their formation. In Batu Beriga Village, Central Bangka Regency, the existence of BUMDes has been formally formed and runs certain business units, but its contribution to increasing Village Original Income (PADes) is still relatively limited. Initial observations show that there are structural constraints, such as limited managerial capacity, the lack of optimal financial administration systems, and low public participation in the supervisory process. In addition, the involvement of village governments, which tend to be dominant in strategic decision-making, often reduces the independence of BUMDes managers. This phenomenon indicates that although BUMDes have operated factually, they have not fully functioned as an effective village economic instrument.

This condition reflects the gap between *das sollen* and *das sein* in the management of BUMDes. Normatively, BUMDes are expected to be able to implement GCG principles which include transparency, accountability, responsibility, independence, and fairness. These principles are universal standards in business entity governance that aim to create business efficiency, integrity, and sustainability. However, in practice, the implementation of these principles at the village level still faces various limitations, both in terms of human resources, institutional structure, and community legal culture. As a result, there is a discrepancy between the normative goals of the formation of BUMDes as a professional business entity and the reality of its management which is still administrative and not fully based on the principles of good governance.

This phenomenon is further strengthened by various empirical facts that show that a number of BUMDes in Indonesia are experiencing business stagnation, not even a few have stopped operating. Indicators that often appear include the absence of transparent financial reports, weak accountability systems, and lack of innovation in the development of business units. In the context of Batu Beriga Village, the considerable local economic potential—especially in the coastal sector and natural resources—has not been fully utilized optimally by BUMDes. This shows that there is ineffectiveness in business management which should be a source of improving the welfare of the village community. Thus, the problems faced are not only technical managerial, but also related to juridical aspects in the application of governance principles that should be the operational basis of BUMDes.

The urgency of this research lies in the need to conduct a comprehensive juridical analysis of the implementation of regulations and the application of GCG principles in the management of BUMDes. Although a legal framework is available, its effectiveness in encouraging good governance is still questionable. There is a gap between ideal legal norms and empirical practices in the field, especially in the context of BUMDes as village-based business entities that have different characteristics from corporations in general. In addition,

WORK CREATION,” *Russian Journal of Agricultural and Socio-Economic Sciences* 118, no. 10 (2021): 165–79, <https://doi.org/10.18551/rjoas.2021-10.19>.

² Sri Winarsi et al., *The Law Principles for Village-Owned Enterprises (BUMDes) Management in Indonesia to Improve the Village’s Economy*, n.d.

research that specifically examines the relationship between the implementation of BUMDes goals as stipulated in Government Regulation No. 11 of 2021 and the application of GCG principles is still relatively limited. Therefore, a study that is able to integrate normative and empirical analysis is needed to identify factors that affect the effectiveness of BUMDes management.

Previous research shows that studies on BUMDes are generally still fragmented between economic, managerial, and legal approaches. Research written by Ridlwan (2014) with the title "The Urgency of Village-Owned Enterprises (BUMDes) in Village Economic Development" emphasizes the importance of BUMDes as an instrument for improving the village economy and its role in encouraging village independence.³ This research focuses on the conceptual and normative aspects of the strategic function of BUMDes, but has not examined in depth the aspects of institutional governance and the application of GCG principles in their management practices.

In contrast to these studies, this study not only places BUMDes as an economic entity or managerial organization, but also as a legal subject subject to business law norms and institutional governance. This study specifically examines the compatibility between the implementation of the objectives of BUMDes as stipulated in the regulation and the application of GCG principles in their management practices. Thus, this study fills the gap in studies that integrate juridical and empirical approaches in analyzing the governance of BUMDes, while providing a new perspective on the importance of applying GCG principles in the context of village-based business entities.

Based on this description, the formulation of the problem in this study is: (1) how to implement BUMDes Batu Beriga in achieving goals based on Government Regulation Number 11 of 2021; and (2) how to apply the principles of Good Corporate Governance in the management of BUMDes in Batu Beriga Village, Central Bangka Regency. This study aims to analyze the suitability between legal norms and BUMDes management practices and evaluate the effectiveness of the application of GCG principles. Theoretically, this research is expected to enrich the treasure of business law, especially in the study of the governance of village-based business entities. Practically, this research is expected to provide recommendations for village governments and stakeholders in improving the quality of BUMDes management in a professional, accountable, and sustainable manner.

METHOD

This study employs a socio legal ⁴(empirical juridical) research design, integrating doctrinal legal analysis with empirical field inquiry to examine the implementation of legal norms within a specific institutional context.⁵ This approach is particularly appropriate given that the research not only analyzes the normative framework governing Village-Owned Enterprises (BUMDes), but also evaluates how such norms especially those related to Good Corporate Governance (GCG) are applied in practice within BUMDes Batu Beriga.

³.Zulkarnain Ridlwan, "URGENSI BADAN USAHA MILIK DESA (BUMDES) DALAM PEMBANGUN PEREKONOMIAN DESA," *FIAT JUSTISIA:Jurnal Ilmu Hukum* 8, no. 3 (2015), <https://doi.org/10.25041/fiatjustisia.v8no3.314>.

⁴ Syafri Hariansah and Laila Qhistina, "Toward Algorithmic Due Process: Constitutional Challenges and Human Rights Risks in Indonesia's Digital State," *Jurnal Pembangunan Hukum Indonesia* 8, no. 1 (2026): 25–45, <https://doi.org/10.14710/jphi.v8i1.25-25>.

⁵ Paddy Hillyard, "Law's Empire: Socio-legal Empirical Research in the Twenty-first Century," *Journal of Law and Society* 34, no. 2 (2007): 266–79, <https://doi.org/10.1111/j.1467-6478.2007.00391.x>.

The research adopts multiple approaches, namely the statute approach, conceptual approach, and case approach.⁶ The statute approach is used to analyze relevant legal instruments, particularly Government Regulation Number 11 of 2021 and related village governance regulations. The conceptual approach is employed to examine theoretical frameworks concerning GCG principles and institutional governance, while the case approach focuses on the empirical condition of BUMDes Batu Beriga as the primary object of study.

The sources of data consist of both primary and secondary legal materials, as well as empirical data. Primary legal materials include statutory regulations governing BUMDes and village administration. Secondary materials comprise scholarly books, peer-reviewed journal articles, and official reports related to corporate governance and rural economic institutions. Tertiary materials, such as legal dictionaries and encyclopedias, are used to support conceptual clarification. Empirical data are collected through document analysis and semi-structured interviews with relevant stakeholders, including village officials and BUMDes managers.

Data analysis is conducted using a qualitative analytical method, combining content analysis and legal hermeneutics. This method enables the interpretation of legal norms alongside empirical findings to identify discrepancies between the normative framework (*das sollen*) and actual practice (*das sein*). The chosen methodology ensures a comprehensive and systematic analysis, making it suitable for addressing the research questions concerning both the legal implementation and governance practices of BUMDes.

FINDINGS AND DISCUSSION

Implementation of BUMDes Batu Beriga in Achieving Goals Based on Government Regulation Number 11 of 2021

The implementation of Batu Beriga Village-Owned Enterprises (BUMDes) in achieving the goals as stipulated in Government Regulation Number 11 of 2021 must basically be seen through a juridical-empirical approach that places law not only as a norm, but also as a social practice that lives in society. Normatively, Government Regulation No. 11 of 2021 emphasizes that BUMDes is a legal entity that aims to improve the village economy, optimize village assets, develop community businesses, and increase Village Original Income (PADes). Thus, the success of the implementation of BUMDes Batu Beriga is not only measured by its institutional existence, but also by the extent to which these goals can be realized concretely.

In the institutional context, BUMDes Batu Beriga has formally fulfilled the legality aspects as required in the regulations, including the formation through village deliberations and the determination of village regulations as the legal basis for its operations. However, the fulfillment of these formal aspects does not necessarily reflect the effectiveness of institutions in carrying out economic functions. This shows a tendency towards legal formalization, where compliance with norms is only administrative in nature and is not accompanied by substantive institutional capacity strengthening. From a business law perspective, this condition reflects the weak internalization of governance principles in the organizational structure of BUMDes.

From the aspect of business management, the implementation of BUMDes Batu Beriga shows that the business units that are run are not fully based on the superior potential of the village. In fact, geographically and economically, Batu Beriga Village has significant potential, especially in the coastal sector and natural resources. The mismatch between the potential of the village and the type of business being developed shows a weakness in business planning and business feasibility analysis. In the framework of economic law, this condition reflects the non-optimal function of BUMDes as an instrument of local economic empowerment.

⁶ Erlina and Muhammad Aziz Zulkifli, "Analisis Sosiolegal Urgensi Pengaturan Pembatasan Masa Jabatan Anggota Legislatif Dalam Sistem Ketatanegaraan," *Unes Journal of Swara Justisia* 9, no. 3 (2025): 490–502, <https://doi.org/10.31933/tckbbv85>.

Furthermore, this also indicates that the normative goals as stipulated in Government Regulation No. 11 of 2021 have not been fully achieved.

From a financial perspective, the implementation of BUMDes⁷ Batu Beriga still faces obstacles in terms of transparency and accountability of financial management. Financial statements that have not been compiled systematically and the lack of access to information for village communities show that the accountability mechanism has not run optimally. In fact, in the framework of public law, village financial management, including BUMDes, must be subject to the principles of accountability and transparency as part of good governance. Weaknesses in this aspect not only have an impact on low public trust, but also have the potential to pose the risk of irregularities in financial management.

In addition, the aspect of community participation is also an important indicator in assessing the implementation of BUMDes.⁸ In practice, community involvement in the planning and supervision of Batu Beriga BUMDes is still relatively limited. This shows that BUMDes have not fully functioned as economic institutions based on the collective participation of rural communities. From a development law perspective, community participation is a key element in ensuring institutional sustainability and legitimacy. Therefore, the low participation of the community reflects a weakness in the implementation of the principles of economic democracy at the village level.

When analyzed comprehensively, the implementation of the Batu Beriga BUMDes shows that there is a gap between the normative goals regulated in Government Regulation No. 11 of 2021 and the empirical reality in the field. This gap can be caused by various factors, including limited human resources, weak managerial capacity, and inoptimal internal supervision system. In addition, the cultural factor of the community's legal culture that still views BUMDes as part of the village government structure, not as an independent business entity, also affects the effectiveness of its management.

Thus, it can be concluded that the implementation of BUMDes Batu Beriga in achieving the goals as stipulated in Government Regulation No. 11 of 2021 has not run optimally. Although it has formally met the legality aspect, there are still substantive weaknesses in the aspects of business management, finance, and community participation. This condition shows that the success of BUMDes is not only determined by the existence of regulations, but also by the institutional ability to internalize and implement legal norms effectively.

Application of Good Corporate Governance (GCG) Principles in the Management of Batu Beriga BUMDes

The application of the principles of Good Corporate Governance (GCG) in the management of Batu Beriga BUMDes is a crucial aspect that determines the effectiveness of institutions in achieving village economic goals. From a business law perspective, GCG is not only an ethical principle, but also a normative standard that must be applied in the management of business entities to ensure sustainability and accountability. GCG principles which include transparency, accountability, responsibility, independence, and fairness should be the operational foundation of BUMDes as village-based business entities.

In terms of transparency, the management of Batu Beriga BUMDes still shows significant weaknesses. Limited access to information on business activities and financial

⁷ Siti Muntahanah et al., "Managerial Performance Analysis from a Financial Perspective as an Effort to Realize Sustainable BUMDes Governance," *Journal of Social Research* 4, no. 8 (2025), <https://doi.org/10.55324/josr.v4i8.2711>.

⁸ Sayu Anggi Dewi Sapitri and Ni Kadek Sinarwati, "MENGUNGKAP FENOMENA KREDIT MACET PADA BADAN USAHA MILIK DESA (BUMDES) DITINJAU DARI GOOD CORPORATE GOVERNANCE (STUDI DI BUMDES ARTHA KRAMA MANDIRI)," *Jurnal Ilmiah Akuntansi Dan Humanika* 14, no. 2 (2024): 256–69, <https://doi.org/10.23887/jiah.v14i2.78189>.

statements shows that the principle of openness has not been implemented optimally. In fact, transparency is the main prerequisite in creating public trust in village economic institutions. In the context of administrative law, information disclosure is part of the community's rights that must be guaranteed by every government administrator, including BUMDes.

In terms of accountability, the accountability structure in BUMDes Batu Beriga has not run effectively. Although there is a formal division of duties between managers and supervisors, in practice the evaluation and supervision mechanism is still weak. This shows that the principle of accountability has not been fully internalized in the BUMDes management system. In the perspective of organizational law, accountability is not only related to reporting, but also to the clarity of functions, authority, and responsibilities within the institutional structure.⁹

The principle of responsibility has also not been fully implemented, especially in terms of compliance with regulations and social responsibility towards the village community.¹⁰ The management of BUMDes should not only be oriented to economic benefits, but also to improving people's welfare. However, in practice, this social orientation has not been seen significantly in the programs and activities of BUMDes Batu Beriga.

In the aspect of independence, there are indications that the management of BUMDes is still influenced by the intervention of the village government, especially the village head.¹¹ This dominance has the potential to reduce professionalism and objectivity in decision-making. In the perspective of GCG, independence is a very important principle to prevent conflicts of interest and ensure that business decisions are made based on rational and professional considerations.¹²

Meanwhile, the principle of fairness has not been fully realized, especially in terms of the distribution of economic benefits to the community. The unequal access of the community to the benefits of BUMDes shows that the principle of justice in management has not been running optimally. This can have an impact on low community participation and a decrease in the social legitimacy of BUMDes.¹³

Overall, the application of GCG principles in the management of Batu Beriga BUMDes still faces various structural and cultural challenges. Limited human resource capacity, weak supervisory system, and unprofessional organizational culture are the main factors that hinder the implementation of GCG principles. In addition, the lack of clear operational standards regarding the implementation of GCG in the context of BUMDes is also an obstacle in itself.¹⁴

Thus, it can be concluded that the application of the principles of Good Corporate Governance in the management of Batu Beriga BUMDes has not been running optimally. This condition has a direct impact on the effectiveness of BUMDes in achieving village economic

⁹ Lina Said and Yane Devi Anna, "BIMTEK PENGELOLAAN KEUANGAN BERBASIS GOOD CORPORATE GOVERNANCE DAN PAJAK PADA BUMDES KARYA MANDIRI DESA CIBODAS-LEMBANG," *Jurnal Berdaya Mandiri* 5, no. 3 (2023): 191–200, <https://doi.org/10.31316/jbm.v5i3.4224>.

¹⁰ I. Gusti Ayu Purnamawati et al., "Strengthening the Role of Corporate Social Responsibility in the Dimensions of Sustainable Village Economic Development," *Heliyon* 9, no. 4 (2023): e15115, <https://doi.org/10.1016/j.heliyon.2023.e15115>.

¹¹ Rama Nurul Arifin et al., *PENERAPAN GOOD CORPORATE GOVERNANCE (GCG) PADA BADAN USAHA MILIK DESA*, 12, no. 3 (2023).

¹² Yudi Yudi et al., "Penguatan Kelembagaan BUMDES Dengan Penerapan Prinsip Good Corporate Governance Di Desa Tebing Tinggi Kecamatan Pemayung Kabupaten Batang Hari," *Abdi: Jurnal Pengabdian Dan Pemberdayaan Masyarakat* 6, no. 2 (2024): 326–32, <https://doi.org/10.24036/abdi.v6i2.787>.

¹³ Desak Putu Arde Suari and I. Gusti Ayu Purnamawati, "Pengaruh Implementasi Good Corporate Governance Terhadap Kepercayaan Nasabah BUMDES Tunjung Mekar," *JIMAT (Jurnal Ilmiah Mahasiswa Akuntansi) Undiksha* 14, no. 03 (2023): 838–52, <https://doi.org/10.23887/jimat.v14i03.65250>.

¹⁴ Dimas Ilham Nur Rois et al., "Optimalisasi Kinerja BUMDes Melalui Penerapan Good Corporate Governance Untuk Keberlanjutan Di Kecamatan Ngargoyoso Kabupaten Karanganyar," *Owner* 9, no. 1 (2025): 337–45, <https://doi.org/10.33395/owner.v9i1.2531>.

goals. Therefore, systematic efforts are needed to strengthen the application of GCG principles through increasing institutional capacity, strengthening the supervisory system, and establishing more operational and applicable regulations.

CONCLUSION

Based on the results of the analysis of the two main problems, it can be concluded that the implementation of BUMDes Batu Beriga in achieving the goals as stipulated in Government Regulation Number 11 of 2021 has not been running optimally. Although formally BUMDes have fulfilled the legality aspect as a village legal entity, there are still various weaknesses, especially in the management of businesses that are not based on local potential, low contribution to Village Original Income, and limited community participation. This condition shows that there is a gap between the normative objectives regulated in the regulations and empirical practices in the field, which are influenced by limited managerial capacity, weak supervisory systems, and not optimal understanding of the function of BUMDes as independent business entities.

In addition, the application of the principles of Good Corporate Governance (GCG) in the management of BUMDes Batu Beriga has also not been implemented effectively. The principles of transparency, accountability, responsibility, independence, and fairness are still not thoroughly internalized in management practices, which is shown by the lack of information disclosure, weak accountability mechanisms, village government intervention, and uneven distribution of benefits to the community. The non-optimal implementation of GCG has a direct impact on the low effectiveness of BUMDes in achieving the goals of their formation. Therefore, the success of BUMDes is not only determined by the existence of formal regulations and legality, but also depends on the quality of institutional governance that is able to integrate GCG principles consistently and sustainably in its operational practices.

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