

Regional Autonomy in Process: A Case Study in Bali 2001-2003

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Abstract

The collapse of Suharto's New Order regime led to vast socio-political changes in Indonesia, and the political slogan of "regional autonomy" became, and remains, one of the most important keywords characterizing the post-Suharto era.

This paper analyzes some provisional results of the ongoing decentralization policies of the domestic government system and the accompanying changes at the provincial, district and village levels. The first section summarizes the structural and financial changes in provincial and district government which took place in the first year of the enforcement of the two laws formulated under the new regional autonomy plan, presenting and analyzing data from the Bali provincial office and the Gianyar district office. The second section presents a comparison of the national and district regulations (of Gianyar in Bali and of Agam in West Sumatra) on the new village government system, and discusses the expected progress in village level democracy. The third section focuses on the Balinese traditional village system, which needs to be restructured in accordance with the newly established village government. The final section discusses the ongoing process of democratization of traditional village administration in the broader context of modernization.

Introduction

Regional autonomy (*otonomi daerah*) is without doubt one of the most important keywords characterizing the political scene in post-Suharto Indonesia.¹⁾ The term captures the liberal and anti-authoritarian atmosphere of the period, and has won the acclaim of the people demanding and yearning for a reform, or even dismantling, of the highly centralized government system of Suharto's New Order regime. If the word "reformation" (*reformasi*) was and still is the most popular political slogan in this transitional period, "regional autonomy" continues to indicate the desirable direction for the political reform.

The term "regional autonomy" in this context covers a wide range of current topics. Because it relates to the national governmental structure, it was often referred to and advocated in the

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1) There have already been many academic publications on this subject. Schulte Nordholt has surveyed this trend and has briefly commented on some of them [Schulte Nordholt 2003a].

debates concerning federalism that flourished in the President Habibie era. These debates ended in a moderate consensus among political leaders that a unitary government had to be maintained while the extent of regional autonomy needed to be broadened.

The increase of regional autonomy was first given concrete shape in the form of two new laws concerning the decentralization of the domestic government system. Law No.22 1999 on the devolution of governmental authority, and Law No.25 1999 on fiscal decentralization, were both enacted in 1999, and have been in force since 2001. These new laws obviously reflected the political climate of the period and have served as cornerstones for the subsequent policies on domestic governance.

Along with this structural change of the domestic government system, a portion of the central government staff was transferred to provincial or district (*kabupaten*) governments. Most of the transferred staff had been working at provincial or district branches of state ministries, so one might conclude that the policy merely led to an administrative change in the affiliation of the transferred workers. Nevertheless, it created a significant structural change in regional government, especially at the district level.

While the reform of the fiscal system and the transfer of some national government staff to regional governments were enforced in 2001, the implementation of some policies prescribed in the newly enacted laws was delayed because the laws had to be supplemented in detail by a series of government regulations (*peraturan pemerintah*), which themselves took considerable time to prepare. This was the case for the renewal of the village government system, which was only briefly outlined in Law No.22. The related articles in the law can be read as an official recognition of traditional local institutions as alternative governing bodies in the newly planned village governments. This, however, was a highly sensitive issue, as the legal status of these local customary institutions had been neglected in the entire period since the independence of the Republic of Indonesia. Government regulations prescribing the new village government structure were not enacted until 2001. As a result, some district governments delayed the preparation of district regulations, waiting for the enactment of government regulations, while others quickly enacted regulations without making reference to the prescriptions of the national regulations which had not yet been formulated.

Thus, the three years from 2001 to 2003, the period of my research on this subject, constituted the very beginning and trial stage for the realization of the regional autonomy plan in the post-Suharto era. The way had already been paved by the two laws, and some policies had been enforced, but some others were yet to be fully operative. During my three research visits to Bali between 2001 and 2003, I collected data from several sections of the Bali provincial government

office and Gianyar district government office, as well as from some village government offices in the district of Gianyar. In addition, in 2002 I made a short visit to West Sumatra province to collect data concerning the policies on the new village government system, hoping to compare them with the Balinese data. Throughout this research period, I made frequent visits to several villages including one where I had once stayed for a year conducting anthropological field research, and obtained various information and opinions on the current policies on regional autonomy through conversations with the villagers.

This paper analyzes some provisional results of the ongoing decentralization policies of the domestic government system and the accompanying changes at the provincial, district and village levels. The first section summarizes the structural and financial changes in provincial and district government which took place in the first year of the enforcement of the two laws of the new regional autonomy plan by presenting and analyzing the data from the Bali provincial office and the Gianyar district office.

The second section presents a comparison between the national regulation and district regulations (of Gianyar in Bali and Agam in West Sumatra) governing the new village government system, and discusses the expected progress in village level democracy.

The third section focuses on the Balinese traditional village system, which had to be restructured in accordance with the newly established village governments. In this era of Regional Autonomy, the centuries-old traditional village system is highly valued by the Balinese people themselves, who see it as the fundamental base of their culture, and it is hoped to play a supplementary yet indispensable role in village administration. Under this pressure the structure and function of the traditional local village system also needs to be reformed.

Thus, at least in Bali, regional autonomy policies following the two newly enacted laws have brought about fundamental changes in the administrative, budgetary and social system at the provincial, district and village levels.

The final section discusses the significance of these political reforms for local people in terms of “democratization,” “modernization,” and “civil society.” Decentralization policies and village government system reforms obviously highlight an important part of the vast and rapid ongoing social changes in Indonesia. The influences of these reforms are far-reaching and fundamental because they not only follow the political urge of the current Reformation Era, but also concern some principal matters of the nation-state: the imagined unity of an uneven populace and regions, integration and distribution of power, and the domestication of indigenous social systems into a modern bureaucracy.

1. Regional Government Reform

In view of the explosion of antagonistic sentiments towards the highly centralized state system of Suharto's New Order, decentralization clearly became an urgent political task. President Habibie's government quickly prepared two basic laws on decentralization, and set their enforcement for 2001. The change in regional politics and governance system thus came decisively and rather abruptly.

The main issues of the reform were the restructuring of the relationship between the regional chief and assembly, establishment of autonomous government bodies at the district level, and the change of the state subsidy system to regional governments.²⁾

Politically the most drastic change brought about by Law No.22 concerned the power relationship between the regional chief and assembly. The law gave regional assemblies full authority to elect regional chiefs and to request their dismissal to the Minister of Home Affairs. The balance of power between regional chiefs and assemblies thus came to parallel that between the president and the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR) at the center. Another aim of this arrangement was to prevent the central government's intervention into regional politics, which had been a dominant feature of the regional political scene in the New Order Era.

While these prescriptions gave decisive power to the regional assemblies, the chiefs were not given the right to dissolve the assemblies. This condition placed regional chiefs in a quite vulnerable position, as they became subject to the will of the dominant political parties in their regional assembly. These national political parties still have a highly centralized structure. Consequently, the central political leaders still have a strong voice in regional political matters and have preserved channels of access to regional economic resources through party organizations.

Since the enforcement of Law No.22, some regional assemblies have asked for the dismissal of regional chiefs nominated during the Suharto Era, but in many cases these requests have not been accepted, for various reasons. Meanwhile, in some recent elections for regional chiefs, candidates nominated by the regional branch of the dominant party have been rejected by the central body of the party, with candidates favored by the center being appointed as the sole candidates of the party. The recent election of the governor of Bali province in 2002 was such a case. This shows that

2) The state of the Republic of Indonesia is administratively divided into provinces (*propinsi*), which are sub-divided into districts (*kabupaten*) and municipalities (*kotamadia*). These districts and municipalities are further sub-divided into sub-districts (*kecamatan*), which supervise villages (*desa*) and wards (*kelurahan*) within them.

regional politics are still controlled by the center to a considerable degree. Under these conditions, it is understandable that money politics have become prevalent in many regions.

The impact of the new law governing administrative affairs, at least in Bali, was not very drastic, because Bali had been chosen as one of the model provinces in the pilot project of the administrative decentralization (*Proyek Percontohan Otonomi Daerah pada Daerah Tingkat II*) implemented in the 1990s, and the establishment and operation of regional government agencies (*dinas*) at both the provincial and district levels had already been partly realized at the time of the enforcement of the new law.³⁾ This does not mean, however, that there were no structural changes in the regional government body. The Bali provincial government did not set up any new agencies, but the secretariat, composed of four sections, was restructured into three in 2001.⁴⁾ The Gianyar district government set up five new agencies, and the three sections of the secretariat were reorganized into two in the same year.⁵⁾

A more troublesome issue was the transfer of a considerable number of central government staff to provincial and district governments, enforced in the same year. Most of the transferred employees had worked at regional branches of state ministries or were school teachers and administrators. Table 1 shows the increase of government personnel in the Gianyar district between 2000 and 2001. The total number of staff increased by more than 50%. While the transfer of the schoolteachers and administrators was only a change of status, most of those who had worked at the state ministry branches were absorbed into newly set up district agencies. At the provincial level, the transferred ministry staff members were posted in the existing provincial secretariat and agencies. These transfers caused not only a structural change of the regional government body but also resulted in strong competition for high-ranking positions because of the decrease of secretariat sections.

The most remarkable result of the regional government reform was in the financial domain. Law No.25 prescribed a new tax distribution system and state subsidy system for regional governments. In the first area, it increased the share of tax revenue going to regional governments, while in

3) The aim of the pilot project of administrative decentralization was realize the establishment of autonomous regional government as prescribed in the former Law No.5 1974 on the basic principles of regional governance. The aim of the plan, however, was not to give more independence to regional governments but rather to build a solid and effective administrative unit at the regional level under the control of the center.

4) The former secretariat, composed of governance, development, social welfare and administration sections was restructured into a new one composed of governance, development and social welfare, and administration sections.

5) The newly established agencies were information and communication, social welfare, residential affairs, corporation, and industry and commerce agencies. The former secretariat composed of governance, development and administration sections was restructured into a new one composed of governance and development sections.

Table 1. Increase of Government Personnel in Gianyar District

2000		added in 2001	
District secretariat	198	District agencies	503
District agencies (12)	588	Kindergarten teachers	83
District units (Bappeda, DPRD, etc.)	390	Junior high school teachers	1008
Subdistrict offices	144	Senior high school teachers	674
Ward offices	26	Administration staff of JHS	208
Public health offices	375	Administration staff of SHS	176
Primary school teachers	2146	School inspectors	9
Religion teachers	385	Sub-total	2661
Sports teachers	201		
Primary school guards	145		
Total	4598		

Source: Gianyar district office and Gianyar district agency of education

the latter it rearranged the various state subsidies to regional governments and integrated them into two kinds: freely used general funds (*Dana Alokasi Umum*, DAU) and use-specified special funds (*Dana Alokasi Khusus*, DAK). Furthermore, the new domestic government policy, which places importance on district level autonomy, caused financial flows from the central government to the district governments to rise above those to the provincial governments.

Tables 2 and 3 show the Bali provincial government budget and Gianyar district government budget in 2000 and 2001. Since the new fiscal year system (January-December), which replaced the old one (April-March), was adopted in 2001, the figures for 2000 in these tables cover only a three-quarter period. Even considering this, the change in the regional government budget was conspicuous.

With the exception of the balance from the previous year, the receipts of the Bali provincial government show a slight increase, but in reality there was a substantial decrease in both the province's own receipts and the state subsidies if we take into account the different length of these periods.⁶⁾ The new tax distribution system, which may have contributed to the increase in the province's own receipts in regions with rich natural resources, brought no benefits to resource-poor

6) Jayasuriya and I Ketut Nehen [1991: 335] cited the Bali provincial budget 1971/2 and 1984/5. If we compare these figures with those in Table 2 above, we notice the following financial changes at the provincial level during these thirty years: (1) In 2000, the province's own receipts increased enormously to the extent that they exceeded the subsidies from the central government; (2) The development funds also increased, coming to exceed the routine funds in the 2000 receipts; (3) The expenditures for personnel and materials increased only slightly from 1984/5 to 2000; (4) While the expenditures for economic development have risen sharply since 1971/2, those for social development continued to decrease in proportion during the same period.

Table 2. Bali Provincial Budget, 2000 and 2001 (Rp. million)

[Receipts]	2000	2001
Balance from previous year	100,261	171,123
Province's own receipts	237,915	268,875
Subsidies from central government	102,550	103,105
Tax distribution	12,178	10,135
Routine funds	30,699	(DAU) 91,170
Development funds	57,982	
Others	1,691	1,800
Total receipts	440,726	543,103
[Expenditure]	2000	2001
Routine	131,371	354,349
Personnel	30,770	110,100
Materials	15,653	20,599
Subsidies for districts	55,371	160,926
Others	29,577	62,724
Development	120,600	193,506
Economic	42,321	85,426
Social	26,310	45,615
General	31,841	48,471
Subsidies for districts	20,128	13,994
Total expenditure	251,971	547,855

Source: Bali provincial office

Table 3. Gianyar District Budget, 2000 and 2001 (Rp. million)

[Receipts]	2000	2001
Balance from previous year	6,024	10,021
Province's own receipts	25,145	38,519
Subsidies from central government	92,714	233,981
Tax distribution	4,376	8,529
Routine funds	38,189	(DAU) 182,460
Development funds	46,252	(DAK) 42,992
Others	3,897	0
Total receipts	123,883	282,521
[Expenditure]	2000	2001
Routine	62,244	142,090
Personnel	41,837	99,288
Materials	10,497	10,789
Subsidies for sub-districts/villages	5,487	12,896
Others	4,423	19,117
Development	65,264	153,788
Economic	48,594	116,063
Social	5,357	15,849
General	11,313	21,876
Total expenditure	127,508	295,878

Source: Gianyar district office

provinces such as Bali. The amount of newly invested general funds (DAU) roughly corresponded to the total amount of routine funds and development funds of the previous year, while the provincial government did not receive any special funds (DAK) from the central government.

The expenditures of the Bali provincial government nearly doubled between 2000 and 2001, due mainly to a swelling of routine expenditures, especially personnel costs and of subsidies for districts. The rise in personnel expenditures can be partly explained by the increase in provincial government employees caused by the transfer of state staff. The expansion of subsidies for districts includes a bigger share of the motor vehicle tax and the re-distribution of a part (30% in 2001) of hotel and restaurant taxes collected in the Badung district and Denpasar city to other districts in Bali.⁷⁾

The budget of Gianyar district shows a much bigger change between 2000 and 2001. Both receipts and expenditures grew by more than 100% from 2000 to 2001, even adjusting for the difference in the length of these fiscal years.

The main contribution to the swelling of receipts came from the enormous increase in state subsidies. The freely used general funds (DAU) alone came to almost twice the total amount of routine funds and development funds of the previous year. In addition, the district government received use-specified special funds (DAK), which covered nearly three-quarters of the development funds of the previous year.

The extra receipts were used for both routine and development expenditures. Among them, routine expenditures for personnel, subsidies for sub-districts and villages, and expenditures for economic, social and general development almost doubled, and in some cases more than doubled. The increased expenditures for personnel included those for the newly transferred staff. Most of the subsidies for sub-districts and village governments were staff salaries. The increase in the development expenditures shows a direct effect from the new domestic policy, which put priority on autonomous management at the district level.

Looking at village government budgets, we find that the level of government finance was very low. Table 4 shows the Bona village government budget in 2001, 2002 and 2003. As data on the 2000 budget could not be obtained, we cannot trace budgetary changes from the beginning of the new autonomy policy. Nevertheless, the figures in the table show the current financial conditions of village governments in Gianyar district, Bali.

7) The redistribution of hotel and restaurant tax revenues among the districts is a policy for averaging out the benefits of tourism within the province, and has been carried out by Bali province since 1998.

Table 4. Bona Village Budget, 2001, 2002 and 2003 (Rp. thousands)

[Receipts]	2001	2002	2003
Administration fees	1,162	1,421	1,907
Interest	1,200	2,143	1,977
Subsidies from central government	11,920	11,920	11,920
Personnel	1,920	1,920	1,920
Development	10,000	10,000	10,000
Subsidies from provincial government	14,767	30,463	25,500
Personnel	13,557	25,167	25,167
Tax distribution	1,210	5,296	332
Subsidies from district government	16,856	35,722	41,427
Personnel	9,423	24,573	35,853
Tax distribution	7,433	11,149	5,575
Donation	1,545	1,984	2,091
Total receipts	47,450	83,653	84,822
[Expenditure]	2001	2002	2003
Routine	38,554	72,614	80,332
Personnel	25,110	51,660	63,660
Materials	4,120	2,354	1,450
Equipments	4,664	6,700	7,800
Travel expenses	650	850	550
Activities	3,610	5,450	5,750
Subsidies for villagers' activities	400	5,600	1,122
Development	9,002	11,039	4,490
Infusion to village economic assets	1,200	1,393	1,227
Renovation of village head office	5,659	9,646	3,263
Arrangement of public health center	1,500	0	0
Others	643	0	0
Total expenditure	47,556	83,653	84,822

Source: Bona village head office

More than 90% of the receipts in the village came from state and regional government subsidies. While the amount of state subsidies remained unchanged during the three years, those from both the provincial and district government doubled from 2001 to 2002. This, however, was mainly due to the increase in village government staff salaries. The only source of revenues for this medium-sized (781 households in 2001) farm village was administration fees, which accounted for less than 3% of the total receipts.

As indicated by the composition of the subsidies, the bulk of routine expenditures was for staff salaries. A relatively large portion of the expenditures for equipment, such as desks by the routine section, and for renovations of the village head office by the development section, can be explained by the recent establishment of this administrative village, which seceded from the village of Belega in

1999. The actual development expenditure is an annual deposit into village funds, and accounts for just a few percent of total expenditures. These figures demonstrate that while the economic conditions of village government staff have improved moderately thanks to financial support from the relatively rich provincial and district governments, village development is still limited to providing public needs.⁸⁾

2. The New Village Government System

The reform of the administrative village government system was another controversial part of the new regional autonomy policy. Under Law No.5 1979 on village governance, enacted under the Suharto regime, village government was a highly centralized system within which the village head held monopolistic power. Village governments were composed of an executive body, consisting of a village head and administration staff, and a village deliberation council (*lembaga musyawarah desa*, LMD), but the latter was headed by the village chief and was supposed to play a purely consultative role in village governance. Later it was supplemented by another administrative body called the LKMD (*lembaga ketahanan masyarakat desa* or village society's maintenance council), which was also headed by the village chief and was established to support village development planning. This centralized structure was suited to (and was planned exactly as such) the top-down style of Suharto's regime. It functioned effectively in spreading his development programs at the grassroots level throughout the country. After the fall of the regime, however, the centralized structure itself became a target of criticism by "reformist" politicians.

Another point of debate in the revision of village governance was the uniformly imposed village administrative system under the former law. Before the enactment of Law No.5 1979, each region in the country had its own local administrative units based on local customs and tradition, as rearranged under Dutch colonial rule. The model system and names of functional bodies prescribed in Law No.5 1979 were taken from Central and East Java, and thus were fundamentally different in terms of name, structure and composition of the village administrative unit from those in the outer islands. As the New Order government imposed a Javanese style of village government in all regions of the country, the policy created serious confusion, especially in some regions.⁹⁾ The establishment

8) In 2003, the monthly salary of a village head in the Gianyar district amounted to 650,000 (approximately US\$80 at the time) rupiah and that of village secretary to 575,000 rupiah. This amount is still low in comparison with that of other government workers, but higher than the average earnings of a non-skilled laborer.

9) On the negative impact of the implementation of Law No.5 1979, see for example Kato [1989].

of effective village government bodies in a way that fit customary local village organizations was an urgent requirement of the Reformation Era.

The speedily enacted Law No.22 1999 includes only a brief outline of village governance, and does not touch upon the key points of reform as noted above. Under it, village government consists of an executive body (a village head and administration staff) and a village representative council (*badan perwakilan desa*, BPD), replacing the former LMD and LKMD (Article 94). While the word *desa* is used as the official term for administrative village, the name of the village head can vary according to local tradition (Article 95(1)). The village head is elected by the villagers as in the previous era (Article 95(2)), but the term of office is shortened from 8 to 5 years (Article 96). The required qualifications for village head are nearly the same as in the former Law No.5 1979, except that the new law prescribes a minimum age of 25 for a village head (Article 97) while the old law stipulated an age between 25 and 60 years.

The crucial change in the position of the village head is that while the former law located the position within the regional government official rank system and made the village head responsible to the district head, the new law requires that the elected village head be appointed by the BPD and only be confirmed by the district head (Article 95(3)), and makes the village head responsible to the village residents (Article 102a). Furthermore, the new law includes the possibility of dismissing the village head, not only by the district head who appoints him or her officially, but also by the BPD via a proposal to the district head (Article 103(2)). This change of power balance between the village head and the village council obviously reflects the antagonistic mood of the early Reformation Era toward the centralized New Order regime.

Another important point regarding the new village government plan is the establishment of the village representative council (BPD) as a fully autonomous legislative body. The council's functions are to protect local customs, issue village regulations, represent villagers' aspirations and supervise the village executive body's activities (Article 104). To realize these tasks, the council is separated from the executive body consisting of the village head and administration staff. Law No.22 does not offer any further prescriptions, but leaves it up to the district government to determine the detailed regulations (Article 111(1)).

To supplement the general plan of the new village governments, outlined in Law No.22, Minister of Home Affairs Decision No.64 1999 on the guidelines for village government regulations was announced in the same year. This decision offers more concrete and detailed stipulations for the desirable form of village government. The size of a village is stipulated as more than 1,500 residents or 300 households (Article 6b). The setting up of village subunits can be freely decided by regional

governments in accordance with local tradition (Article 4(1)). With regard to the possible dismissal of the village head by the village council (BPD), the Decision specifies that if the council twice rejects the head's annual report of activities it can propose his or her dismissal to the district head (Article 19(2)). The village head and administration staff cannot be members of the village council (Article 41). Village regulations, prepared by the village council and enacted by the village head, need not be confirmed by the district head (Article 50(2)), and the district government can cancel them only if they are in conflict with the public interest or national laws (Article 70(1)). These instructions clearly reflect the spirit of the government reform and the effort to establish autonomous village governments adapted to each local situation.

Under these circumstances, provincial and district governments started to prepare regional regulations of their own. As a general legal procedure, a national law is supplemented by government regulations before its implementation. In this case, however, the enactment of the related government regulations was delayed until November 2001. Some provincial governments quickly responded to the promulgation of the law, enacting regional regulations on new village governments in advance of the government regulations.

This was the case in West Sumatra province. The province is the heartland of the Minangkabau people, who traditionally used the *nagari* system as their local political and economic unit. The *nagari* corresponds roughly to a Javanese village in size but has its own traditional structure and composition. It was used as the smallest governmental unit in the province from the Dutch colonial period until the implementation of Law No.5 1979 by the New Order government [Mohammad Hasbi *et al.* 1990].

When the new uniform village government system, as prescribed in Law No.5, was implemented in the province in 1983, the provincial government did not choose *nagari* but rather its subdivision (called *orong* and other terms) as the "village" (*desa*) unit. Some say that this was intended to maximize national government subsidies to the region. The subdivision of *nagari*, however, was neither autonomous nor functional in the area of local affairs, and did not work adequately as an effective village government body through this period.¹⁰⁾

This unsuccessful trial of an "enforced" national village government system under the Suharto regime perhaps explains the quick response of the province to the newly enacted Law No.22 1999.¹¹⁾ The provincial government adopted the slogan, "Return to the 543 *nagari*," meaning that the New

10) See, for example, some articles in the local journal *Genta Budaya* No.3, especially those by Andrinof and Edy Utama [1996], Emeraldy [1996].

11) The early phase of West Sumatran responses to the regional autonomy policy is briefly sketched by Ismet [2003].

Order's Javanized village governments would be replaced again by the indigenous *nagari* of which 543 units existed at the time of the enforcement of the New Order village system. Soon afterward, the provincial government issued West Sumatra Provincial Regulation No.9 2000, giving general stipulations for the *nagari* government. The Regulation does not use the word *desa* at all, adopting instead the word *nagari*. In addition, the village head is called *wali nagari* and the village council *badan perwakilan anak nagari*. The use of these local terms, together with the references to the customary and Islamic council (*badan musyawarah adat dan syarak nagari*) and customary law organization (*lembaga adat nagari*), obviously demonstrate the eager aspiration to restore the traditional local government system. It was decided that this Regulation would be applied to the entire region, with the exception of town areas and the Mentawai Islands.

District governments then followed the provincial decision, preparing district regulations of their own. Agam District Regulation No.31 2001 on *nagari* government is one such regulation. The new village government, as outlined in the regulation, mostly follows the provincial government's plan and the above-mentioned Minister of Home Affairs Decision No.64 1999 (the comparison between the Agam regulation and the Minister of Home Affairs Decision is summarized in Table 5). A village is called *nagari* and its subdivision *orong*. The size of a village is set at more than 1,500 residents or 300 households. The village head, called *wali nagari*, should be more than 25 years old, have at least a junior high school education, and should be elected by the residents. The term of office is five years, and reappointment is allowed only once. The head is responsible to village residents and can be dismissed by a proposal of the village council to the district head. Members of the administration staff should be between 20 and 60 years of age, have at least a junior high school education and be selected from among applicants by the village head. Village subdivision heads are elected by the residents and have a five-year term of office. They compose the village executive body and cannot be members of the village council.

The village council is called *badan perwakilan anak nagari* (*nagari* people's representative council). The members should be more than 25 years old and have at least a junior high school education. The term of office is five years. The members may be elected or appointed. In the latter case, they should be nominated from among the various traditional officials or functional groups such as *ninik mamak* (lineage seniors), *alim ulama* (religious teachers), *cadiak pandai* (learned men), *bundo kanduang* (senior women) and village youth.

The customary and Islamic council (*majelis musyawarah adat dan syara' nagari*) supervises customary and Islamic affairs, and the members are lineage seniors, religious teachers, learned men, senior women and representatives of other social groups. The customary council (*kerapatan adat*

Table 5. Comparison of Village Government Systems

	Law No.5/1979	Law No.22/1999	M. of Home Affairs Decision No.64/1999	Gov. Regulation No.76/2001	Agam district regulation No.31/2001	Gianyar district regulations No.6-17/2002
Village	<i>Desa</i>	<i>Desa</i>	<i>Desa</i>	<i>Desa</i>	<i>Nagari</i>	<i>Desa</i>
Subdivision	<i>Dusun</i>	free	free	free	<i>Jorong</i>	<i>Banjar Dinas</i>
Village head	<i>Kepala Desa</i>	freely named	<i>Kepala Desa</i>	freely named	<i>Wali Nagari</i>	<i>Perbekel</i>
	8 years office	5 years office	5 years office	5 years office	5 years office	5 years office
	25-60 years old	over 25 years old	over 25 years old	over 25 years old	over 25 years old muslim	25-60 years old
	responsible to district head	responsible to village residents	responsible to village residents	responsible to village residents	responsible to village residents	responsible to village residents
	dismissal by district head	dismissal by district head based on village council proposal	dismissal by district head based on village council proposal after rejecting the annual report twice	dismissal by district head based on village council proposal	dismissal by district head based on village council proposal	dismissal by district head based on village council proposal after rejecting the annual report twice
Staff	<i>Sekretariat Desa</i>	<i>Perangkat Desa</i>	<i>Perangkat Desa</i>	<i>Perangkat Desa</i>	<i>Perangkat Nagari</i>	<i>Perangkat Desa</i>
	<i>Kepala Dusun</i>	subdivision heads	subdivision heads	subdivision heads	<i>Kepala Jorong</i>	<i>Kelihan Banjar Dinas</i>
Village council	<i>Lembaga Masyarakat Desa</i> headed by village head	<i>Badan Perwakilan Desa</i>	BPD	BPD	<i>Badan Perwakilan Rakyat Nagari</i>	BPD
	members representing customary/religious/ social/vocational groups		village head and staff not allowed to be members; members representing customary/ religious/social/voca- tional groups	village head and staff not allowed to be members; members elected among residents	village head and staff not allowed to be members; members representing customary/ religious/social/voca- tional groups	village head and staff not allowed to be members; members elected among each Banjar Dinas
Supplementary body	LKMD	freely organized	customary/social organizations freely organized	social organizations freely organized	MMASN, KAN, MUN	<i>Desa Pakraman</i>
Village regulations	legalized by district head		need not be confirmed by district head but can be cancelled by district government	need not be confirmed by district head	need not be confirmed by district head but can be cancelled by district government	need not be confirmed by district head but can be cancelled by district government

nagari), composed of lineage seniors and customary officials, arbitrates matters of inheritance. The religious teachers council (*majelis ulama nagari*), consisting of religious teachers and experts in the village, rules on religious matters.

A rather extraordinary stipulation in the regulation states that the candidates for village head as well as for village council members must be Muslims. Although this may be suitable in the West Sumatran social situation and its local tradition, it seems quite odd when considered in terms of Western democracy. This may be seen as one of the results of the hasty entrustment of governmental tasks to customary organizations.

The issue of the integration of the administrative and traditional villages also became a source of debate in Bali in the early stages of preparation for the new village government system. Unlike the West Sumatran *nagari*, the Balinese traditional village is smaller than the average (Javanese model) administrative village in size, and its organization is based on Hindu principles. Beginning with the establishment of Dutch colonial rule at the beginning of the 20th century, a new administrative village system was set up to govern the Balinese people, while the traditional village system was left to function only in the religious domain [Warren 1993]. This double-village system continued after independence, and the New Order government's Law No.5 1979 did not lead to any drastic changes in village administration. This does not mean, however, that Balinese people were satisfied with the double-village system. For them, the traditional village still offers communal norms and is the socio-cultural field in which their daily activities take place. Thus, during the New Order period, the provincial government made great efforts to revitalize customary organizations by legalizing the existence of traditional villages under Bali Provincial Government Regulation No.6 1986 [Kagami 2003].

With the coming of the Reformation Era and the enactment of Law No.22 1999, there were serious debates on the plan to reorganize the village government system among politicians, bureaucrats and opinion leaders. Some argued that administrative villages should be abolished and replaced by traditional villages, while others feared that traditional villages would become politicized if placed within the regional government structure. The debates led the provincial government to revise the regulations on traditional villages, making them more adapted to the modern situation, but no consensus was reached that the double-village system should be integrated into traditional villages.

Accordingly, the district governments in Bali began to draft district regulations on the new administrative village governments. Since they waited for the enactment of government regulations, the procedure took more time than in West Sumatra. A series of Gianyar district government regu-

lations concerning the new village government system, for example, was enacted as late as 2002.¹²⁾

The prescriptions of the Gianyar district regulations are very similar to the above-mentioned Agam district regulations except for some points noted below (the Agam and Gianyar regulations are compared in Table 5). Villages are still called *desa* and village heads *perbekel*, reviving the titles of the colonial period. The age of village heads is limited to between 25 and 60 years old, as was the case during the previous New Order period. Administration staff should be between 21 and 40 years old and have an education above senior high school. Village subdivisions are called *banjar dinas* and their head (*kelihan banjar*) should be between 21 and 50 years old and be elected from among the *banjar* members. The village council is named *badan perwakilan desa* and its members are representatives elected by each *banjar*. The age of the members is limited to between 25 and 60, and village executives as well as all other public officials are not allowed to be members.

As the new administrative village structure is separated from the traditional village, there are no prescriptions on the religion of the village head. This is also why the village council composition is based on the village subdivision (*banjar*). As a result, this new village government system does not substantially differ from that in the former period, except for the independence of the village council from the control of the village head and the resultant change in the balance of power between the village head and the village council as promoted by Law No.22 1999.

Following the district regulations, the existing administrative villages in the Gianyar district were automatically transformed into the new village government bodies. Former village heads continued to hold their posts until the end of their term of office. So, too, did the administration staff.

The main change was the replacement of the former village council (LMD) by the new one (BPD), with members being elected at all the villages of the district in the summer of 2003. Some villages conducted an actual election following almost the same procedure as that used for the general election. The election committees were composed of the former village council and *banjar* heads, and the committees asked the residents of each *banjar* to nominate candidates. Polling places were set up at each *banjar* meeting hall. On the day of polling, *banjar* residents came to the polling place, registered, received their ballots and voted. After the polling was closed, the polling box was

12) These are: Gianyar District Government Regulation No.6 2002 on the election of village heads; No.7 on cooperation among villages; No.8 on village social organizations; No.9 on village subdivisions; No.10 on village government; No.11 on village finance; No.12 on administration staff recruitment; No.13 on the establishment, elimination and merger of villages; No.14 on the village council; No.15 on village resources; No.16 on village regulations; No.17 on the rewards for village heads and administration staff.

opened on the spot and the ballots were publicly counted by the committee members. I had the opportunity to observe such ballot counting in a village in Gianyar district; I was impressed by the highly democratic and transparent procedure.

In some villages, however, the village council election was not so transparent. Some informants from one such village told me that only one candidate had been nominated from each *banjar*, and that the voting had been conducted through a meeting rather than through polling. They even suspected that the nomination process had been manipulated by the village head. The elected members were all young and highly educated men, but they had little experience in village affairs and had scarcely shown any leadership at village meetings. The village head himself tried to justify the lack of polling, saying that the shortage of village funds made it impossible. Though this sounds fairly plausible considering the financial condition of villages, as discussed above, financial reasons cannot be used to allay doubts about the new village council's legitimacy. Whether or not the new village government system proves to be trustworthy will depend on the newly established village councils' activities.

Two years after the enactment of Law No.22, the central government announced the enactment of Government Regulation No.76 2001, setting guidelines for the village government regulations. While as a whole it confirms the guidelines drawn up by the Minister of Home Affairs Decision No.64 1999, it includes some minor differences.

The most important revision is the elimination of the article giving village councils the right to propose the dismissal of the village head to the district head if a council twice rejects the head's annual report of activities. Although the right to petition for dismissal is retained, the revision clearly exhibits a small retreat from the Minister's Decision. In fact, many actual confrontations between village heads and village councils have taken place since the enactment of Law No.22 and the Minister of Home Affairs Decision No.64. It is plausible that the central government was concerned about a possible destabilization of village governance caused by the potential dismissal of village heads as prescribed by the Minister's Decision. Although this does not mean that district governments may not include this prescription in their own regulations, the elimination of the prescription nevertheless places some pressure on regional governments when making such decisions. One official of the governance section of the Gianyar district office expressed his disappointment over this point, saying he was worried that it might be necessary to revise the newly enacted district regulations.

Another important revision found in Government Regulation No.76 is the elimination of the article allowing district heads to annul village regulations. This accords well with the current

regional autonomy policy, which negates the vertical relationship between district governments and village governments.

These revisions may indicate that the central government's resolve to promote regional autonomy has been weakening. It is true that many troublesome cases, such as confrontations between village heads and councils and the uncontrolled spread of village regulations, have occurred in various regions since the implementation of the new autonomy policies. These cases, however, do not invalidate the importance of regional autonomy itself. Many staff members of the Agam and Gianyar district government whom I interviewed, especially those in the younger generation, did not hide their eagerness to prepare and establish a new village government system. This indicates that the new policy is highly welcomed by the regional governments.

3. Modification of the Balinese Traditional Village System

Unlike in West Sumatra province, where the administrative function of the village government was entrusted to the traditional *nagari* system, the Bali provincial government decided to keep the traditional and administrative village systems separate. This does not mean, however, that the traditional village system was left untouched. In response to critical opinions of the remaining institutions of the previous period, the provincial government prepared to revise its policy on Balinese traditional villages, and enacted Bali Provincial Regulation No.3 2001 on traditional villages (called *desa pakraman*) to replace Provincial Regulation No.6 1986 on the status, function and roles of traditional villages (called *desa adat* at the time).

The new regulation introduced some significant changes into traditional village organization and management. First, the term for traditional villages was changed from *desa adat* to *desa pakraman*. Since the colonial period, Balinese traditional villages had been referred to as *desa adat* in both official and ordinary use to differentiate them from administrative villages (*desa dinas*). Not only the term *dinas*, originating from the Dutch *dienst* (service), but also *adat* (of Arabic origin), were borrowed words for the Balinese. In daily conversation, villagers referred to, and still refer to, traditional villages simply as *desa*.

The desire to use the term *desa pakraman* to refer to Balinese traditional villages had already been voiced by Hindu intellectuals in the 1990s. For example, I Ketut Wiana, a senior official of the Indonesian Hindu Council, in an op-ed piece in the local newspaper *Bali Post*, explained the historical origin of the word *pakraman* and proposed replacing the term *desa adat* by *desa pakraman*. According to Wiana, the word *pakraman* can be found in Balinese palm leaf documents and means "works" or "behaviour" [Wiana 1997]. Though the word is seldom used in daily conversation

nowadays, its root word *krama* is a very common word meaning “member” and is generally used to refer to members of traditional villages. Historical analyses and ordinary use (or lack of use) aside, the word *pakraman* sounds more familiar and indigenous for the Balinese than the word *adat*.

During the provincial council’s preparatory session for the revision of the provincial regulations, a member of the dominant party (Partai Demokrasi Indonesia Perjuangan) proposed an amendment including a change of the term for traditional village, with the support of a professor of law from the state Udayana University in Bali. The debate during the session naturally reflected the political dynamics of the time. The result was the new Regulation No.3 2001 which aimed to eliminate the top-down style of government intervention in customary affairs, typical of the former period, and to establish Balinese traditional villages as fully independent local indigenous organizations.

Although the former provincial regulation recognized the autonomous status of traditional villages, it still stressed the coordinative role of the regional government. In 1979, the provincial government set up a supervisory committee for local customary organizations (*majelis pembina lembaga adat*), headed by the chairman of the provincial council, and developed guidelines for the management of customary organizations and the arbitration of customary conflicts [Kagami 2003]. This top-down style policy obviously did not fit well with the political situation of the Reformation Era.

The new regulation includes provisions abolishing supervisory committees and replacing them by coordinating committees (*majelis desa pakraman*) at the provincial, district and sub-district levels in order to coordinate inter-village affairs. These committees are composed of representatives of each traditional village. A similar kind of organization was once tried in the 1990s in Gianyar on the advice of the district head. In some sub-districts, committees called “traditional village head forums” (*forum bendesa adat*) were actually set up. Under the centralized power system of the time, however, these forums existed only as nominal consultative bodies, and did not function effectively in handling inter-village problems.

The organizing procedure for the new committees was clearly a bottom-up style. In the Gianyar district, for example, the district government arranged the first meetings at the sub-district level and asked each traditional village to send the traditional village head (*bendesa*) and one more representative. At these meetings, the chairman and managing staff were elected from among the participants. Then, each sub-district committee sent representatives to the district level meeting, electing a chairman and managing staff of the district committee. These procedures were conducted outside of the supervision of the regional government. The old supervising committees and their

district branches were finally abolished in 2002 and the new district-level coordinating committees were set up in 2003. The provincial level committee has not yet been organized (as of the beginning of 2004).

Although these committees are organized from the bottom up, there still remain doubts whether they will be effective in arbitrating and resolving inter-village conflicts, because they have no other authority than to discuss and advise. It will take a few more years before we can evaluate their effectiveness.

The revised provincial regulations include some new prescriptions on the structure and composition of traditional villages. One deals with guest membership, especially for non-Hindu residents. The Balinese traditional village essentially was, and still is, a Hindu organization based on religious activities, with no room for non-Hindu residents. Its main activities are organizing village temple festivals and managing the village cemetery, where only village members are allowed to bury family members and conduct funeral rituals. At present, however, an increasing number of non-Hindu residents actually live within the boundaries of traditional villages, especially in town areas and tourist spots. The new prescription regarding guest membership was intended to adapt traditional villages to the contemporary situation. In practice, the provincial government has urged traditional villages to register non-Hindu residents as quasi-members (*krama tamiu*) who are exempted from religious duties but are expected to participate in communal work and to pay some portion of the annual village fee. In this way, the regional government in Bali expects traditional villages to play a role of surveillance over the increasing number of newcomers.

Another prescription concerns the setting up of village security forces called *pacalang*. This measure perhaps reflected common communal responses to socio-political disturbance in other regions of the country during the early stage of the Reformation Era. In the face of decreasing power of surveillance by the police and army, many local communities set up local forces to maintain communal security. Under the new provincial regulation, village guards are responsible for maintaining security and order during customary and religious events. Generally, they are in charge of traffic control at temple festivals and customary rituals. However, I observed an unusual case in one village where these guards not only handled traffic jams, which were common at the village's main road where popular restaurants were located, but also managed the roadside parking and collected parking fees. This arrangement was approved by the district's transportation agency, which has jurisdiction over public parking, in order to compensate for the shortage of official traffic controllers. According to the traditional village head, the collected fees were given to the village guards as reward. Whatever the reason may be, this case shows that the borderline between the

customary and governmental sphere has become blurred in contemporary Bali.

In addition to revising the regulations, the provincial government has offered different kinds of financial support to traditional villages in recent years. In 2001, for example, it loaned one motorcycle at no charge and began to give a monthly reward of 75,000 rupiah to each traditional village head throughout the province. At the same time, it decided to provide annual funds to each traditional village, amounting to 10 million rupiah in 2001 and 25 million rupiah in 2004.

In parallel with the new provincial government policy, some resource-rich districts also started to offer financial support to traditional villages. The Gianyar district government, for example, decided to distribute 15 percent of its hotel and restaurant tax revenue to traditional villages in the district in 2000. In 2001, this percentage was raised to 25 percent, and in 2002 to 30 percent, which amounts to roughly 15-20 million rupiah for each traditional village per year.

Behind these governmental policies lies a common feeling among Balinese that the success of tourism development depends on lively activities in the traditional villages which sustain tourist attractions such as performing arts and rituals. From this point of view, the regional government's financial support of traditional villages seems quite reasonable. As a result, traditional villages have much larger financial funds than administrative villages. As is the case with the development funds of administrative villages, however, traditional villages tend to use these funds for the construction and renovation of village facilities such as temples and meeting halls. Thus, one traditional village in Gianyar district spent the funds from the district government in 2000 for the construction of a new storehouse at the central village temple (*pura puseh*), and those from both the provincial and district governments in 2001 for the renovation of the village meeting hall (*wantilan*).

As indicated by these recent policies of the regional government, the Balinese traditional village has changed significantly in response to the changing socio-political dynamics of the Reformation Era. While the local communal organizations receive a considerable amount of financial support from the regional government, they have to play some role in government administration. Although they are clearly segregated from administrative villages in the ideological domain, in practice they share an administrative role with administrative village governments. The regional government's policy of maintaining the double-village system has brought a different set of problems to Balinese local communities from those found in West Sumatra.

4. Toward a New Village Democracy?

In response to the changing socio-political circumstances, not only the structure and composition but also the management of traditional villages has gone through some striking changes. This

trend seems to be related not so much with the post-Suharto reformatory atmosphere as with the general process of “modernization.”

The most commonly observed change in management is the taking of minutes at village meetings and the release of financial reports. Recently, some more “modern” traditional villages have begun to document the proceedings and decisions of village meetings and to circulate them among the villagers. Annual or seasonal balance sheets are presented at meetings for discussion and confirmation by the villagers. The goal of this innovation is not just procedural efficiency but also to ensure the legitimacy of decisions and agreements. At one village meeting of a traditional village in Gianyar district, which I observed, the seasonal balance sheet of the traditional village presented by the traditional village head was criticized by the villagers in attendance as being too general and not well recorded. Though the head responded by giving a detailed explanation of the items of payment and thus avoided condemnation, he surely seemed to have lost the trust of the villagers. As indicated in this case, documentation in traditional village management requires village officials to handle village affairs more accurately and transparently.

Another innovational management method was adopted by the same traditional village head. In 2000, he activated the traditional village council (*sabha desa*), which was mentioned in the guidelines prescribed by the former provincial regulation No.6 1986 but had never been actually set up in the village. He proposed the idea at a village meeting and asked each of the village subunits (*banjar*) to select three or four representatives. The council was composed of these subunit representatives as well as subunit heads (*kelihan banjar*) and of representatives of the village youth organization. This composition closely resembled, and even preceded, that of the newly organized administrative village council. Those selected were relatively young people who often voiced their opinions at village meetings. The village head’s idea was to manage customary affairs mainly through council meetings in order to reduce the length and frequency of whole village meetings. The council was set up in 2002 and remained active for almost one and a half year, but its activities declined toward the time of the new village head election. I observed a council meeting in 2002, and was impressed by the frank and lively atmosphere of the discussion. The decline of the council’s activities may have resulted from the decreasing trust of the village head, caused by his opaque financial management.

These reforms, which were aimed at modernizing traditional village management, can be partly explained by the village head’s career. The village head mentioned above was a retired government official, and it is quite possible that he obtained his ideas on reform from his experiences at his government office. Recruiting traditional village heads and managerial staff from among people with experience working at modern institutions such as government offices, schools and private

companies is fairly common in contemporary Bali. This practice surely promotes the tendency toward a modernized style of management in Balinese traditional villages.

Despite this modernization, traditional elements often remain in local communities, namely the power relationship among residents based on social rank of birth. While this has been outspokenly criticized as a feudal legacy in Bali and in Indonesia as a whole since the independence of the Republic of Indonesia, hierarchical social norms still persist in the daily behavior of villagers and especially in customary affairs. Whether and to what extent the villagers can free themselves of this hierarchical system depends on the political and economic power which traditional village lords can demonstrate.

For example, the traditional village head mentioned above is a member of a prestigious noble family in the village, which owns about two hectares of rice land but has no other economic resources nor socio-politically influential positions. He was nominated as a candidate for the position of traditional village head because of his career at the government office, being praised for his efficient managing style but criticized for the lack of transparency in his financial management. In short, he was valued as a traditional village head not because of his family background but because of his management ability. Nevertheless, he once told me that his duty as traditional village head was to maintain and revitalize customary norms. He mentioned the recent trend among villagers to have their children wear ceremonial costumes at ritual occasions, and explained it as a sign of increasing religious piety among villagers, adding that in the old days, villagers used to wear such costumes when they went to visit the homes of nobles as well. Although he did not state this directly, he seemed to think that the revitalization of customary norms would be accompanied by one of feudalistic social norms.

The more powerful noble families still have a dominant voice in customary affairs. The most conspicuous case is that of the former royal families in another traditional village in Gianyar district. They have large rice land holdings and control the tourism industry, and also because of their generous financial patronage of rituals, they still maintain a high prestige and social status not only among the villagers themselves but also among the residents of the surrounding villages which were once ruled by the same royal family [MacRae 1999].

The post of traditional village head has been held continuously by members of the royal families. The traditional village secretary, himself a nephew of the village head, once explained to me that the task of the traditional village head these days covers a wide range of matters. The daily offerings placed by villagers on the pavement in front of the house gate, for example, may obstruct the flow of rainwater. The head has to instruct the villagers about the proper way to place the

offerings, and also has to conduct negotiations with the government about the desirable form and shape of village pavements. In ritual matters, too, the religious requirements must be adapted to the modern circumstances of the village. Thus, the height of a funeral tower should not exceed the height of the electric wires that cross the village roads. These examples show that the traditional village head functions as a kind of negotiator between customary affairs and the modern world.

The traditional village head also has the authority to carry out negotiations in inter-village affairs. The secretary mentioned a recent case in which young men from a neighboring village had injured a villager after a quarrel on a trivial matter. The assailant had surrendered to the police on the spot. In order to ensure that antagonism would not spread between the villages, the village head called both village subdivision heads and urged them to calm their residents. He also asked the head of the assailant's subdivision to hold a purification ritual to cleanse the ritual pollution of the village caused by the shedding of the blood of the victim. This kind of settlement was possible because both villages were once ruled by the same royal family, and the villagers today still recognize their power in the region. "The words of the traditional village head are still respected by the villagers. If he says 'shut up!' the villagers won't dare to speak," said the secretary.

As illustrated by these cases, the revitalization of customary norms involves a fundamental dilemma. The more obediently they are followed, the more easily intra- and inter-village matters can be settled properly and effectively. On the other hand, this may also lead to a revitalization of old feudal power and prestige. While the management methods of traditional villages can be, and actually have gradually been, modernized in recent years, the power structure in local communities may not be. To realize true autonomy and democracy at the local community level, there is a need to grapple with the inveterate habit of hierarchical social relationships that are maintained under the name of local customs.

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- Undang-Undang Republik Indonesia No.22 Tahun 1999 tentang Pemerintahan Daerah.
- Undang-Undang Republik Indonesia No.25 Tahun 1999 tentang Perimbangan Keuangan antara Pemerintah Pusat dan Daerah.
- Peraturan Pemerintah Republik Indonesia No.76 Tahun 2001 tentang Pedoman Umum Pengaturan mengenai Desa.
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Bali Province

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Peraturan Daerah Kabupaten Gianyar No.7 Tahun 2002 tentang Kerja Sama antar Desa.

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Peraturan Daerah Kabupaten Gianyar No.9 Tahun 2002 tentang Pembentukan Banjar Dinas dalam Desa.

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Peraturan Daerah Kabupaten Gianyar No.12 Tahun 2002 tentang Tata Cara Pemilihan dan atau Pengangkatan Perangkat Desa.

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