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Report of the Workshop “New Law, New Villages? Changing Rural Indonesia”

May 19-20, 2016



Organized by KITLV in collaboration with Leiden University’s Van Vollenhoven Institute and the Asian Modernities and Traditions program (AMT), and the Norwegian Centre for Human Rights at the University of Oslo (NCHR)

Colophon

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Report of the Workshop “New Law, New Villages? Changing Rural Indonesia”,

**19 and 20 May 2016,
Leiden (The Netherlands)**

This workshop discussed a new type of village studies in Indonesia. The 2014 Village Law will likely cause a considerable change in the character of village governance and leadership in the coming years. Overall questions are: what will be the impact of Indonesia’s Village Law on the character of villages and their role in Indonesia’s economic and political development? How can we study this change across Indonesia in a comparative manner? What can we learn from the history of village governance in the context of change processes taking place in rural areas?

More than fifty researchers submitted an extended abstract for this workshop in March. The workshop organizers selected 30 papers with a preference for those reporting on empirical research in villages, for example on changing village leadership, the politicization of village life, or state-society relations at village level. The workshop took place at the castle Oud Poelgeest in Oegstgeest (close to Leiden) where around 50 people attended, with participants from Japan, USA, Australia, Norway, the UK, the Netherlands and, the majority, from Indonesia. KITLV organized this workshop in collaboration with Leiden University’s Van Vollenhoven Institute and the Asian Modernities and Traditions program (AMT), and the Norwegian Centre for Human Rights at the University of Oslo (NCHR). Six participants from Indonesia received a travel grant to attend this workshop.

Thursday 19 May

Opening

KITLV’s Head of Research prof. Henk Schulte Nordholt opened the workshop thanking the collaborating and funding institutions. This is an extraordinary workshop because of the wide variety of participants: academic researchers – including young PhD students, mid-career post docs and lecturers, and senior professors - government officials, policy makers, NGO activists and journalists. Schulte Nordholt mentions that the village has often been seen as the cornerstone of Indonesian society, but then reminds about the academic debate with the counterargument of the village being a colonial construct. Differences within villages, in particular class differences and conflict, must be recognized. The idealized image of the harmonious village is no longer applicable. When Schulte Nordholt was a history student in the 1970s his first essay was about “The Javanese Village”, still a popular theme at the time. After the 70s it became difficult to convince students to do work in villages as they “considered it to be old fashioned or boring”. Instead they preferred modern themes with fieldwork in urban areas. After Reformasi though, decentralization brought a switch back to village level studies. Schulte Nordholt invites the workshop participants to define sharp research questions, not only inspired by urgent policy problems, but also focussing on ongoing processes taking place in the rural areas of Indonesia. “What changes can villages expect?”

Jacqueline Vel (KITLV/VVI) explained that in developing research questions it is a challenge for this workshop to find a balance between or combination of policy related and scientifically interesting questions. A second

aim is to compose a network of researchers. The individual qualitative research in one or two villages provides deep understanding. However, to be able to generalize about changes taking place in rural Indonesia we need a network of many researchers doing field work on the ground. The variety of cases invites us to collaborate on finding the suitable an analytical framework for explaining the variations. Organizing this workshop in Leiden has the advantage of creating a constructive distance for reflection, opening space for discussion that is less on the detail, with more attention for larger processes.

Ward Berenschot (KITLV) emphasized that the organizers were surprised by the breadth of topics in connection with the village law. There are many more researchers working on this theme than we expected, and their topics did not all fit with those outlined in the call for papers. The organizers intend to combine output of this workshop in two types of publication, with preference for open access and timely publications, accessible for a wide readership.

Prof. em. Keebet von Benda-Beckmann (Max Planck Institute for Social Anthropology, Halle/Saale, Germany) presented the first key-note: "The prolonged process of decentralisation. West Sumatra between 1999 and 2009" . With Franz von Benda-Beckmann she conducted research in West Sumatra from 1999 to 2009 and wrote the book "Political and Legal Transformations of an Indonesian Polity: The Nagari from Colonisation to Decentralisation" (Cambridge, 2013), which is a must read for all researchers engaged with decentralization and village governance in Indonesia. Decentralization was an important topic after the fall of Suharto and produced a new construction and emphasis on "adat". There was a growing dissatisfaction with desa structure, while anything wrong was contributed to lack of adat. The return to the nagari became the slogan, however, in 1999 it was unclear what exactly were these institutions, rules, norms to which the

proponents wanted to return. The adat claims on land were voiced most strongly in relation to the appropriation of land, showing that in discussions on alternative structures of village governance land issues provide important arguments. The Von Benda-Beckmanns explored questions of village autonomy, such as village administration, economy, and moral regulations. They found great variation in the pace of decentralization implementation due to confusion, lack of funding, resource conflicts, competing interests, differences in village leadership initiative, conflicts with minorities, etc. These findings remind other researchers to take notice of variation within one area instead of generalizing or taking averages as representative for all. Another highlight from this research concerns the effect of public finance mechanisms. Keebet von Benda-Beckmann found that lump sum funding enhances autonomy and project funding enhances dependence, while the requirement to generate resources only enhanced inequality within the village. The history of village governance in West Sumatra indicates a quick succession of changed policies. In that perspective the 2014 Village Law is just a new episode, that will likely lead to uncertainty at village level.

The Director General of Village Administration of the **Indonesian Ministry of Home Affairs** Nata Irawan (replaced by Aferi S. Fudail (Director Planning and Village Administration, the Directorate General of Village Administration, Ministry of Home Affairs) addressed some priorities for academic research on themes related to the 2014 Village Law As. This Law "has now become a hot issue and it seems like a magnet which attracts attention to what has happened with the villages and how we could run the villages administration properly and how we could increase prosperity for the village community". The Leiden collections include well preserved sources about the history of village development in Indonesia, from the Dutch East Indies era to the present. The colonial government had a very

significant role in arranging villages across Java and Madura since 1906 through Inlandsche Gemeente Ordonnantie (IGO) and outside Java since 1938. The Director General expressed his hope that the workshop will provide insight and contacts for Ministry of Home Affairs Republic of Indonesia, and perhaps we could be able to define forms of collaboration research for the future between Ministry of Home Affairs Republic of Indonesia and KITLV, the Van Vollenhoven Institute, the Asian Modernities and Traditions, and the Norwegian Centre for Human Rights at the University of Oslo. Specifically he invited a further cooperation in the future, particularly with Directorate General of Village Administration, Ministry of Home Affairs Republic of Indonesia, in terms about:

1. Enhancing capacity for the villages apparatus and the villages institution;
2. Facilitation on how to manage the budgets and assets of the Villages;
3. Structuring Villages territory;
4. Developing The Villages ICT; and
5. Others matters which is relevant on villages management and development.

Panel 1: The village law and policy making

The first panel of the workshop addressed the national policy level issues related to the village law. Questions addressed in this panel are: How can we explain the enactment of the Indonesian Village Law given the amount of resistance by significant parts of the government? Which distinct policy communities were engaged in shaping the Indonesian Village law and why did they get on board? What are the main problems occurring with the implementation of the law?

Adriaan Bedner (VVI, Leiden) presented “The creation of Indonesia’s village law: a multi-stakeholder process” based on a paper written collaboratively by Bedner, Vel, and Zakaria. In his presentation Bedner describes the many stakeholders behind the complicated process of a law making process

in Indonesia in general and in regards to the law making process of the Indonesian Village Law (“IVL”) in particular. The IVL is a product of many stakeholders’ interest poured into one giant vessel. These stakeholders who compose ‘policy communities’ are: the association of village heads, land reform and village development activists around Budiman Sujatmiko, the indigenous people’s rights movement, the democratization activist, and the World Bank and other donors. All of these policy communities had their own agendas in engaging with creating the IVL. It was feasible thanks to the guaranteed participation as one of the features of the law making process in Indonesia, which can take place in various forms. Other significant features of the law making process in Indonesia include: the veto power of the President, the division in drafts (of the IVL), the National Legislation Program, the academic draft, and the preparation phase. The IVL showed that participation in the law making process is possible and can be effective if policy communities unite. Moreover it shows that process matters given the different entry points in the law making process. It did however also indicate that there was a lot of compromise made when making the IVL, which made this law a framework law. Many important decisions were to be elaborated in implementing regulations, which caused many problems.

Aksel Tømte (NCHR, Oslo) explained in his paper “The role of NGO’s as facilitators-caught in the national politics of implementation” that the implementing regulations have a special place in the Indonesian legal system. “The statement by the Sekretariat Negara concerning one of the aims of the implementing regulations as a means to apply ‘checks and balances’ illustrates the political significance of these implementing regulations in practice”. He further explained the complex relationship between the provisions in the implementing regulations and the statutory provisions in the VL. These often contradict each other which leads to more ambiguity and confusion

for district and village administration and the villagers when interpreting and implementing a provision.. Furthermore, these discrepancies also affect the NGOs that are providing capacity development trainings on the VL for villages. An urgent question then is how do (or should) NGOs go about the VL and the implementing legislations in its training activities? The NGO's dilemma is whether they should focus on the empowering VL, or whether they should assist villagers and villager governments with explaining the technicalities of the implementing legislations which might have a discouraging effect.

Yulia Sri Sukapti (Institute for ECOSOC rights, Jakarta) continued this discussion with her paper "Implementing the village law: challenges from a human rights perspective". ECOSOC is an organization doing research and providing training to enhance economic, social and cultural rights of Indonesian citizens. The VL provides an opportunity to promote that human rights agenda. Sri emphasized the urgency saying that "it is important to seize this opportunity and to catch it at the right momentum, before the VL is frozen." Implementing the village law from a human rights perspective in relation to village development means putting principles of participation, empowerment, accountability, and capacity building central in trainings for village facilitators and the village government A rights based-approach stresses that the villagers are actors and not merely passive receivers and therefore must be (more) active. Technical guidelines in regards to interpreting and implementing the provisions found in the VL for the village development are of great importance in these trainings. The main aim of these trainings is to create/ improve the awareness of the villagers about how they can exercise their rights granted by the VL.

Bambang Soetono (World Bank, Jakarta) presented about another national policy problem in his paper "Village facilitation: Learning from the transition towards sustainable village facilitation". The topic is

the political challenge to find the best way for providing information to the population in all the villages in Indonesia, and supporting them in governing their village budgets. Village facilitators have a significant role to play. Relevant here is that the previous program for rural development, the National Program for Community Empowerment ("PNPM"), had PNPM facilitators in place. Now it is unclear how village facilitation should be carried out in the context of the VL implementation, despite the numerous articles in the VL mention facilitation. The chaos in current policy on facilitation is depicted as a problem of "the transition period", while the division of authority between the Ministries regarding facilitation as a factor causing barriers for clear policy receives less attention. Soetono argues that facilitation should not be exclusively managed at the national government level. The different characteristics of each region in terms of geographical challenges, village typology and other unique conditions require different treatment and facilitation approaches. He elaborates on the idea of "customizable" or "organic" facilitation models as a solution.

Gerry van Klinken (KITLV) discussed the main lessons or conclusions that he can draw from these papers. The process by which the Village Law and its implementing regulations were created clearly this has been and remains a highly political process – though sometimes hidden under a veil of regulation as in Bambang Soetono's paper. The parliamentary route has been surprisingly dominant in at least the broad conceptual phase (the 'symbol act' as Adriaan's paper calls it). A marked contrast with the authoritarianism of the executive throughout the New Order. But the implementation phase is once more dominated by the executive – which does not want the legislative get too uppity (they say it might even lead to national disintegration!). So we are now seeing a kind of guerrilla resistance against implementing this Village Law, which after all seriously disempowers higher levels of government. So much so that Tomte's NGOs, and even more so

Sri Sukapti's HR activists at Ecosoc, now really worry whether participating in the whole implementation process will promote their own human rights agenda or actually hinder it. I would actually like to know how Bambang Soetono's PNPM facilitators feel about this.

Van Klinken made two analytical remarks that concern all the papers but perhaps specially the one by Adriaan et al. First, concerning the ideas that these various stakeholders promoting the village law have about the village he recognises a remarkable duality. On the one hand a romanticised notion of the splendidly isolated self-governing village community which is in many ways a postcolonial construct, and one that is at variance with any idea of civil society. This self-governing community – the phrase is used in the Village Law – is the little David that is pitted against the Goliath of the entire national state on the other hand: here viewed as irredeemably corrupt and unrepresentative. Van Klinken worries about this visualisation, and is not surprised that this is now triggering a byzantine bureaucratic conflict.

Second, the 'policy community' as the basic analytical unit engaging in a policy struggle and bringing about this remarkable legislative change. Some researchers in this workshop are collaborating elsewhere on an investigation into governance in Indonesia, about the way decisions are reached. The governance process depends not only on well-defined institutional players such as a government department or a parliament, but also on a variety of much less formal collectivities of people who share common agendas. The subterranean, guerrilla warfare now taking place in the implementing phase is best captured by the fluidity and informality of the governance paradigm. The policy community exemplifies it perfectly.

The overall picture according to Van Klinken is one of institutional contestation, mainly within the bureaucracy – the powerful Ministry of Home Affairs being upstaged by the new Village Ministry. Each with their coalition partners beyond the state, notably various intellectual elites. The absence of

villagers is striking. In the case of the 6 policy communities identified in the paper by Vel, Zakaria and Bedner, it would be nice to know more about what those broader collectivities might be. Clearly the two rival ministries mentioned just now must play a major role in this broader analysis. Van Klinken thinks the absence of any significant mass participation in the contestation indelibly shapes this particular struggle so far.

Panel 2: Village Law and access to state budgets

The second panel addressed the questions whether the implementation of the 2014 Village Law increases access to state budgets for common villagers. The budget aspect of the village law has received a lot of publicity, centring around the slogan "one village, one billion". What can we learn from experience in the previous PNPM program about channelling public funds to village citizens? Did common villagers up to now have any influence in deciding on what the village budgets are being spent? Will the implementation of the Village Law bring more benefit for non-elite villagers?

Yulia Sari (Crawford School ANU, Canberra): presented "Village leadership and direct fund channelling: lesson learned from PNPM Mandiri RESPEK in Papua, Indonesia". Her research aimed at understanding the relationship between village elites and ordinary villagers in Papua. She investigated in 12 villages how power relations in the village affect the outcome of CDD projects. She found that although the PNPM program had upward accountability on paper, in practice it was more downwards instead. Hence sub-district facilitators did not want to stay in the village and only interacted with the adat leaders and not the ordinary villagers or women. Yulia found remarkable differences between the power relations within villages with the according consequences for clientalism in distribution of benefits and public projects. Her conclusions are that (1) Community Driven Development of PNPM does not rework the relationship between

elite and ordinary villages, or being more pro poor (2) internal village power dynamics affect distribution of resources (3) PNPM upward administrative regime limits facilitators downward accountability.

Irfani Darma (KOMPAK, Jakarta) presented his paper “From the National Community Empowerment Program to the Village Law: Transition, Change, and Continuity”. This paper presents an insider view from the PNPM program, and it contains results of a study that was commissioned by the Asian Development Bank (ADB 2016) “Toward mainstreaming and sustaining community-driven development in Indonesia: Understanding local initiatives and the transition from the national rural community empowerment program to the village law”. Darma explained that the proponents of community-driven development, who were among major supporters of the Village Law during its parliamentary deliberations, perceive the village law as the institutionalization of key principles of the approach such as the promotion of public transparency, accountability, and participation, and inter-village cooperation, as well as facilitation, in the processes of village governance and development. However, in the process of transition many things will change because there are essential differences between the Village law implementation and PNPM. One example is the sub-district locus and inter-village institutional framework set up under the PNPM program which represented a unique feature of community-driven development in Indonesia. Under the Village law this level of coordination will disappear. What will happen then with matters that require inter-village cooperation? The part on the ADB study about the first year of implementing the village law found that the issues around understanding and interpretation of regulations and procedures dominated the narratives and practices. A qualitative study in eight villages on these first year experiences of village heads in village law implementation found that village heads fear about “getting things

wrong and being culpable for their mistakes. This has led to viewing the village law as a concern than an opportunity”. Conclusions are (a) that for the time being implementation remains a matter with technical focus, less political, and focussed on rules and prescriptive guidelines; (b) the transition from PNPM to the Village Law is a huge operation because there are many differences between the two programs.

Ward Berenschot (KITLV, Leiden) asked in his paper “Village-state interaction in democratising Indonesia: exploring regional variation” whether access to funds and public projects is clientelistic in nature at the village level? He made two points. The first is that the clientelistic practices will have a big impact on how the village law will work out. The second point is that clientelistic access to state resources is highly varying in Indonesia. Berenschot’s research focused on the regional variation of clientalism in which he found large differences. In his paper he argues that democratic reforms have increased the number of channels through which villagers pressurize state institutions to deliver, and that that is even more the more strongly in the Javanese countryside and less so in Eastern Indonesia. Implementation of welfare programs is often clientelistic: In Eastern Indonesia the scores are higher than on Java. The consequences is that often rich villages get access to welfare programs more easily than poor villages. The village head is a crucial person. In Lampung for instance, if the village heads do not side with bupati, then the budgets for the villages will be given to someone else. This paper draw the attention to the reality that patron-client relationships often determine the impact of local politics, including access to public services and to the benefits of village level projects. This will be an important phenomenon for explaining how the implementation of the village law works out on the ground. Clientalism creates a major incentive not to be overly critical to the village heads. Accountability mechanisms only may not be enough to prevent corruption. The village law design has not yet

included a way to deal with power imbalances between categories of villagers.

Wasisto Raharjo Jati (LIPI, Jakarta)

presented his paper “Village-district-province conflicts about assets and poverty alleviation” that covers comparative case studies between Pandeglang and Gunungkidul districts. The main questions concern the link between village development as incorporated in the new village law and poverty alleviation. Wasisto argued that there is gap between the government and the villagers in how they define the poverty problems. Additionally, there are many overlapping authorities between village, district and provincial government. This constitutes a new conflict source between different layers of government. Wasisto also emphasised variety. Gunungkidul is the district in Yogyakarta province with the highest poverty rate of the province. In the north this is due to harvest failure. In the other parts lack of water is the main cause. The new village law doesn't deal with such local varieties. In Pandeglang district in West Java one of the underlying causes of poverty is that local villagers lose control over and access to their land due to the construction of a toll road. Much of the land is now owned by Jakarta businessmen. How can a national law that should stimulate village development provide such situations in which the cause of poverty is way beyond control of the village population? One solution applied in Yogyakarta province, is a new provincial regulation to make village authorities comply with sultan authorities (effectively reducing the village autonomy stipulated in the village law).

Prof. Olle Törnquist (University of Oslo) discussed the papers in this panel and has 7 points. First is the encouragement for those studying the rise, character and potentials of the new village programme and regulations in Indonesia to benefit from comparative perspectives. He proposed looking at Kerala, India, and Scandinavia. Second is scepticism toward decentralization in general: what rights to citizens have? In Scandinavia, anti-

corruption programs and decentralization were already implemented in the 19th century when there already was strong citizenship, which presupposes all kinds of organized collectivities. Third, successful decentralisation and local development is in need of strong state capacity. Experiences in Kerala and Scandinavia indicate that reasonably impartial (non-corrupt) and universal public administration is basic to decentralization. Fourth, there should be realistic mapping of what resources are available and what kind of economic activities can be done locally. Not every area has the potential for generating local economic growth. Fifth, state-society linkages are very important. If local initiatives cannot be scaled up by state initiative, the market takes over. Six, democratic elections are fine, but what is needed for inclusive social democratic development is interest-based representation. Finally, Törnquist stressed the importance of broader alliances with informal labour plus the precariat and rural coalitions (like those formed by Handoko in Batang) to counter uneven development. Jokowi's rise to power was rooted in the idea (which wasn't scaled up) of negotiating a pact between urban poor and the middle classes in chaotic cities, ridden by – primitive accumulation. But how come nothing it said and done in relation to the new village programmes and legislation?

Panel 3- Village Law and Land Conflicts

The third panel addressed the questions whether the implementation of the 2014 Village Law has any links with land issues in the village, and if so: how? Because land is often the major asset of villagers individually or as common resource, and a major source of income, the hypothesis here is that claims on land, distribution of income from land and land conflicts are factors that play a role in explaining the way the Village Law is being implemented.

Marieke Abelen (University of Twente)

presented her paper “Images of land and village; the relation between land tenure and village life in a Javanese migrant rural

community in the 21st century.” Her research concerns a very specific and atypical situation regarding land distribution and characteristics of the village society. It is an area in Lampung where the most successful land reallocation in the 1980s in Indonesia took place. Javanese migrants moved to Lampung and settled in villages. After some years the land in this area was re-allocated with the result that land distribution was even again. There is no concentration of land in the hands of a few people. The villagers can earn a good income from the land they have. This is such an extraordinary situation that it is hard to compare with the previous village studies well known in literature, in particular about the village in Java. Under the circumstances artificially created in this scheme in Lampung the land problems common in other areas do not occur, but land is also not a source of power in the village economy.

When in such a situation the Village Law is being implemented it is not clear yet what the impact will be. The law seems to be designed with two slightly conflicting images of what villages are in mind: First, the romantic version of the closed corporate community, indicated by the recurring use of phrases like “*gotong royong, musyawarah and kebersamaan*.” It lacks regulated control from the villagers on the actions of the village head and his functionaries. The way the village population takes decisions, controls the village head and the advisory committee and takes part in village politics and governance remains almost completely outside this law. It seems that the law expects that “the community is perfectly capable by nature of arranging this without outside regulations.” Second is the image that shows the function of the village head as a benign father, leading his children with a strong hand. The lack of control and accountability instruments from within the village population (bottom up) seems to indicate this. This condition shows the close relation to a political organisation image of the New Order image of political. If we compare these two images with the reality of former land reallocation project in

Lampung, the question might be raised whether “this diverse group of people who happen to spend part of their lives living in the same spatial community, but with multiple outside socio-economic connections, are that interested in village affairs and in cooperating to make village politics and governance work for them.”

Darmanto Siamepa

Darmanto stated that he observed an omission in the discussion on *adat* village between scholar-activists at the national level and the intellectual at regional level. Scholar-activists at the national level proposed *Adat* villages as a means for agrarian reform. However, district governments, intellectuals, local NGOs supporting *adat* rights, and villagers have no interest in converting the current village structure into the *adat* village. To them, the bureaucracy procedure provided in the new village law is too complicated. Other problems are the lack of coherence and supporting regulations to the new law, and the lack of capabilities of *adat* communities. One of the requirements to be an *adat* village is an existence of institution as the result of genealogy and/or territorial occupation, as it is stipulated in article 97 of the Village Law. However, many *adat* societies do not have such institution. Mentawai settlement and social organization do not have regulations on political authority, social life administration, and do not produce common territory, norms, wealth, and institution. They prefer a state village model, while at the same time maintain *uma*'s autonomy, particularly, in regard to customary land. According to *Mentawaians*, the islands belong to all *Mentawaians* and the landholding unit called *uma* (several individuals or family). Each *uma* built a settlement in the discovered and claimed land called *pulaggaijat*. The project of resettlement carried out by the New Order regime in 1972, has succeeded in encouraging *uma* to live in a broader community. The regime classified them as isolated people. Outside bureaucrats tried to introduce modern life to them. This shifted

clan unity and solidarity and installed the head of resettlement as an authoritative structure beyond the *uma*. *Mentawaians* have accepted the structure of village, despite largely ignored the designation of forest zones and the arrangement of village boundaries. Village law of 1979 has made a little change to *uma*, the resettlement village is a kind of hybrid institution where it connected people to state powers and authority but it preserved *uma's autonomy*.

As there were two villages structures in Mentawai i.e. *kampung* and *desa*, there is an effort to return to a structure called *Laggai* for the recognition of *Mentawaiian adat* that has been ignored by the state. However, it failed because *Laggai* was not popular to *Mentawaians*, as it brought bad memories to villagers who recounted the time of *laggai* as the period of the absence of government and the presence of headhunting. Most of them rejected 'return to *laggai*' since it brought the memory of conflict and violence. Therefore, people did not want to return to the "no rules period".

As Siberut has been declared as a state forest, the society tried to maintain their customary rights. If a company wants to use their customary land, they will ask something in return. However, this recognition turns to be challenging. It is difficult to prove which *uma* is the owner or entitled to receive compensation. Centuries of moving, land transfer, and resettlement have produced multiple and overlapping claims over customary land.

Adat village expects to restore customary community as the subject of their property; however, each *uma* does not seem to require law or external authority to retain their authority over the ancestral land. An attempt to register the *adat village* under the new Law in order to challenge the status of political forest would be an imaginative action, requiring the production of an institution that has little precedence. To conclude Darmanto stated that "Rather than opting [to become] a *adat village*, strengthening *uma's* authority over land and developing a flexible land dispute institution for *Mentawaians* is more

important and practical. This is subject of further research and intervention."

Logan Hamilton

Hamilton presented his PhD research project, which he started in September this year. His topic concerns political decentralisation as and forest governance institutions and practices. It is urgent to understand how villagers are managing the forests, how they are involving (the power) under the new law. This is interesting since Indonesian districts have their own formula, which differ from one to another. While the new village law could have an effect on repeating the history of significant forest loss during the first stage of decentralisation, as well as playing a similarly destructive role in the second era. In a country that has already endured serious deforestation and environmental degradation, it is therefore urgently important to assess the potential impacts that decentralising to the village level is likely to have for the future of the country's forests and the livelihoods that depend on them.

The main research question is "What is the role of political decentralisation in influencing the evolution of village level institutions and practices of forest governance?"

In conducting his project, he will be using the literature on forest governance, decentralisation literature, path dependency, institutional interplay, and environmentality. This study will be conducted in Central Java, particularly in Kebumen, Wonosobo and Banjarnegara. To gather the data, he will be using semi-structured Interviews, participants' observation and literature review. He hopes that the results of this study will contribute to the search of a more equitable mode of forest governance and will be of value in supporting policy makers' efforts to craft institutional and political systems of forest decentralisation which provide the greatest possible benefit for local people in the future.

Rosa de Vos: absent due to sickness

Discussant Rebakah Daro Minarchek drew attention in her discussion to Jaqueline Vel's opening statement that the Village Law is not happening in a vacuum. There are other issues happening at the village level and that the point of the workshop is to think about those other issues and their impact on the implementation of the village law as well as other various interactions. The panel on the Village Law and Land Conflicts is a great example of research doing just that. As the presentations show, land conflicts already exist in rural Indonesia, so the next question is to think about the impact of the village law on current conflicts and how it might impact future conflicts. Daro Minarchek then gave examples of this from the presentations. She also gave a word of caution to the panel members, emphasizing the importance of understanding that land claims are not always claims for ownership, but claims range in the types of rights that people are expressing – access, resources, to cultivate, use, hunting, right to exclude others, etc.

The main part of Daro Minarchek's discussion centered around two themes "time" and "positionality". Time is an important connecting thread within this panel, including: the way that village level studies have changed and evolved over time, which influences how researchers approach the "village"; the picture of the village has changed and is dependent on when the research was conducted; the time it takes to implement new laws and regulations varies, impacting research; land claims are dependent on how long an individual or group has resided on a particular piece of land.

Positionality is also an important theme throughout this panel, including topics such as: the location of the village and their land claims; the village's connection to outside processes; researcher's positionality; the way the researcher "presents" the village defining how the reader views the village and its participants; the position of the claimant also dramatically changes how their claims to land are viewed; and a community's access to

statutory proceedings, which may strengthen their formalized land claims.

In conclusion, as research on the Village Law moves forward, with regard to land claims, ground trothing is important to understanding the various nuances of village issues. The work of researchers like these in this panel is very important in establishing these differences. As we see throughout the presentations, some land conflicts are related to adat, some to lineage, some to use rights, and so on. This allows us to start to understand how complex the situation is without the implementation of new laws that give greater autonomy to the "village" – whatever that may mean. These papers make it clear that there are many differences based on positionality and "time" that make "the village" an impossible object of study, but where does that leave us?

Panel 4 – Adat and Village Law

One of the innovative elements of the Village Law is that villages can opt for becoming registered as a 'desa adat' – a village governed through traditional or local cultural institutions- instead of a 'desa dinas' – an administrative village. What would be the reason for becoming a desa adat? The papers in this panel show that the local context of economy, culture and history provides the background for explaining the considerations in this choice.

Agung Wardana (Murdoch University) presented "Adat and Dinas: Balinese Villages and state-society relations under the 2014 Village Law" coauthored with Carrol Warren. The debate on village governance in Bali has re-emerged after the adoption of the new Village Law No. 6/2014, with *desa adat* being the hot issue. The Village Law's provisions about *desa adat* are problematic given the dual village structure on the island. Both options would reconfigure state-society relations with legal, political, economic, social and cultural consequences. Most district governments in Bali have taken a decision to

register as *desa dinas* at the expense of *desa adat*. Wardana argues that the sub-village *banjar* has been largely ignored in the debate and decision-making process. He sees the *banjar* as the main local arena for pursuing common welfare. The implementation and impacts of the Village Law will depend on the extent to which *banjar* are involved in the process.

Both the *desa adat* and *desa dinas* have features which are capable of marginalizing certain social groups, like women and migrant minorities. And neither of the options are immune from elite capture. Important considerations in this choice for the Balinese are the freedom of religious institutions and the fact that the economy is dominated by the tourism sector causing pressure on land for high value building activities. .

Willem van der Muur (VVI, Leiden University) presented his paper on "The role of adat in village leadership in contemporary South-Sulawesi". He explains that since *Reformasi* calls for a return to village adat authority have emerged, mainly as a legitimation of claims to land rights and control over natural resources. How are claims to adat rights being made and by whom? To what extent are such claims successful? How do such claims impact social dynamics and power relations at the village level? Several legal developments have provided *adat* with more legitimacy. In 2013 the Constitutional Court ruled that *adat* forests are not a part of the State forest. The 2014 Village Law provides an option for villages to be administered as *desa adat*, which could be a big step in the process for recognizing adat land rights. These developments have strengthened the positions of those who want a return to traditional leadership. The claims to such modes of authority have different outcomes, depending on the local situation. In TanaToa Village, Kajang sub-district, Bulukumba district, the Kajang community adheres to customary norms and practices. At the same time there is a recognition of state power. This results in a system where political

authority is merged with traditional *adat* positions. The village head of Tana Toa will also be appointed to an adat position, this is a position that goes back centuries. There are also people inside the community that have spoken against this dualistic system. In another village in a neighboring district (Turungan Baji in Sinjai district) , calls for a return to adat authority have emerged in relation to land dispute between a local farmer and the district forestry department. There is now a divide in the village between those who support the revival of adat and those who are against it. Those who are against it are mainly people that are tied to the government in some way.

Nurul Firmansyah (HuMa, Jakarta) presented: "Customary Village Model or administrative village model". He explains how the *nagari*, in West Sumatera, is an example of how the return of the village system to *nagari* cannot fully restore the autonomy and resources of indigenous people. Decentralization opened a way for Nagari Malalo to reclaim its assets and autonomy. There is uncertainty concerning the boundaries of customary territory and the dualism of Nagari both as customary institution and village administration. The 2014 Village Law states that the implementation of customary village (*desa adat*) must be congruent with its customary structure. Decision was made to return to Nagari with the boundaries that were before the enactment of Village Law in the New Order era. This model of Nagari is ambivalent in nature because it appoints KAN as the customary representative. KAN is a forum of customary leaders from Nagari sub-clans, which during the New Order period acted as the representative of indigenous people to avoid the destruction of Nagari due to division of Nagari into administrative villages. The response of Nagari Malalo community to the 2014 Village Law varies. The customary village model is perceived as ideal, but it is very difficult to implement. The biggest obstacle to its implementation is forging a consensus between the two Nagaris that had

been divided and the revision of boundaries of customary territory that cuts across district borders. At the Nagari level, initiatives to reclaim Nagari's assets has become the main agenda and continues to be so in parallel with discussions to find the most appropriate formula to not remove the role of customs from the state structure.

Tony Rudyansjah (Universitas Indonesia, Jakarta) discussed in his paper "Sociality of humanity and regional autonomy in two villages on Seram, Maluku" the cases of Sawai (Muslim) and Masihulan (Christian), both on the northern coast of Seram island. Seram people traditionally claimed that two or more soa (main clan group) could unite and form an autonomous political unit. This unit was later called "negeri". During the colonial era this notion underwent transformation. "Negeri" was then understood as territory whose inhabitants governed themselves, and was granted the status of a district. The village Sawai started as military post and later transformed into a district/negeri. Today, because of new regional regulations, the head/king of the negeri is chosen from the big house of a ruling family (mata ruma). Several members from the different families feel entitled to be a king in Sawai. Actors inside the regional government of Northern Seram Regency interfere, and install their favorite candidate. Regional regulations have caused a lot of trouble, and not participation, empowerment and stimulation, as intended. The Masihulan village is within the territory of the Sawai negeri. In the early twentieth century they were displaced from the mountain area in central Seram to the northern coast of Seram, by the Dutch. During the past 100 years Masihulan village has moved several times, but has always been located in the surrounding area of Sawai. In the post-Suharto era, the Masihulan have not been able to meet the requirements for becoming a desa/village. A desa must have a population of at least 1000 people. But the Masihulan have never been more than 500 people since the 1950s, which implies that the Village Law lead to the autonomy that they

aspire. Rudyansjah adds that with laws like the Village Law 2014, there is always a big chance of elite capture. That the elected leaders will not use the money from the state to increase the welfare of the village population, but for their own benefit.

Discussant: Adriaan Bedner (KITLV/VVI Leiden) commented that the debate and the research on the Village Law need more positive examples. All the above contributions have looked at problematic aspects of decentralization to the village level. Several questions emerge from the papers in this panel: (a) Should adat be perceived as common identity or just a way for groups and elites to get resources? (b) How are adat institutions incorporated in new administrative developments? (c) How should the (desa) adat system be administered?, and (d) how can the adat system help communities protect their land?

Friday 20 May

Keynote: prof. em. Ben White (ISS, The Hague): “Indonesian rural communities in long-term perspective: competing visions and discourses in research and policy”

When reading the new law at the first time, White thought that the new village law is adopted in “the Suharto Era”, due to the fact that most of the articles in the text reflect the authoritarian, patriarchal, and fascism; rather than participatory. “Perhaps rather naively, I had expected that the new law would establish and institutionalise principles of local participatory democracy in Indonesia’s 74,000 villages.”

There are two opposing visions of Indonesian rural society that also reflecting a more general tension in the social sciences and politics. One part sees the soul of a society and the source of its dynamic, especially their shared values and aspirations. It is associated with the sociological tradition of functionalism, the political tradition of populism, and the various ideological traditions, such as fascism. While the other understands it as relationships between social groups within the community, such as between elite and mass, wealthy and poor, men and women, etc. this understanding is associated with political economy frameworks and emerging of social cleavages in the modernization process and commoditization of local communities. In most of the Indonesian rural areas, the society is governed by shared values of *gotong royong*, *kekeluargaan*, and *rukun*. These values were rooted in the society, as recognized in the writings on the Indonesian customary society or *masyarakat adat*. While the second approach who sees the village as a relation between the members has started from the early twentieth century, when the most rural Indonesians involved in the cash economy. It started the emergence of agrarian classes, including a substantial landless class in many regions.

As it is shown by the number of studies, the densely populated village in Java, Bali, and

parts of other islands based their social relation on control over land. Other hierarchical relation and power are also important in their relation, for example the differentiation between originals villagers and newcomers, between free peasants and slaves. The accumulation of economic, social and political power is at the hand of a small village elite group who dominate the village government; village economy; and leader position on functional groups, such as farmer, women, and access to external resources. *Gotong royong* related to social reciprocity is rare now in agriculture and communal activities, except in situations of emergency, disaster or instructed to do so.

Tensions between village elites and the commoners were also found in *adat* communities where patriarchy and gerontocracy existed. For example; in the decision on the right to use land, the *adat* leaders (commonly served by elderly men) did not provide the needs and rights of women or young people who might need land for their life. In addition, there was a tendency that the leaders have tried to enrich themselves by facilitating the outsiders (companies) on the land deals that may erode the smallholder customary rights. This happened to Dayak Communities in West Kalimantan, when the village head did not represent the communities but represented the company against the community. However, there are also several village leaders who promote their community and respect the rights of women and children, but they cannot be relied on all the time, except the mechanisms of check and balance are established in the governance structure of rural communities.

These arguments are elaborated in part of the key note in which White criticizes the text of the 2014 Village Law and can be found in the full paper. White concluded that under the village law, the village head, surrounded by officials of his/her own choice with a “no power” monitoring body composed of local elites, will potentially possess an enormous power. The questions need to be addressed are: how the non-elite members will get their

need and aspirations on to the agenda of the village government? As the large fund provided by the Central Government is now available, the ordinary villagers need to be given a control over of the budget and a protection from the misbehaviour of their elites. Who is going to protect the non-elite if any violence occurs? Has the new law triggered the need of democratisation after almost 20 years of *reformasi*?

Panel 5 – Rural Economic Development

The fifth panel addressed questions about the relation between the village law and local economic development. The presentations in this panel show varying perspectives in this topic. Local farmers have their own economic rationality that informs their choices on the use of their land and labour. The Ministry of Home Affairs regards rural economic development not as a process that is occurring in the rural areas of Indonesia, but rather as a mandate for top down policy making. The question is also: who would be the main actors in stimulating local economic development? Perhaps it might be well educated youth?

Rambu L. K. R. Nugrohowardhani (Wira Wacana Sumba Christian University, Waingapu) presented: "The 2014 Village Law and Rural Economic Development in the Eastern Part of Indonesia". This paper shows the perspective of the local population living in the savanna areas of East Sumba. It is based on PhD research in which Dhani studied why a cotton plantation was not successful in Sumba despite favorable national policies. She stated that the rationalization of the national program implemented in Sumba is based on assumption of resources' availability, in particular land and labor. But rural people in Sumba perceive land use based on customs handed down from their ancestors. Land in rural Sumba has its own "role" which primarily relates to human survival in the ecology of savanna: food production, settlement, and pasture for their livestock. For people in the village, labour is not solely based on a narrow concept of resource. They

believe labor is more than a factor of production. It is seen as a way to build interdependent relationships through labor exchange. This understanding is crucial in the savanna, where the nature is highly unpredictable. As the national government fails to become aware of local institution and understanding, the cotton program in Sumba is unsuccessful. The 2014 Village Law provides authority for villages to carry out their own rural development, as well as manage the budget independently. It will be very interesting to observe and research the consequences. How will the money improve society welfare within the village? How will the Musyawarah Desa decide to use the money for village development? What kind of rural economic development programs will they create? Since interaction between village and state is in a stage of transition at the moment, it is hard to predict. It could go either in the direction of developing more democratic and accountable relations, or maintaining centralized and authoritarian relations.

Deddy Winarwan (Ministry of Home Affairs, Jakarta): presented "Revitalization of village governance and national development". This paper illustrates the top-down perspective of the government officials in the Ministry of Home Affairs who face the task of making the village law implementation a success. Winarwan states that the challenge faced by the Government of Indonesia is how to execute national development in order to realize community welfare throughout the Indonesian territory. The idea behind the Village Law is that the issue of poverty is a consequence of unfair distribution of the benefits of national development. The solution that Winarwan proposes is that "the village government must be revitalized". The Village Law mandates that villages need to be protected and empowered in order to become strong, advanced, independent, and democratic. In this way, Winarwan argues, it can create a strong basis for executing and organizing government and development towards a fair, prosperous, and well

community. A main challenges to address are (a) the potential for increased corruption, collusion, and nepotism; (b) the lack of good morality among Village officials (c) administering new villages. Winarwan sees the solution to these challenges in strengthened regulations concerning the direction of village government and evaluation of village progress.

Thijs Schut (University of Amsterdam) presented "The Village Law: Opportunities and Challenges for Rural Educated Youth". Young educated people in Indonesia have been and are envisioned as vanguards for development and progress. Many young people leave their villages and go to urban areas to study, and then return to their villages. The fieldwork from rural Ngada, in central Flores focuses on the educated youth that have returned, the struggles in their transition from education to work caused by the lack of entry-level jobs. The local government had installed a hiring freeze. As a result, many young people became unemployed or underemployed. The new Village Law 2014 aims to address poverty and social inequality more directly, by increasing village budgets. This work could benefit from educated young people's knowledge and potential. Due to unemployment, educated young people are financially dependent on their extended families. Due to their unemployment, educated young people are unable to contribute to local networks of interdependence with produce or money. People do not expect educated young people to become small-scale farmers, as it is considered to be a waste of their education. Many of them worked as volunteers, accepted underpaid positions at schools, and helped their families in household duties and in the fields. In this way they contributed to Ngada networks of interdependence. Political engagement amongst educated young people is often limited and largely opportunistically motivated. Scholars have noted how, since Reformasi, political ideals among young people have been absent. In rural Ngada, the principal concern of youth was with gaining

work experience, expanding their networks, and finding a boyfriend or girlfriend. This together with the ideas of progress and development dominating state discourse and the young people's ideas about their own role in rural Ngada, are not connected to political engagement. Being educated, but unemployed youth makes it difficult for them to contribute to the successful implementation of the new Village Law.

Discussant: Lily Hoo (World Bank Jakarta) is reminded by these papers about the dilemmas of the World Bank: How can the national polity cater to all regions? Which local considerations must the World Bank make? How can the villages implement national policy? Indonesia has a young population as about half of the total population is below thirty years of age. This means that the country contains a potentially large workforce. The unemployment rate is highest for people between the age of 15 and 24, far above the country's national average as freshly graduated students from universities, vocational schools and secondary schools have difficulty finding their place in the workforce.

Panel 6 - Village Governance

The sixth panel addressed the governance of village governance: how are decisions regarding village governance made, by which institutions, with which motives and interests? How does scale play a role? Which indicators for performance of village governance are selected for surveys?

Takeshi Ito (Sophia University, Japan) presented: "Layers of Power: Development, Institutional Reform, and Subjectivity in Village Indonesia". Takeshi Ito reminded us again on the 'limit' of the participatory project, that is likely to happen again with the Village Law. By employing interaction and power relations of various actors approach that are shaped by capitalist development and state formation in the village level, Takeshi Ito

argues that the participatory development project will not be successful in producing meaningful outcome as promised. This 'reform' project will be most likely to stop at 'reaffirming' the current unequal power relations between the state and the village that always locate/put ordinary people under domination. Particularly I really enjoyed how Takeshi Ito highlighted the clientelistic nature on the basis land ownerships and how the relations between those who own lands and those who use the lands affect the landless farmers' agency and capacity to participate. He provided thick description of day to day nature of the 'ordinary' people as a result of the capitalistic development in the village to explain why poor people don't have agency to participate. This insight of disbelief was also emphasized by Professor Ben White, who opened the second day of this workshop. Discussant Yulia Sari asked Takeshi whether there is a room of manoeuvre that can be used by the 'poor' or ordinary people to at least contest, challenge or resist the established 'domination' structure or, using Ben White words, to 'create' noise somewhere against this structure. Prio Sambodho's presentations in the following session highlighted how 'ibu-ibu pengajian' can potentially be a group who could contest and negotiate with the current village officials, or my own presentation which showed how the 'highland clan' in one of the coastal area who also exercised their political agency by the use of their 'physical strength' to get access to RESPEK fund within a 'clientelistic' context. We probably expected too much from this VL, and while understanding that many projects/programs have failed to change power relations, we need to elaborate more on what can be achieved by the VL, or if there is any 'loophole' to break down the 'paternalistic'/patronage structure, or if there is no hope at all. Another question asked Takeshi what would happen to his analysis if instead of taking the national state, he would look at the local and the perspective of its officials..

Lily Hoo (World Bank, Jakarta) presented: 'Village Governance and Community Empowerment Study ("Sentinel Villages" Study)'. The "Sentinel Villages" is a two-year study on the implementation of Law No. 6/2014 on Villages (Village Law, VL). The study plans to observe how the first two years of the VL implementation has affected village governance – whether the embodiment of good governance principles (participation, transparency, and accountability) can be translated into managing the village resources in an accountable manner to benefit the general community, as well as the key factors that influence the implementation. The study sees the VL as being built on the now-defunct National Program for Community Empowerment (Program Nasional Pemberdayaan Masyarakat, PNPM), which facilitated good governance principles all through its process, but operated outside the village government for more than 15 years. The study hypothesizes that in the first year participation, transparency and accountability will remain low but will improve over time, especially when and where the village council and facilitators are active to increase oversight. Villages with experience of good practices in the past will improve with the VL – participation, transparency, accountability and responsiveness of the village government will be stronger in places where communities were actively involved in participatory development projects, and where village councils/other local institutions were able to hold village government accountable in the past. Initial findings from the qualitative baseline study and ongoing observation show that there is not much increase in participation, transparency and accountability in village governance thus far. However, there are signs that in places where the district governments supported PNPM practices (e.g. by using their own funds to develop PNPM-like programs and/or PNPM-type facilitation structure), the transition to the VL has not only been smoother in terms of processing of required planning and budget documents, but also in maintaining some

participation, transparency and accountability aspects from the PNPM era.

Discussant Yulia Sari commented that the qualitative data in the study Lily Hoo presented showed that there was no significant increase in good governance practices during the first year of VL implementation. Similar findings were also shared by Takeshi Ito when he said that reform project may not achieve far-reaching impact as promised. Nevertheless, the study indicated the positive aspects (opportunities), such as maintaining some aspect of participation (in how meetings were inclusive), transparency (in the form of access to the financial report), upward accountability, and higher villagers' satisfaction. The study also identified a number of factors affecting VL, which are: (1) delays (lack of punctuality) in the disbursement of funds; (2) how proactive the village council or village legislative body was; and (3) experience with PNPM. Particularly on the third factor, the study found that in the district which had better PNPM implementation, the transition to VL implementation has not only been smoother in terms of processing of required planning and budget documents, but also in maintaining some participation, transparency and accountability aspects from the PNPM era at the village level. Nevertheless, it would be great if the paper could elaborate clearly how the process of PNPM implementation in district level brings the smoother VL implementation in the village level. The strength of the study presented by Lily Hoo is its longitudinal study format from which – if continued in the next years - we can learn how far the changes in village governance can be achieved through VL. If the identified factors are correct, it can be assumed that when those factors are corrected or improved, there will be a significant improvement in village governance. It would be interesting to find out how far an impact VL can be achieved.

Jacqueline Vel (KITLV/VVI) presented the paper “More villages, more money: the politicization of village life in Sumba” that

addresses the consequences of the combination of splitting up villages (*pemekaran desa*) and the increasing budgets of the village government (*dana desa*). Both are developments created by national government legislation, and have a variety of effects occurring in the rural areas of Indonesia. The question is whether this combination increase politicization of village life? Nationally, *pemekaran desa* has become a big problem, in particular because it creates an additional financial burden on the National Government's Budget. Regionally there is a big difference in the extent by which *pemekaran* occurs: more in the poorest outer areas of Indonesia (NTT, Papua, Maluku, Central Sulawesi, Mentawai), while only occasionally or not at all in other areas. What are the circumstances that stimulate village *pemekaran*? Why, for example, does the logic 'more villages = more money' does not appeal in areas on Java? Would there be lessons from non-*pemekaran* areas that could be applied in Eastern Indonesia to prevent elite capture of village development funds? Locally, in the rural areas of Sumba (NTT) *pemekaran desa* is regarded as a positive development. Some argue it can lead to local economic development and it will bring public services closer to the village population. Others see opportunities to access the increasing funds flowing to the villages. Yet other see *pemekaran desa* as a means to get rid of a political competitor – and of his performing checks and balances - by creating own territories in which there is not much opposition. Both developments increase the stakes in village politics. Does that imply that these developments increase politicization of village life? The paper presents three cases with different outcomes. Keebet von Benda-Beckmann suggests considering the total funding of villages: it is very likely that those villages mainly depend on funding of national government, have larger stake in *pemekaran*. In the wealthier areas, the funding from central government is relatively a small part. Ben White adds that from the perspective of a village in Jogya which has a population of 8 thousand, *pemekaran* might not be an

attractive option. Especially for the lurah of that village who would have only power over the half of the local economy he used to have, all the transactions and money that flows it would be just halving what else come to the local government and his pocket, salary and sawah, and it is such a lost for village government. Maybe this helps to explain why villages in Central Java and East Java did not experienced much of *pemekaran*, although the people may be in favour.

Jacqueline explained three compelling 'patterns'/dynamics of what was going on behind the expansion of the village in Sumba. One case was to represent the common story that *pemekaran* is used as a political tool of the village elites to get resources for themselves. Another case reflected the positive aspects of *pemekaran* as a result of social accountability against leaders who were greedy, where the new leader in the newly founded village was able to distribute resources more effectively. The third case explained that *pemekaran* was politicized by district level actors to gain vote. The third case added our understanding of *pemekaran* that is usually limitedly explained as a political contestation at the village level. This research provided a good basis for further research or investigation to understand of *pemekaran* in the eastern part, particularly to see the 'context' that drives different stories of *pemekaran*. The discussion concentrated on why certain areas are doing the *pemekaran* and others not. That more villages equal more money, the incentive is there to proliferate villages.

Discussant Yulia Sari (ANU, Canberra) found that the papers presented in this panel can provide an indication or prediction of the extent to which the Village Law (VL) affects Village Governance and vice versa, what we can hope from the VL, and the factors that may shape whether VL will be an opportunity or a failure. In short, there are 'shared' insights among presenters that VL may not achieve the promised outcome. Some papers also highlight the possibility that VL will bring hopefulness through (1) villagers satisfaction

in some aspects of participation and upward accountability, or (2) the advent of political contestation at the village level to distribute resources evenly. However, it is still unclear, or in need further research and investigation, what context or factors can drive and stimulate the hope.

Panel 7- Village Leadership

The seventh panel addressed village leadership: the role of elites in village governance, and of the village parliament BPD. Is there room for participation in village governance? If so how, and for whom?

Mohammed Rozie Utama (Ministry of Home Affairs) presented: "Village Representative Boards (BPD) as An Implementation of Representative Democracy at The Grass root in Indonesia". When BPD was regulated by PP 72/2005, it had power over the village head, because it could impeach village head any time. This situation made the village administration unstable. Therefore, within the new law BPD is more able to enhance democracy in the village in balance condition. Now village governance is based on deliberation (*musyawarah mufakat*). Indeed, that the ideal condition which is need to be achieved by BPD. The Village law should have strengthened the BPD, but there are challenges. In general the education level is low, while there are high expectations of village parliament members. So there is a lack of capacity at village level. The government, in particular the Ministry of Home Affairs does not have the necessary means to deal with this lack of capacity by organizing trainings. He is worried about who will regulate the BPD - will they be fair, representative, listen to villagers' concern?

Prio Sambodho (UvA/KITLV) presented 'Village Level Democratization in Indonesia: Towards Popular Participation or More Benevolent Elites?' Based on 10 months of village level ethnographic study in a West Java village, Prio focused on how democratic reforms are perceived and experienced by

Indonesian villagers, especially the poor, as they interact with plethora of village level participatory democratic institutions that become available; all within the backdrop of preexisting structures of patronage, clientelism and ongoing democratic reform in Indonesia.

These preliminary research findings highlighted a nuanced and complex dynamic of interaction between the poor and the village elites which transcends the engagement within formal and institutionalized political spaces. This complexity is exacerbated by the fact that within the context of weak public institutions in Indonesia, political authority and service provisions are not exclusively provided by the state, which largely represented by the frontline service and street-level bureaucrats, but also by plethora of contending institutions; ranging from benevolent NGO's to local strongmen, informal political actors or even criminal groups. For some villagers, especially the poorest and most marginalized, these village elites are the "face" of the state. They have the power to allocate resources, and they are the one who practically deliver to them. These elites are what Lund coined as "twilight institutions" (Lund, 2006). These findings also highlight that rather than simplifying these elites as predatory, his research paints a more nuanced picture about the motivation of these elites, regardless of their rent-seeking or profiteering motives. They often genuinely care for the community and are willing to dedicate their time and energy to serve their community. Moreover, these elites are susceptible to the new idea of democratization and to the changing political suprastructure. They are now talking about transparency, accountability, and participation of villagers in PNPM workshops. Therefore, we should open to the idea of recognizing these elites as an integral part of the democratization process.

Rendy Adriyan Dinatingrat (SMERU) presented "The Birth of the Village Law: Where are the Marginalized groups?"

Through the principles of recognition and subsidiarity, the Village Law (VL) gives authority to village societies to improve the life quality of their members, especially those who have been marginalized. By definition, the marginalized groups comprise women, the poor, immigrants, disabled, elderly people, and particular groups of workers (SMERU, 2015). Lack of experience in implementing good governance, and the limited officers both in terms of quantity and quality, triggered reasonable concerns: possible misuse of Village Fund, discrepancy between government's and communities' development priority, and the isolation of marginalized groups from the development process. Therefore, seen as the most vulnerable community, it is very important to observe how marginalized groups are being included, especially in the early years of implementation of the VL. This paper is part of the analysis of baseline study conducted by Village Sentinel Team of the SMERU Research Institute and PSF-World Bank from September 2015 to November 2015—as part of longitudinal monitoring study that will be ended in April 2017. The study takes places in 10 villages in five kabupaten (districts) in Indonesia, including Kabupaten Batang Hari and Merangin in Jambi Province, Kabupaten Wonogiri and Banyumas in Central Java Province, and Kabupaten Ngada in East Nusa Tenggara Province.

Discussion: how to think alternatively about participation? Prio suggests that the women are participating in other ways and they are not silent in most cases. They have other routes to participation than attending meetings. Monitoring and evaluation studies needs to think about how to classify and measure women's participation..

Panel 8 – Village law and female leadership

The eighth panel concentrated specifically on the question what the Village Law could mean for women in the village.

Tyas Retno Wulan (Jendral Sudirman University) presented “Migrant Workers Caring Villages (DESBUMI): Village Fights against Government Absence in Protecting Indonesian Migrant Workers”

Background of DESBUMI: From Indonesian villages around 6,5 million villagers have migrated to 142 countries all over the world. Most of them are women and work in the informal sector as a (domestic) household assistant. There are a lot of problems regarding the migrant workers, especially when it comes to safeguarding their protections. These are among others physical protection against sexual abuse, protection against unjust labour contracts and protection against criminal charges (including death penalty). There is very little awareness from both the national government and the village government (village heads) concerning the safeguarding of the protection of the migrant workers. In the village governments’ particular case this was shown by the lack of valid data of villagers who work as migrant workers. Desbumi encourages villages to improve or create the awareness towards the well-being and safeguarding the protection of migrant workers in the villages. Two case studies were showcased here: Desbumi Kuripan village in Wonosobo, Central Java and Desbumi Nyerot village, Central Lombok of West Nusa Tenggara.

R. Yando Zakaria (KARSA) presented “Women who try to change the village Yando started his presentation with a video capturing the program/ activities of women who try to change the village in which he is involved. It visibly proved the point made by Bedner previously about the significant role of social movement in regards to the Village Law (VL).

The nature of VL, which is often described as unclear, illogical and filled with many empty jargons, perfectly illustrates the political process and the various composers of this law. Yando is optimistic about the VL in opening many doors, if not many eyes of marginalized groups towards their rights. This is also how the marginalized groups (in

Poso) perceive the Village Law. It has triggered a movement for these marginalized groups to claim their rights. In a way, the Village Law is often seen as an attempt to persuade the marginalized groups to participate in the village development. One of the ways to do this is by putting efforts to increase the awareness of these marginalized groups by educating them about what the VL and their rights granted by it. (In spite of the minimalistic social inclusion of the marginalized groups in the VL).

Mies Grijns (VVI, Leiden) presented “Women, State Funds and the New Village Law”

The VL is meant to transfer more autonomy to the lowest level of governance in managing development for the welfare of its people. The idea is to promote active participation of villagers through village meetings and allocate large state funds directly to the village budget. Although there have been attempts of the Village Consultative Board to officially include active participation of the villagers by inviting leaders, farmers, women, children representatives and the poor to the meetings, in reality however, the inclusion of marginalised groups in order to empower women and youth remains a theory. As noble as this idea is, in truth, women and marginalized groups are often unrepresented in Cibacang village. Women are often represented indirectly, through their male leaders. Gender perception and ensuing practical problems also hinder women’s participation. To counter this problem, it is necessary to integrate gender (issues) more firmly in policy making. “Women should have enough information to, at the least, from a clear vision of the future they want, the society they need to build and the environment that provides them with a sustainable livelihood

Discussant: David Kloos (KITLV)

There are apparent paradoxes inherent in the process of decentralization of which the

Village Law is a part. There are tensions: between decentralization, which is perceived as a way to empower local communities, and the other hand processes that maybe perceived as central government throwing all duties to local government instead of claiming responsibilities.

The vagueness of the provisions found in the VL remains problematic for interpretation and more importantly for implementation. In Mies's case: the VL is a blessing for empowering women and marginalized groups but at the same time a curse if the implementation of this remains in the hands of patriarchy leaders (elite) who do not promote the active participation of women and marginalized groups for the village development. Evidently, there are various impacts of the VL on each village presented by the speakers. As some marginalized groups have benefit from it in one village, and some have not in another. On that note, a better characterisation of a village is extremely important. 'When does a village constitute as one, and when does it constitute merely as a socialized urban space?' (Kloos) Perhaps this distinction could help us answer the core question of what the impact of the VL on a village turned socialized urban space is.

Session 9: Wrapping up the workshop

All participants mentioned what they consider as priority topics and questions for research related to the implementation of the Village Law. These can be summarized as follows:

1. **The image of the village in Indonesia** per 2016. Policy, including the Village law seems inspired by two main images of the village: the romantic version of the closed corporate community("gotong royong, musyawarah and kebersamaan), and the image that shows the function of the village head as a benign father. Both tend to produce a lack of control and accountability instruments. The village on Java is the source of inspiration for these two images. The image of the desa seen from the perspective of its inhabitants is usually

different: administrative unit providing services and that has a budget for which groups in the village compete. Social and class differentiation appears clearly from such internal perspective, with attention for power imbalances, conflict and politicization. During the workshop new distinctions were mentioned: "independent villagers", rural versus peri-urban villages; the latter could better be characterized as 'socially urban spaces' (E. Thomson). What is the most suitable image of the village (definition, characterization) to understand the impact of the village law?

2. Village Law research tends to focus on the short term, which makes it look like a dramatic change in policy. If positioned in a **longer historical context**, the changes get more perspective. Various papers in this workshop paid attention to the historical context, showing the 'swinging pendulum' in policy making between more autonomy for villages and more state control. A historical perspective also draws the attention to the long history of clientalism, and misuse of power, which contradicts the romantic image of the village. What is (in each case) the most relevant historical context for understanding the processes of change occurring, and does how the village law implementation relate to that?

3. The aim of the village law is among others to increase prosperity in the rural areas and reduce poverty. The large village budget (dana desa) is a means for reaching that goal. However, there is no **analysis of the causes of rural poverty**. These might be beyond the powers and territory of the villagers, more structural, and hard to solve with just an annual village budget. Additionally, reports often treat the poor as if they were an organised category of villagers. They are not. A characteristic of being is exclusion, which makes 'participation of the poor' a policy challenge and concept in need of explanation.

4. In Village Law related research we tend to lose sight of higher levels of government and **the larger economy** in which the village economy is situated. What can realistically be accomplished at village level? What is the

rationale of people living and working in a state dependent economy, a savanna economy, an peri-urban industrial economy, or in a tourism dominated economy? How does the district government in all these varying areas influence the implementation of the village law?

5. What explains **variation between villages**? Various papers during this workshop show variety of situations related to implementing the village law WITHIN regions, even within the same district (Maluku, Papua, Sumba, South Sulawesi, Central Java). What are the most important variables for analysing this variety? How can we avoid regional generalizations?

6. Studies of **village leadership** tend to focus on the village heads. A more general question

to address first would be: what kind of leaders would you (insert which interest group) need to have? Well connected men or poorly connected women? Female leaders, but what if they are just part of the village elite? What is the recruitment process of village leadership? Is it enough to study village head elections?

7. **Comparison with other countries** regarding the experiences with decentralization policies up to the village level is important for anyone studying the rise, character and potentials of the new village programme and regulations in Indonesia.

Follow up activities that the participants proposed (summary):

- A similar conference or workshop in 7 or 8 years from now (when we know the impact of the village law) or bi-annually (to update each other and have similar inspiring discussions)
- Continue the network that has been composed during this workshop
- Through a communication forum via social media, providing opportunity for thematic discussions; For sharing knowledge, reports, publications, news etc.; For learning how to access World bank data related to this subject.
- Pool for setting up research network
- For updating our research agendas
- Publications based on the papers of this workshop. Workshop organizers Jacqueline and Ward will make a proposal. Suggestion: co-authored papers that combine the contributions per panel. Preferably open access, and quick publishing.
- Collaboration in interdisciplinary research programmes, also with practitioners.
- Applied research on how to establish legal complaint mechanisms

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