

ADAT REVIVAL AND LOCAL CAPACITY IN INDONESIA: THE CASE OF NAGARI

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ABSTRACT. Since the implementation of decentralization, especially in village government, through the application of Law 6/2014 on Village, the structure and management of *nagari* have experienced substantial changes. *Nagari* has become an arena in which the principle of modern management is tried to be applied in *adat* structure of Minangkabau ethnic. This study aims to analyze *adat* revival from the perspective of public administration, especially by elaborating its implication to local capacity in managing development programs. Through a case study in Koto Tinggi area in Agam District of West Sumatera Province, it is found here that the process of establishment of the mechanism of decision-making is extremely complex. Many parts of norm, values and customary laws had been disappearing due to long time intervention of previous regime, somehow making it difficult to reinstate. Under the current institutional setting, there is dualism of council, which cannot fully accommodate the *adat*. The capacity of *nagari* to manage development programs still needs an improvement, especially in terms of administrative task, budget planning and reporting. It is recommended that the government to establish only one council in *nagari*, avoiding the dual council of *nagari* and *adat* councils. The district government should improve the capacity of *nagari* executives, hand in hand with the effort to strengthen the capacity and roles of the *nagari* councils.

Keywords: Adat Revival, Local Capacity, Rural Development, Nagari

MANAJEMEN BARU DALAM STRUKTUR LAMA: PROSES PEMBENTUKAN BUDAYA ORGANISASI PEMERINTAHAN NAGARI DI ERA DESENTRALISASI

ABSTRAK. Semenjak pelaksanaan kebijakan desentralisasi, khususnya pada pemerintahan desa, melalui Undang-Undang Nomor 6 Tahun 2014 tentang Desa, struktur dan tata kelola pemerintahan Nagari telah mengalami perubahan yang cukup mendasar. Nagari telah menjadi arena dimana prinsip-prinsip tata kelola organisasi modern mencoba diterapkan pada struktur adat Minangkabau. Studi ini bermaksud menganalisa kebangkitan adat dari perspektif administrasi publik, khususnya dengan melihat implikasi kebangkitan adat terhadap kapasitas lokal dalam mengelola program pembangunan. Melalui studi kasus di Nagari Koto Tinggi, Kabupaten Agam Provinsi Sumatera Barat, ditemukan bahwa proses menentukan mekanisme adat yang akan diterapkan dalam pengambilan keputusan pembangunan telah menjadi proses yang sangat kompleks. Banyak bagian dari norma, nilai dan hukum adat telah menghilang karena penerapan sistem sentralisasi yang lama, sehingga sulit untuk dihidupkan kembali. Dalam kerangka kelembagaan yang sekarang, terdapat dualisme kelembagaan dewan Nagari, yaitu Bamus Nagari dan Kerapatan Adat Nagari. Keberadaan kedua dewan ini belum sepenuhnya mampu mengakomodasi penerapan nilai dan norma adat dalam pemerintahan Nagari. Kapasitas Nagari dalam mengelola pembangunan masih perlu ditingkatkan, khususnya dalam hal tugas administrasi, perencanaan dan pelaporan anggaran. Studi ini merekomendasikan pemerintah untuk menyatukan keberadaan dua dewan pada Nagari untuk menghindari dualisme kelembagaan. Pemerintah kabupaten harus meningkatkan kapasitas perangkat nagari, sejalan dengan upaya peningkatan kapasitas Bamus Nagari dan Kerapatan Adat Nagari.

Kata Kunci: Kebangkitan Adat; Kapasitas Lokal; Pembangunan Desa; Nagari

INTRODUCTION

The archipelagos of Indonesia are inhabited by more than two hundred ethnics. When the western explorers came to Indonesia for the first time in 15th centuries, they encountered various legal systems and traditional institutions, which were very different from those in Europe. Many scholars were then interested and trying to unveil the distinctive legal system and institutions of various ethnics in Indonesia. Their studies elaborated the concept of *adat*¹, which was a concept covering the tradition, culture, morality, institutions, structure of local government and law being applied by local community. The Dutch colonial government acknowledged *adat*, and even utilized it to administer

the colonies by using the hands of local institutions and elites in the absence of Dutch authorities. The existence and functionalities of *adat* in the life of community was not substantially changed until 1960s. *Adat* was used as the base to govern their territories, somehow creating a kind of self-governing community in various places in Indonesia.

In 1970s, however, Indonesia was governed by the military regime of Soeharto, who emphasized on development and modernization of rural areas. It replaced the traditional structures of local government throughout the country with the newly standardized structure deemed more efficient to execute centrally planned development programs. The power and discretion of local government in decision-making and in managing the internal affairs were abolished. Through this policy, the government

¹ The word *adat* is derived from the Arabic word '*ādāt*', which means custom or habit.

successfully delivered many development programs into rural areas and achieved high economic growth. However, it also created many negative consequences like the disappearing of traditional institution, customary laws, local identity and many parts of *adat* throughout Indonesia (Antlöv, 2003; Anthony Bebbington, Dharmawan, Fahmi, & Guggenheim, 2004; Takeshi, 2007).

It was in 1998 when the regime was collapsed, and then the country experienced a rapid process of democratization and decentralization. Along with this process, there were efforts to reinstate the traditional institution and customary laws previously liquidated. The efforts were sporadic at various places in local level, like in West Sumatera (Beckman & Beckman, 2012), East Nusa Tenggara (Erb, 2007), Central Sulawesi (Sangaji, 2007), Central Kalimantan (Carthy, 2004) and many other parts of Indonesian areas (Anthoni Bebbington, Dharmawan, Fahmi, & Guggenheim, 2006; Duncan, 2007; Li, 1999), somehow creating the phenomenon of “*adat* revival”. *Adat* revival was identical to the effort to reinstate the existence and functionality of *adat* within the community. It was characterized with the reorganization of local government structure as according to local custom, the formalization of *adat* mechanism in governing the people, and efforts to strengthen the meaning of being local in Indonesia. Henley and Davidson (2006) find that *adat* revival occurring in the post of Suharto regime was the reflection of protest toward the state intervention in rural areas during Suharto regime. *Adat* revival has become a media for democratization, recognition of local wisdom and empowerment of community. It is also seen as the ways to protect the traditional values of Indonesian society having been eroded by modernization.

Adat revival has been catalyzed by both external and internal factors. Externally, the policy of government to launch decentralization through Law 22/1999 on Local Governance had provided an environment of local democracy as well as strengthening local identity. Therefore, in many rural areas, community established new associations to facilitate and strengthen local democracy and identity (Sutiyo, 2015; Sutiyo & Nurdin, 2015). Internally, the emerging of newly educated groups as well as economically successful members of community has created a new perspective to the existing institutional setting in rural areas. They became new groups of elites that brought the desire to reform the rural institutions, which in turn promoted changes in the cultural and political relation within rural community (Sutiyo & Maharjan, 2017; Valentina & Putera, 2013). *Nagari* is then in a very difficult position to identify the tradition that they are going to reinstate and to formulate a new system that they are going to apply. The imagined *nagari* system, that is based on the combination of Islamic, *adat* and modern principle of organization is still to abstract to be practiced.

Among various areas in Indonesia, *adat* revival in West Sumatera was unique. The area of West Sumatera, inhabited by the ethnic of Minangkabau, is profoundly known as the area with strong application of *adat* in Indonesia. It is therefore not surprising that West Sumatera became the first area initiating *adat* revival through the policy of reinstating the traditional structure of local government, namely *nagari*. *Nagari* is a social and territorial units, the smallest unit of local government in Minangkabau ethnic occupying West Sumatera regions. The existence of *nagari* dates as far back as about the 14th century during the period of Pagaruyung Kingdom. Originally, *nagari* was formed based on territorial and genealogical factors. *Nagari* was governed by a Headman (*Walinagari*), who was both political and cultural leaders. There was a traditional council named *nagari* councils with the members came from the representatives of kinship group leaders within the *nagari*. Customarily, decision making in *nagari* did not acknowledge voting mechanism, rather it used consensus by referring Quran and Hadits. From 1970 to 1998, however, *nagari* and its institutional setting were liquidated and replaced by the uniformed standard of village government. This uniformed standar put the headman in a so dominating power by holding both executive and legislative power in his hand.

Several studies have analyzed *adat* revival in West Sumatera, especially from the perspective of legal anthropology (Beckman & Beckman, 2001, 2012, 2013), local politics (Asrinaldi, 2012; Valentina, Kusdarini, & Putera, 2011) and political economy (Tegnan, 2015). Beckman and Beckman who intensively observed the dynamics of *adat* revival in West Sumatera find that although most local actors were agree to reinstate the traditional structure of local government, there was long debate and disagreement to decide the *adat* mechanism and pattern of relationship among the traditional institution within local government. *Adat* revival in West Sumatera faced difficulties in establishing the mechanism of governance that was suitable with Islamic, national and customary law at the same time. From the perspective of local politics, the re-installment of traditional structure of local government did not automatically strengthen the local democracy due to the intervention of higher level government (Asrinaldi, 2012). From the perspektif of political economy, *adat* revival was followed with the increasing demand to manage the communal land and forest for the sake of community livelihood (Tegnan, 2015).

The case of *adat* revival in West Sumatera is quite different from those happening in Bali. Warren (1993) finds relatively no conflict created from the application of *adat* in Balinese community, in which the formal village (*Desa Dinas*) could hand in hand with *adat* village in organizing community. The two different institutions could cooperate together with clear distribution of tasks

as well as authorities. Traditional values of community is also proven as adaptable to the modern principle of organization, even create the moral base for the development of organization to be more advanced and profesional, as presented by the study of moral base of Japanese company (Nonaka & Takeuchi, 1995) and in in the development of organizational culture of local police in Bandung (Nurdin, 2014). Such a more complex factors perhaps exist in the *nagari*, which creates its unique process of reapplication of tradition.

While there have some studies analyzing *adat* revival in West Sumatera from the perspective of legal anthropology, local politics and political economy, there is still limited studies analyzing *adat* revival from the perspective of public administration. *Adat* revival has created so complex relations between traditional institution and the efficiency of development programs. There is a dilemma in incorporating traditions in the modern social life, especially in the context of government institution. While traditional institutions are considered pure, origin and deeply embedded in community with their local wisdom, they are often inefficient and unsuitable with a system of planed development programs. The nature of Weberian bureaucracy that emphasizes on efficiency and advanced technology makes difficult to provide space for traditional institution to involve, or being incorporated, in governance activities. Therefore, it is generally assumed that effort to strengthen and incorporate *adat* in government practices will decrease the efficiency of development.

This study aims to analyze *adat* revival from the perspective of public administration, especially by elaborating the process of *adat* revival in grassroots level and its implication to local capacity in managing development programs. A case study was conducted in the area of Koto Tinggi, located in the Agam District, West Sumatera Province. Field Work was conducted during October 2016 through observation, interview, focused group discussion and documentary study. The next section will present: Research Framework; Results and Discussion including Institutional Setting in the Study Site, Mechanism of Rural Development and Dynamic of Interaction in Rural Development, and; Conclusion.

METHOD

In understanding the implication of *adat* revival to the capacity of local government in rural development, this study used the Institutional Analysis Framework developed by Ostrom (2007). Ostrom (2007) elaborates that capacity should be understood not only as the achievement of final objective, but also as the process of interaction between the actors to achieve the objectives. This framework aims to see more deeply the implementation of norms and rules established by the community in the process of achieving common goals.

This approach is selected by considering that norms, either formal or non-formal, will influence the pattern of relations among the actors and therefore has impacts on the success of government activities.

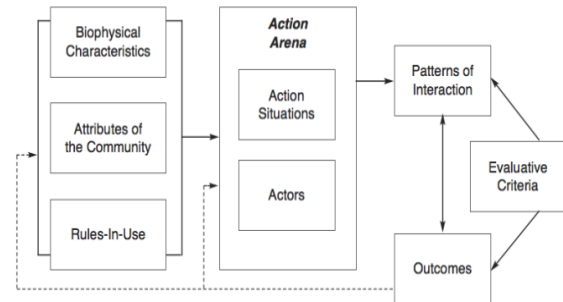


Figure 1. Institutional Analysis Framework Source: Ostrom (2007)

The framework is quite useful in explaining the influence of local mechanism to the implementation of government programs. It has been used to analyze the influence of Javanese culture to village government capacity in addressing the livelihood problems of rural people by Sutiyo and Maharjan (2014). Sutiyo and Maharjan (2014), using this framework, find that although rural institution has the ability to deal with the problem, the existing cultural obstacles, especially to regard the village head as the father of community, make the headman so dominant thus eliminating the creativeness of many other actors. The Javanese traditional norms like to always be obedient to whatever said by the older people, and the neglection to make open critic in front of public, made the decision making process not democratically conducted. The framework is also used by Anthoni Bebbington et al. (2006) to analyze the impact of decentralization on rural development in Central Java and Jambi. Using the framework, their study can clearly elaborate that the impact of decentralization is highly dependent on the structure of power, the transferred fiscal resources, and the political process in which the power of actors are realized and transformed. Their study underlines that a good capacity does not always create a good performance due to the various sociological and political obstacles at the local level.

RESULTS AND DISCUSSION

Institutional Setting in the Study Sites

The selected site of this study, *nagari* of Koto Tinggi, was located in the Sub District of Baso, District of Agam, West Sumatera Province. It covered an area of 16 km², and had the population of 9,072 people or 2,269 households. Most of the household heads were farmer with the main commodity was vegetable like cabbage and carrot. In 2015, there were 339 Households, or about 15% of population, categorized as poor households. In term of infrastructure availability, the main road of the area was asphalted, but only 75% of households were

having access to electricity. The education facilities within the Koto Tinggi included four kindergartens, seven elementary schools, and one high secondary school. The health facilities include one branch of polyclinic, which serve the primary health care service. In term of religion, 100% of population in Koto Tinggi was Muslim. In term of economic facilities, there was one market that operated once every week.

Under the legal framework District Bill 12/2007 on *Nagari* Administration, the structure of *nagari* mainly consisted of three main institutions, which was executives, legislative and *adat* council. The executives consisted of the headman (*Wali nagari*), which was helped by secretary of *nagari*, head of hamlet (*wali jorong*) and other administrative staffs to conduct the daily official tasks. The staff included those in charge of governance affairs, development affairs, social affairs, financial affairs, treasure and secretary. The Headman was democratically elected with the term of service as long as six years. In the study sites, the headman was helped by 15 administrative staffs. The headman was aged fifty years, who previously a migrant worker and businessperson. He was quite popular that he won with landslide in the last general election. The education was senior high school. With regard to the administrative staff, there were four people with bachelor degree while the rest were graduated from senior high school.

There was a newly introduced legislative body named *Nagari Council* or *Badan Permusyawaratan Nagari*, with the members were consisting five to 11 people selected by the community. The members came from various elements like women group, skilled people, community figure, religious figure and so on. Their task was to be the legislative body of *nagari*, which was to monitor the headman, to create local bill and to channelize the voice of villagers. In the study sites, the legislative body of *Nagari* consisted of 11 people, with the composition was the representative from skilled people, women group and youth group as many as three people, respectively, and representative from cleric and kinship group as many as one man, respectively. Three members were graduated from the bachelor degree while the rest were from senior high school degree. The occupation of the members were mostly farmer. The head was the representative of cleric, with education was senior high school.

Despite the two institutions as mentioned before, there is an *Adat Council* named *Kerapatan Adat Nagari* (KAN), with the task to maintain *adat*, to solve dispute related to the *adat* matters, and to facilitate the development of culture and religion within the *nagari*. The member of *Adat* council consist of the representatives of all kinships within *nagari*. In the study sites, the *Adat* council consist of 26 members selected from the representative of each kinship in the *nagari*.

It is imperative to note that only the executives of *nagari* that received monthly salary from the

government. They worked like the general civil service with the obligation to come to the office every working days. *Nagari* council and *Adat* council had no monthly salary, except some kind of allowance given as according to the fiscal capacity of the *nagari*. This, in turn, raised complaint from some members of *nagari* council. According to them, *nagari* council also deserved the same amount of salary like those of the executives. The existing budget of *nagari* is deemed not able to provide salary for the council members. For example, in 2016, although the total budget of *nagari* was amounting to about 800 million rupiah, and by regulation some 30% of the budget could be allocated for operational cost, the *nagari* was still not able to provide the demand of council in salary increase. The allowance given to the council members was allocated only about 300 thousand rupiah per month. Although many of council members argued that the salary was far less than enough as compared to their workload, however, when looking at the workload of the institutions, it was found that other than the *nagari* executives, all of them were working just like community organization, even without any scheduled meeting and well-planned activities.

There was also many other traditional institution. A state sponsored youth group, *Karang Taruna*, existed with fourteen members. A woman group existed with 25 members, quran recital group with 30 members, clerics group with 18 members, and many others. The current mechanism of selection for these positions guaranteed a free and fair elections. In term of western democracy system, it can be said that the current recruitment process was more democratic than they were ever before.

1. The Mechanism of Rural Development

In Indonesia, every level of administration, including *nagari*, had to make a document of development planning, which included long term, medium term and annual development planning. The way to formulate it was regulated by a kind of legal systems, which was operated through a mechanism established by the government to be followed. State apparatus, traditional institution and community interacted each other in the rural development based on this mechanism. The mechanism included what, who and how to do.

According to the Regulation of Ministry of Village 02/2015 on Mechanism of Decision Making in Village Meeting, *nagari* council was responsible to conduct village meeting. The participant of meeting includes the staff of *nagari*, *nagari* council and the representatives of community. The representative of community included religious figure, *adat* figure, education figure, delegation from farmer group, woman group, and poor households. It was the task of *nagari* council to identify the proposal and needs of community in development programs before the meeting. Furthermore, if it was needed, the *nagari* could

hire a professional to sharpen the calculation in planning and to improve the technical drawing.

Other than the participants formally invited by the council, the other parties could observe the meeting, but they had no rights of voice. The meeting could be started only if the invited participant had already come at least two third. In giving the argument, the participant of the meeting was forbidden to be interrupted but to obey with the provided time. The head of meeting should remind the participants to use a polite sentence in making the argument. If this remind was not obeyed by the participant, the head of meeting might stop the participant in making the argument or even ousted the participant from the room of meeting.

Basically, the decision within meeting should be made through consensus. The decision made through consensus was acknowledged only if the meeting was attended by at least two third of the invited participants. Consensus could be made only if all of the participants had been given the opportunity to make their argument. Voting could be made openly or confidentially. The decision made by voting was acknowledged if it was agreed by more than a half of participants. If there was no agreed decision made in the meeting, the meeting could be canceled maximally 24 hours. Any disputes made in the process of decision-making should be resolved in familial manner, and could be facilitated by the sub-district head.

After the decision was made through the meeting, the next stage of rural development was the implementation of programs by the *nagari* executives. In this stage, the leadership of headman was strongly needed to organize the team, encourage the community to participate and mobilize the existing resources for the sake of rural development. In the end, every December of each year, there should be a meeting whereby the headman reported the implementation of the program to the *nagari* council. Along with this kind of responsibility meeting, a financial report presenting the utilization of fund and their receipt should be submitted to the district government for final investigation.

According to the regulation, the district government should provide technical instructions, detailing how the guidelines should be implemented in the local context. However, up to now, the district government of Agam has not issued any mechanism to execute the regulation. As a consequence, the *nagari* faced confusion about what they should do to make a development meeting and to execute rural development fund. What they can do was just by referring directly to the Regulation of Ministry of Village 02/2015 on Mechanism of Decision Making in Village Meeting, as previously mentioned, for the execution of development fund.

Looking at the stipulated mechanism, it can be said that the *nagari* council played substantial role in decision-making and development planning. The interviewed chief of *nagari* council was aware about

their great responsibilities to ensure that the *nagari* was governed through the principle of participation, transparency and accountability. Effort to improve the capacity of *nagari* council had been conducted by the district government, especially through training and socialization of the government policy and legal products. However, according to the members of *nagari* council, the capacity development conducted by the district government was still not enough to improve their capacity. As the result, the member of *nagari* council still faced difficulties to understand their rules, to adapt with the new and frequently changed regulations related to *nagari* system. The expected system of *nagari* that was based on the combination of Islamic, *adat* and modern principle of organization cannot be achieved due to the inability of the council members to articulate those principles into a practice. While identifying and reinstating the old mechanism and tradition are a difficult process, creating a new pattern of management is also more challenging to the council of *nagari*. What really happening in *nagari* is a process of learning by doing with relatively a slow progress of capacity improvement due to limited support from the higher level of government.

The existing mechanism, however, was still debatable whether it had represented *adat* mechanism or not. For example, in the view of a prominent *adat* figure in West Sumatera, Mr. Datuk Rajo Mangkuto, the current mechanism was still not representing the *adat* of Minangkabau. According to him, if the government really want to accommodate *adat* in the process of governance within *nagari*, then the tasks in legislative matters should be given to the *adat* council. Therefore, in his opinion, according to the *adat* of Minangkabau, the *nagari* did not need *nagari* council, but only *adat* council. The tasks of *nagari* council could be performed by *adat* council, hence there would be no double councils in the structure of *nagari*. Similar argument also made by the head of *adat* council in Koto Tinggi. According to him, the current mechanism of rural development and the structure of *nagari* had eliminated the role of *adat* in the formal government mechanism. According to him, the position of *adat* council was now just like a community organization. *Adat* figure just became one element of *nagari* council. Similar to the argument of Mr Datuk Rajo Mangkuto, in the opinion of the head of *adat* council in Koto Tinggi, there should be only one council, namely *adat* council in the structure of *nagari*.

Dynamic of Interaction in Rural Development

With regard to rural development, the newest government policy within Law 6/2014 on Village brought a novelty for a substantial increase in the flow of funds to the *nagari* treasury. The regulation create an important and predictable source of revenue, which implies to the increase in financial ability of the *nagari* to launch and finance development programs. Roughly

calculated, since 2015, the amount of fund from the government has increased up to five times as much. The flow of money from the central government run from the national treasury to the treasury of Agam district. The money could be released to the *nagari* only if *nagari* had submitted the draft of budget plan agreed together between the headman and the *nagari* council. After the flow of funds started running down, the *nagari* should regularly submit a reporting process, at least twice a year. With the increase in *nagari* budget, thus planning, implementation and evaluation of development programs become a dynamic activities involving three main institution, which are the *nagari* executives, the *nagari* council and the adat council.

In 2016, the *nagari* of Koto Tinggi received about 800 million Rupiah of budget from the government especially given for rural development. As it was stipulated in the established mechanism of rural development, the *nagari* council was responsible to facilitate the meeting for discussing the plan of utilization of fund. As it was scheduled, the *nagari* council conducted the meeting and invited the participants. The member of *nagari* council narrated how the meeting could not be conducted properly because the headman was too late in submitting the draft of budget. It was only in the meeting that the headman gave the draft to the *nagari* council, making very limited time for the council to discuss it. Some members of *nagari* council gave complaint over this delay, and requested additional time of one week for them to go through the document. As the consequence, the meeting was canceled and started again after one week, giving enough time for the council to go through the document.

After a week of delay, the meeting can be started again. The decision made in the meeting had been made through consensus method. The *nagari* council and headman were together agreed that in the meeting they avoided voting. The consensus of meeting had agreed, among others, to allocate the budget for the development of infrastructure within *nagari*, to help some poor household renovate the house, and to provide a scholarship for the poor student within *nagari*.

With regard to the capacity of *nagari* to manage the fund, the head of sub district said that in general, the capacity of *nagari* to manage the fund should be improved. For example, according to him, many documents of development planning made by the *nagari* was not completed and based on real potentiality and problems within the *nagari*. The fund transferred could not be fully utilized in the end of fiscal budget. The main cause lied between the limited capacities of *nagari* to administer, or the fact that the document of planning was not made precisely, making some portion of the fund could not be used throughout the fiscal years. In his opinion, the administrative prerequisites for the *nagari* to always keep the reporting process as like as

the government accounting standard was difficult to meet by *nagari*. The cause was low level of education and poor administrative capacity of *nagari* executives.

CONCLUSION

Within *adat* revival, the process of identification of the norm and mechanism of decision-making processes are extremely complex. The findings of this study present that to revive the traditional institutions was easier than to establish the mechanism of work and pattern of relationship among the institutions. Many parts of norm, values and customary laws had been disappearing due to long time intervention of previous regime. At the same time, the emerging of newly educated residents and economically successful members of community in migrant and local areas have shaped a new perspective to evaluate the tradition as well as to create a new institutional framework within *nagari* governance. Despite raising a new alternative, these has created a confusion within *nagari* about the tradition that they are going to reinstate and the new system that they are going to create. When a new mechanism deemed more democratic is formulated by the central government, then the local government just follow it because they had difficulty to extract the substance of *adat* into implementable mechanism. Under the current institutional setting, there is dualism of council, and *adat* institution is still just like community organization. Therefore, the current institutional setting is still not fully accommodate the *adat*. The capacity of *Nagari* to manage development programs still needs an improvement, especially in terms of administrative task, budget planing and reporting.

In order that *adat* revival can go hand in hand with the development efficiency, it is recommended for the government to establish only one council in *nagari*, avoiding the dual council of *nagari* and *adat* councils. *Adat* itself can be established through the mechanism of rural development by improving the role of *adat* council to replace that of *nagari* council. The district government should improve the capacity of *nagari* executives, hand in hand with the effort to strengthen the capacity and roles of *adat* council.

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