

The Effort to Splitting Nagari Post-Implementation of Village Law 2014 in West Sumatra, Indonesia

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Abstract: Indonesian government has passed new village law (6/2014). There are two primary issues has been growing in west Sumatera to response the law, establishing *desa adat* and accessing village funds. The second issue is more dominant and triggered splitting *nagari* effort. This paper analyzes the effort in provincial and regency level. Data collected throughout document study, interview, public dialogue and focus group discussion in 2016. Data analyzed uses Miles and Huberman approach, data collecting, data verification, data display and data interpretation. The result showed the splitting *nagari* triggered village fund distribution system which is 90% divided equally for all villages in Indonesia. In West Sumatera, there is a small number of villages, therefore the amount of village fund is also low, especially in West Pasaman Regency. There, the government triggered splitting *nagari* to get more village fund. In 2017, Pasaman Barat has split *nagari* from 19 *nagaris* to 91 *nagaris*. The splitting *nagari* motive is similar with splitting *nagari* division in 1983, to get more grant fund from national government. This splitting will also impact on the culture, structure, and values in Minangkabau as happened before.

1 INTRODUCTION

Based on dictionary of Minangkabau History, *Nagari* is the most complete residential unit from residences metamorphosis after *taratak*, *dusun* and *koto*. It is also the highest socio-political unit in Minangkabau (Asnan, 2003). As an institutional, *nagari* has territorial and genealogical quality. It is not only a formal governmental institution with legislative, executive and judicial elements, but it is also an institutional custom as the main social unity of Minangkabau (Shalihin, 2014). Thus, *nagari* in Minangkabau is a complex administrative and cultural entity that governs its society in certain territorial units.

In the beginning, *Nagari* governs itself as a small country autonomously under leadership of 4 *pangulus* who was the first to come to the *nagari*. The leadership pattern is both collective and democratic (Tegnan, 2015; Gazalba, 1969). In its journey as a part of the nation, the *nagari* in Minangkabau has dynamics and various changes. The change is in line with the change of governmental system and policy in Indonesia. Some major changes on the Minangkabau structure and culture can be summarized into three major change periods

(Hadiprayitno, 2014). First is colonial period, the *nagari* government was separated by the Dutch into executive, legislative and judiciary. *Kerapatan Adat Nagari* (KAN) authority repealed and *Walinagari* election conducted by voting. *Walinagari* and members of the *Kerapatan Nagari* election system should endorsed and recognized by the Dutch government (Tegnan, 2015; Shalihin, 2014; Astuti, 2009). Kemal (1964) said, the fundamental change of *nagari* at this period is the transformation of government system from genealogical and territorial unity to purified in the unity (Jendrius, 2011).

The second is post Village Law No. 5 of 1979. This law has caused *nagari* in Minangkabau turned into village government system in a uniform form. Even in 1983, *nagari* in Minangkabau was also split into several administrative villages. *Jorong* which was originally part of *nagari* changed to village through Governor's Decree No. 162 / GSB / 1983. The number of villages in West Sumatera then rise from 625 to 3,544 *nagaris*. The main motivation to splitting *nagari* into several villages at that time is to obtain the allocation of development funds (*dana Inpres*) (Zed et al., 1998). The implication is local institutions being marginalized and destroyed (Zed et al. 1998; Astuti et al., 2009).

The third is post-regional autonomy under the Regional Autonomy Law no. 22 of 1999. Post-passed this law, West Sumatera is the first province to respond the application of autonomy system by ratifying Regional Regulation (Peraturan Daerah/Perda) No. 09 of 2000 on The Basic of *Nagari* Government. Village government system returned to *nagari* government system. All previous villages were *Jorong*, returned to *Jorong* as part of the *nagari* structure. The transition did not go smoothly and many new problems in the *nagari* government emerged (Isra, 2014). The problems is conflict of *ulayat*, conflict of power, and issue of local persons (Benda-Beckmann and Benda-Beckmann, 2001). Shalihin even said the Minangkabau still not bright after the regional autonomy (Shalihin, 2014).

Nowadays, post-village law 2014 passed, it raises two main discourses in West Sumatera. The first is establishment of *adat* villages and the second is allocation of village funds. Both of the discourses have been discussed by Vel and Bedner through compare the transformation of *nagari* in West Sumatera and local politics in Sumba, West Nusa Tenggara (NTB). They also discussed the allocation of funds and the establishment of *desa adat* (village custom) at last (Vel and Bedner, 2015). However, there is no discussion about splitting village effort after the Village Law 2014 in West Sumatera. Even though, this is one of some important implication of this law in West Sumatera refers to the dynamic trend of the government system in Minangkabau which always changes every time policy changed. It is important because law-product is one of the a strategy to change in Indonesia (Vel et al., 2017). This paper will discuss the effort to splitting *nagari* in West Sumatera in general and in Pasaman Barat district as a case.

2 METHODS

This article based on qualitative research to capturing and understanding the dynamic of West Sumatera people and government to response the Village Law 2014. Data collected through study document (mass media news), public dialogue (discussion and socialization forums of the village law), and Focus Group Discussion with one of the *nagari* government in Pasaman Barat regency. Data analyzed uses data collecting, data verification, data display and data interpretation (Miles and Huberman, 1992). The steps conducted accordance to article writing needs. Therefore, data analysis follows the flow, logic and

systematic of writing in the term of narrative descriptive.

3 RESULT AND DISCUSSION

Republic of Indonesia government has passed the Law No. 6 Year 2014 on Village. This law has become primary reference in village governance throughout Indonesia. In this law "*desa (village), desa adat (customary village), and other terms are the unity of legal community which has a territorial boundary for governing and administering government affairs, the local community interest community initiatives, original rights, and/or traditional right that recognized and respected in government system of Republic Indonesia*". Base on this law, the district government may establish an *adat* village or other term with the requirements a). The unity of indigenous peoples and their traditional rights are still alive; b). The unity of indigenous peoples with their traditional rights is seen in accordance with the development of society; and c). The unity of indigenous peoples and their traditional rights should in accordance with the principle of the unitary state of Republic of Indonesia. Base on this law, the authorities to forming *desa adat* are the government at the regency level. The provincial government has no authority in establishing *desa adat*. However, the government of West Sumatera provincial is finalizing the customary village law legislation through a draft local regulation on *nagari*. The regulation draft has been discussed since early 2016. The draft is a revision to existing *nagari* rules. However, until now the draft regulation is still in the evaluation process and has not been ratified yet.

In addition to the issue of *desa adat* building, the more important issues from this village law 2014 is the village funds that allocated from state budget (APBN) to villages directly. In the Village Law 2014, the villages law allocation is distributing base on population, poverty, geographical area, and geographical difficulty in a village. However, technically the allocation of village funds is regulated under government regulation (PP) number 22 of 2015. The PP regulated the 90% of village funds distributed equally to all villages in Indonesia. And only 10% of village fund distribute base on population, poverty, geographical area, and geographical difficulty. It is causing the village fund allocation received more attention in West Sumatra. The discussion of village fund allocation is more specific about the amount of village fund gained by village and *nagari* through the allocation mechanism.

Then, the calculations triggered the discourse and movement to splitting *nagari*.

3.1 Splitting *Nagari* Effort in West Sumatera

The total allocation of village funds in West Sumatera in 2016 is Rp 598,637,609,000.00 for 880 *nagari*s and villages in 14 regencies. The village funds obtained by West Sumatera province is the least in comparison with other provinces in Sumatera. In fact, the West Sumatera population is the second largest in Sumatera after North Sumatera. In compared with Aceh for example, the amount of village funds in West Sumatera is much lower. Aceh with 4,906,835 residents in 5,677,081 Ha areas (BPS Aceh 2015) received village fund allocation Rp 3,829,751,986,000.00 for 6,474 villages in 23 regencies. This amount is more than West Sumatera amount with 5.196.289 population in 4.220,000 Ha area (BPS Sumbar 2016).

The striking comparison of village funds amount makes the discourse of splitting *nagari* in West Sumatera strengthened at provincial level. Governor and Deputy Governor of West Sumatera has instructed regencies and cities government to do the splitting of *nagari*. Although they said the purpose is

to accelerate development and facilitate services, the real purpose is to get more village funding allocations. It seen from the governor statement:

“Total penduduk Sumbar mencapai 5 juta jiwa, sementara dana desa yang diterima hanya kisaran Rp 700 miliar. Sedangkan provinsi Aceh dan Bengkulu yang jumlah penduduknya lebih sedikit, menerima dana desa mencapai Rp 5 triliun lebih.” (The total population of West Sumatera reached 5 million people, while the village funds received only range of Rp 700 billion. Aceh and Bengkulu with have fewer population, received village funds reach more than Rp 5 trillion.) (Padek Newspaper, 3 April 2017)

Although it does not necessary to split *nagari* to obtain more village funds specifically, but on various occasions, the governor encourages to splitting the *nagari* in order to gain more village funds. If this is true, then the splitting *nagari* motive post-village law 2014 is no different from the reason to made *orong* into villages in 1983, to access more presidential funds (Zed et al., 1998). The calculation is based on the government regulation which is just equally divided based on the number of villages in Indonesia. Thus, if there is greater number of villages in a province, there is more allocation of village funds (see table 1).

Table 1: The allocation of the village funds in West Sumatera in 2016 (in thousand rupiah).

No	Regencie/Cities	Number of Villages	Basic Allocation		Allocation Formula	Amount
			Per Village	Per Regencies/Cities		
1	2	3	4	5 = (3x4)	6	7 = (5+6)
1	West Sumatera Provice	880	565.640	497.763.200	100.874.409	598.637.609
1	Kab. Lima Puluh Kota	79	565.640	44.685.560	8.594.530	53.280.090
2	Kab. Agam	82	565.640	46.382.480	9.183.967	55.566.447
3	Kab. Kepulauan Mentawai	43	565.640	24.322.520	9.258.478	33.580.998
4	Kab. Padang Pariaman	60	565.640	33.938.400	8.331.145	42.269.545
5	Kab. Pasaman	32	565.640	18.100.480	7.450.744	25.551.224
6	Kab. Pesisir Selatan	182	565.640	102.946.480	10.019.210	112.965.690
7	Kab. Sijunjung	61	565.640	34.504.040	6.173.713	40.677.753
8	Kab. Solok	74	565.640	41.857.360	8.363.568	50.220.928
9	Kab. Tanah Datar	75	565.640	42.423.000	6.576.837	48.999.837
10	Kota. Sawahlunto	27	565.640	15.272.280	3.124.031	18.396.311
11	Kota. Pariaman	55	565.640	31.110.200	3.314.875	34.425.075
12	Kab. Pasaman Barat	19	565.640	10.747.160	8.869.950	19.617.110
13	Kab. Dharmasraya	52	565.640	29.413.280	5.944.035	35.357.315
14	Kab. Solok Selatan	39	565.640	22.059.960	5.669.326	27.729.289

Source: Allocation of Village Fund 2016

The government encouragement to splitting *nagari* appear two opposing views that represented by community leaders. The first group is not agreed with

the splitting *nagari*, and the second is agreed. The first group based their view to past experiences in splitting the *nagari* into several villages in 1983 from

many studies that showed the splitting nagari impact. Minangkabau was destructed of cultural values caused by the destruction of the original structure social structure of *nagari* (Zed et al., 1998; Astuti, 2009; Benda-Beckmann and Benda-Beckmann, 2001; Zakaria, 2000). The second based their view on pragmatic purpose, to get more village funds if the *nagari* were splitting. Although, there are two different views on the splitting *nagari* discourse, the provincial government still encourages the regency government to splitting *nagari*.

3.2 Splitting Nagari Effort in Pasaman Barat Regency

West Pasaman Regency is the new regency from the division of Pasaman district based on Law No. 38 of 2003. This district was inaugurated on January 7th 2004 in Jakarta by the Minister of Home Affairs along with 24 other districts in Indonesia. January 7th was declared as the birthday of West Pasaman Regency. This regency has only 19 *nagaris* spread over an area of 3,887.77 km² (BPS Pasaman Barat 2016). The territory of *nagari* in West Pasaman is very wide, even 5 *nagaris* territory are equal with the district territory. With such administrative conditions, the geographical conditions of the *nagari* in West Pasaman are very diverse.

The government of West Pasaman previously allocated the funds of 1 billion per *nagari* per year. This program has been carried out since 2011 and known as the “*Nagari satu Miliar*” (one billion of *nagari*). In this program, the Government allocated budget in the form of *Nagari Funds Allocation* (Alokasi Dana Nagari/ADN) named as *Satu Miliar per Nagari* (SMpN) (One Billion per *Nagari*). The fund totally handed *nagari* government under Regulation of Pasaman Barat Regency No. 4 of 2011 on General Guidelines for the Management of the Fund Allocation of *Nagari* (ADN) of Pasaman Barat Regency. ADN SMpN Program provides financing facilities for Micro, Small, and Medium Business (UMKM) through capital provision to spur people’s economic growth and for economic enterprises of young people who are members of the youth organization. The program also encourages for infrastructure program by involving community empowerment (Haryadi, 2014).

The program end in 2015 and replaced by the village fund allocation program based on the 2014 Village Law. Base on the scheme of village fund, Pasaman Barat Regency obtain little village fund. In 2016, the average *nagari* only gets Rp. 565,640,000 (see table 1). This amount is only a half of the ADN

SMpN program amount. Of course, for the *nagari* in West Pasaman, this is too small compared to area and the number of residents. Based on this situation the splitting *nagari* emerged from the *nagari* stakeholders. The desire for splitting *nagari* from both the government and the *nagari* apparatus was driven by the village fund obtained. They encourage to splitting *nagari* to obtain a larger allocation from village funds. They compare the allocation of village funding in West Pasaman with the Pesisir Selatan regency. Pesisir Selatan with 182 *nagaris* get the village fund amount Rp. 112.965.690.000, while Pasaman Barat is only able to earn Rp. 19,617,110,000 because it only has 19 *nagaris*.

The splitting *nagari* in West Pasaman was paid off. West Pasaman previously consisted of 19 *nagaris*, now has 72 new villages after the splitting, West Pasaman has 91 *nagaris* in total. The temporary walinagari of all new nagaries has been inaugurated on May 26th, 2017. Each of those 72 preparatory *nagaris* should set the *nagari* structure immediately to be a definitive *nagari*. This new *nagaris* will evaluated within a maximum of 3 years. If the preparatory *nagari* meets the requirements, they would be submitted to obtain the village register under the Ministry of Home Affairs and be the definitive *nagari*. Then, the *nagari* will receive the village fund allocations. The process and steps of establishing new *nagari* in Pasaman Barat showed the dominant factor is to obtain a larger village fund, although the Regent of Pasaman Barat stated that splitting *nagari* is to bring closer and facilitate service to the community. This process is consequences of the decentralization system in Indonesia after the “new order” where authority is in the local government (Antlöv, 2003).

4 CONCLUSION

The Village Law as a whole is not only about customary villages and village funds. Philosophically, the spirit of this law is to accommodate the existing diversity and plurality of traditional law and traditional values in Indonesia into the governance system. this law expected to be an umbrella of the juridical foundation to accelerate development in Indonesia from the edge. Thus, the village law regulates the village, custom village, village fund, village enterprise, village apparatus, and so on. Unfortunately, West Sumatra governments only saw the village law as *desa adat* and village fund. The last is gets more attention. The implication is the return of West Sumatra to the paradigm of

centralized government in the new order. At this time, local government only oriented to the acquisition of funds from the central government. The local governments have neglected the development of *nagari* based on social and cultural values has been running as the democratic system and built their own autonomous territory. At last, it will make West Sumatra into the same problem and repeat the same mistake (Hadler 2010).

For the future, the Government of West Sumatra should consider another aspect of village law 2014 spirit rather than village funds. *Nagari* have social and cultural values that can be developed to build villages in accordance with the Village Law 2014. Furthermore, at the national level a 90% equitable allocation of village funding policies for all villages in Indonesia should be evaluated. Based on past experience, *Inpres* (Presidential Instruction) funds not only damage the cultural system of *nagari*, but also other indigenous villages in Indonesia such as Golo in NTT, Gampong in Aceh, Lembang in Central Sulawesi and others. This is important to anticipate the destruction of *nagari* and other names in Indonesia due to the factor of the village fund.

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