

## TRADITIONAL IN MODERN: The Existence of Village Governance Indonesia

Halilul Khairi\*, Afif Syarifudin Yahya, Alma'arif

Institut Pemerintahan Dalam Negeri

Jl. Ampera Raya, Jakarta Selatan, Indonesia, 12560

email: [halilulkhairi@ipdn.ac.id](mailto:halilulkhairi@ipdn.ac.id)

Waiphot Kulachai

College of Politics and Government

Suan Sunandha Rajabhat University, Bangkok, Thailand

Sharifah Nursyahidah Syed Annuar

Political Science Programme

National University of Malaysia, Selangor, Malaysia

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**Abstract:** Villages existed before Indonesia became independent, with values that applied to its people. Modern government has organized villages into formal government institutions within the Indonesian government system, except for those that remain traditional villages. This study aims to analyze the value system of traditional villages in Indonesia and examine the structure of traditional village governance in the country. This study uses an interpretive paradigm with a qualitative approach. Data was collected qualitatively through interviews with several informants, including village heads, traditional leaders, community leaders, and local government officials. This study was conducted in three provinces with village characteristics that differ from those of other villages, namely North Sulawesi (Wanua), West Sumatra (Nagari), and Aceh (*Gampong*). The results gave rise to categories of villages that exist in Indonesia today, namely 1) Villages, but with Traditional Government; 2) Traditional Village, and its traditional government; 3) Village and its government; and 4) Traditional Village, but the government is the village. The contribution of this study is related to efforts to redefine Traditional Villages as they currently exist in Indonesia.

**Keywords:** customary law, Indonesia, local values, traditional village, village governance.

**Abstrak:** Desa telah eksis sebelum Indonesia merdeka dengan nilai-nilai yang telah dimiliki oleh masyarakatnya. Pemerintah modern telah mengatur desa sebagai institusi formal dalam sistem pemerintahan Indonesia, kecuali desa yang masih eksis sebagai desa adat. Studi ini bertujuan menganalisis nilai-nilai adat

yang masih ada dalam pemerintahan desa di Indonesia, dan menganalisis struktur pemerintahan adat dalam sistem pemerintahan desa. Studi ini menggunakan paradigma interpretif dengan pendekatan kualitatif. Data dikumpulkan secara kualitatif melalui wawancara beberapa informan seperti kepala desa, ketua adat, tokoh masyarakat, dan pemerintah daerah. Studi ini dilakukan di tiga provinsi yang memiliki karakteristik desa yang berbeda satu sama lain, yaitu Sulawesi Utara (*Wanua*), Sumatera Barat (*Nagari*), dan Aceh (*Gampong*). Hasil studi menghasilkan kategori desa yang eksis di Indonesia saat ini, yaitu 1) Desa dinas, namun pemerintahannya adat; 2) Desa adat dan pemerintahan adat; 3) Desa dinas dan pemerintahannya dinas; dan 4) Desa adat, namun pemerintahannya desa dinas. Kontribusi studi ini berkaitan dengan upaya redefinisi konsep desa adat yang eksis saat ini di Indonesia.

**Kata kunci:** hukum adat, Indonesia, nilai-nilai lokal, desa adat, tata Kelola pemerintahan desa.

## Introduction

The debate on centralization and decentralization of government in Indonesia remains a topic that continues to be discussed by public administration experts. One aspect that remains a topic of ongoing study is the location of government decentralization, specifically whether it should be at the provincial, district/city, or village level as the lowest level of government.<sup>1</sup> Villages, as legal community units that have the right to regulate themselves based on customs that apply according to local community conditions<sup>2</sup> Experience governance problems

as indicated by the low quality of village government officials<sup>3</sup>, and the lack of independence of villages in developing their regions<sup>4</sup>.

Since 2014, the government has attempted to empower villages by allocating one billion rupees to each village. However, in practice, many villages are still found to have problems managing village funds, as evidenced by the numerous village heads who are suspected of corruption involving village funds<sup>5</sup>. Additionally, research reveals that village funds have a limited impact on

<sup>1</sup> Alma Arif and Irfan Ridwan Maksum, "Functional Decentralization Construct in Decentralization Policy in Indonesia ( A Study of Irrigation, Education, and Free Trade Sectors )" 21, no. May (2017):59-81, <https://doi.org/http://dx.doi.org/10.22146/jkap.25383>; Brian C Smith, "The Decentralization of Health Care in Developing Countries: Organizational Options," *Public Administration and Development* 17, no. 4 (October 1, 1997): 399-412, [https://doi.org/https://doi.org/10.1002/\(SICI\)1099-162X\(199710\)17:4<399::AID-PAD976>3.0.CO;2-P](https://doi.org/https://doi.org/10.1002/(SICI)1099-162X(199710)17:4<399::AID-PAD976>3.0.CO;2-P).

<sup>2</sup> Chanif Nurcholis, Sri Wahyu Krida Sakti, and Ace Sriati Rachman, "Village Administration in Indonesia: A Socio-Political Corporation Formed by State," *Open Journal of Political Science* 09, no. 02 (2019): 383-404.

<sup>3</sup> Novita Puspasari, "E-Village Government: For Transparent and Accountable Village Governance," *Asia Pacific Fraud Journal* 2, no. 2 (2018): 221, <https://doi.org/10.21532/apfj.001.17.02.02.10>;

Ronal Watrianthos et al., "E-Government Village Model," 2020, <https://doi.org/10.4108/eai.11-12-2019.2290857>.

<sup>4</sup> Frida Agustina et al., "Factors Determining Low Regional Financial Independence: Financial Autonomy and Degree of Decentralization," *Tata Kelola Akuntabilitas Keuangan Negara* 8, no. 1 (2022): 117-30, <https://doi.org/10.28986/jtaken.v8i1.ARTICLE>.

<sup>5</sup> Rumayya Batubara, "Village Government Corruption in Decentralized Indonesia: Democracy, Ethnic Diversity and Budget," *Journal of Developing Economies* 1, no. 1 (2018): 49-62, <https://doi.org/https://doi.org/10.20473/jde.v1i1.1774>.

the empowerment and social development of village communities<sup>6</sup>. The low quality of human resources in the village bureaucracy and village heads who are only at the high school level are the primary factors contributing to the failure of villages in development and empowerment<sup>7</sup>. In addition, the Village is also facing the development of information and communication technology.<sup>8</sup> Consequently, the government is currently implementing a temporary policy related to e-Village aimed at digitizing village government operations.<sup>9</sup> However, the policy is still not running smoothly due to the low quality of human resources and limited government authority in the village<sup>10</sup>.

The village, recognized by the Indonesian government, is the lowest level of government that can run independently, as its existence predates the formation of the modern Indonesian government.<sup>11</sup>

Therefore, the village that exists today is a natural outcome of the interaction between humans and the groups within it.<sup>12</sup> In other words, the village is a pure and natural form of government that can support its people,<sup>13</sup> As some experts currently argue, villages in Indonesia are *pseudo-governments*.<sup>14</sup> Several studies on villages are contemporary studies that examine the implementation of village-related policies, such as village funds and village-owned enterprises.<sup>15</sup>

Accountability and transparency in village financial management, as well as the process of village digitalization.<sup>16</sup>

Research related to the philosophical aspects of village government, although considered comprehensive, is rarely found, especially regarding the original values of the

<sup>6</sup> Hans Antlöv, Anna Wetterberg, and Leni Dharmawan, "Village Governance, Community Life, and the 2014 Village Law in Indonesia," *Bulletin of Indonesian Economic Studies* 52, no. 2 (2016): 161-83, <https://doi.org/10.1080/00074918.2015.1129047>.

<sup>7</sup> Puspasari, "E-Village Government: For Transparent and Accountable Village Governance."

<sup>8</sup> Hariyanto, Hariyanto, Muhammad Mutawalli Mukhlis, and Daud Rismana. "The Role and Authority of the Deputy Regional Head According to Islamic Principles within the Framework of Regional Government Law." *JURIS (Jurnal Ilmiah Syariah)* 24.1 (2025): 13-27

<sup>9</sup> Hasan, Nor, et al. "Tradition, social values, and fiqh of civilization: Examining the Nyadran ritual in Nganjuk, East Java, Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7.3 (2023): 1778-1802.

<sup>10</sup> Antlöv, Wetterberg, and Dharmawan, "Village Governance, Community Life, and the 2014 Village Law in Indonesia"; Watrianthos et al., "E-Government Village Model."

<sup>11</sup> Raden Hamidi et al., "Comparison of Authority of Village Government Before and After the Implementation of Law Number 6 of 2014 Concerning Village," *The Journal of Social Sciences*

*Research* 5, no. 511 (2019): 1609-13, <https://doi.org/10.32861/jssr.511.1609.1613>; Nurcholis, Sakti, and Rachman, "Village Administration in Indonesia: A Socio-Political Corporation Formed by State."

<sup>12</sup> Ahmad Yamin and Supriyadi Supriyadi, "Problematics of the Village Government Authority," *Unram Law Review* 4, no. 2 (2020): 184-92, <https://doi.org/10.29303/ulrev.v4i2.117>.

<sup>13</sup> Mujab, Sayful, and Nabila Luthvita Rahma. "Authority of the Chief of Village in the Customary Mediation of Marriage Disputes: Phenomenon in Madura, Indonesia." *De Jure: Jurnal Hukum dan Syaria'iah* 14.2 (2022): 304-316.

<sup>14</sup> Nurcholis, Sakti, and Rachman, "Village Administration in Indonesia: A Socio-Political Corporation Formed by State."

<sup>15</sup> Debora S. Panjaitan and Aldri Frinaldi, "Analysis of Innovation Culture and Sound Governance in the Mandiri Voe Program at Sibolahotang Village, Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022): 258-72, <https://doi.org/10.30631/alrisalah.v22i2.1277>;

Suartini Suartini and Syafrizal Syafrizal, "Al-Ghazali on Social Welfare: In Search of Its Relevance in the Context of Village Owned Enterprise," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (2021): 83-95, <https://doi.org/10.30631/al-risalah.v21i1.647>.

<sup>16</sup> Komaruddin, Koko. "Fairness in the distribution of land ownership in Indonesia based on Islamic law perspective." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 20.2 (2020): 211-234.

Community that apply in village governance. Previous studies have revealed a philosophical disagreement gap, characterized by differences of opinion among experts who have researched formal villages and traditional villages.<sup>17</sup> Some experts consider the village to be part of the regional government, whose structure is similar to that of modern regional governments in Indonesia<sup>18</sup>. In contrast, some experts consider the village as a self-governing community that will continue to exist if its traditional values are recognized and protected by the state<sup>19</sup>.

To clarify the position of customary values, both in formal village government and in the customary village itself, this study aims to fill the gap above. Therefore, this study aims to analyze the local values embedded in customary law in modern village governance and to map villages based on their structure and form of government.

**Method**

This study uses an interpretivist paradigm.<sup>20</sup> The study employs this paradigm as it examines the laws and structures of customary governance, which persist in village governance. Therefore, the subjective view of humans as a source of information holds significant importance in this paradigm, which encompasses multiple

realities. This can be seen from the substantial differences in opinions of several experts regarding the position and existence of villages, whether as self-governing communities.<sup>21</sup> or as part of local self-government<sup>22</sup>. Therefore, a qualitative approach is deemed suitable for this study.

This study was conducted in 2024 at three provinces in Indonesia, where customary values continue to influence modern village governance: West Sumatra Province, with Nagari as the primary village unit; Aceh Province, with Gampong as the primary village unit; and North Sulawesi Province, with Wanua as the primary village unit. A study was conducted in two villages in West Sumatra Province that have significant differences in governance, based on Tambo Minangkabau, due to differences in history and descent. The villages represented are Nagari Lubuk Basung, which is representative of Nagari with Koto-Piliang descent, and Nagari Kamang Hilia, which is representative of Nagari with *Bodi-Chaniago* descent.

**Table 1.** Research the location in detail

Province	Regency	Village or another name
Aceh	Banda Aceh	Gampong Mulia
	Aceh Besar	Lubok Batee
South Sulawesi	North Minahasa	Sawangan & Tumuluntung
	Bolaang Mongondow	Langagon I
West Sumatera	Agam	Kamang Hilia & Lubuk Basung

**Source:** managed by authors, 2025

A study was conducted in two regencies: North Minahasa Regency, which has one of the oldest Wanua in North Sulawesi, specifically *Wanua* Sawangan, and Bolaang

<sup>17</sup> Rahmat, Diding, et al. "The Urgency of Administrative Law in Light of Ius Constituendum Regarding the Role of Village Heads." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* (2024): 53-67.

<sup>18</sup> Eko Sutoro, *Desa Baru, Negara Lama*, 1st ed. (Yogyakarta: Pascasarjana STMD APMD, 2017), [http://opac.library.apmd.ac.id/index.php?p=show\\_detail&id=5558&keywords=](http://opac.library.apmd.ac.id/index.php?p=show_detail&id=5558&keywords=).

<sup>19</sup> Nurcholis, Sakti, and Rachman, "Village Administration in Indonesia: A Socio-Political Corporation Formed by State."

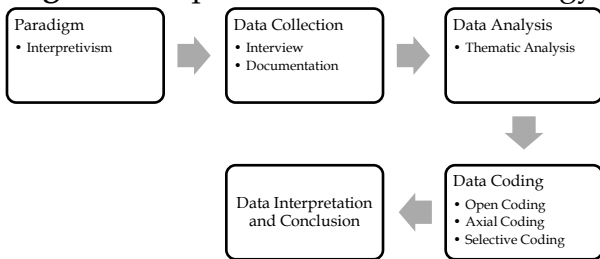
<sup>20</sup> Joseph. A Maxwell, *Qualitative Research Design: An Interactive Approach*, SAGE Publications, 3rd Edition (Los Angeles: SAGE Publications, 2012).

<sup>21</sup> Nurcholis, Sakti, and Rachman, "Village Administration in Indonesia: A Socio-Political Corporation Formed by State."

<sup>22</sup> Sutoro, *Desa Baru, Negara Lama*.

Mongondow Regency, whose villages have customary values documented in village regulations. The study was conducted in two regencies: *Gampong* in Banda Aceh City and *Gampong* in Aceh Besar Regency. The difference in location in Aceh was determined because villages in urban areas and villages in rural areas are regulated in the same way as *Gampong*.

**Figure 1.** Steps of Research Methodology



Source: managed by authors, 2025

Data are collected through qualitative methods, including interviews and documentation. There are four types of people selected as informants: village heads (7 informants), traditional leaders (5 informants), community leaders (5 informants), and local government officials (12 informants). While some documents were collected, namely the Tambo Alam Minangkabau and the Provincial Regulation of West Sumatra Number 7 Year 2018 regarding Nagari, the Provincial Regulation of Aceh Special Autonomy Region Number 5 Year 2003 regarding Gampong Government, and the Community law in each village. Then, the data were analyzed qualitatively with thematic analysis. Data coding techniques support thematic analysis, enabling the interpretation and drawing of conclusions.

## Results and Discussion

This section of the discussion is divided into three main themes, which are emerging and categorizing from the field.

### 1. Rights and Obligations of Citizens Regulated by Customary Law

The rights and obligations of the community, as regulated in customary law, vary in their implementation across each village. Some villages restrict their rights and responsibilities in village regulations, such as those in Langagon I Village, Bolaang Mongondow Regency. The town regulates several prohibitions on the community in society such as shouting in public places, gambling, modifying motorcycle exhaust to disturb the peace of residents, selling alcoholic beverages to the community, defamation, coming to other people's areas without permission and manners, stealing, destroying public facilities, polluting the environment, and destroying village assets.

In addition, the community is prohibited from insulting, harassing, or intimidating the village government to maintain the authority of the village government, protect village employees from intimidation by outside parties, and enhance the performance of the village government. Not only in government and civil society, but community violations can also be associated with the implementation of customary marriage laws, such as elopement, adultery, and rape. These violations carry fines according to the level of the committed violation. Village regulations expressly regulate penalties in the form of money or goods.

Ultimately, the community cannot receive public services from the village government if the community that has violated the rule has not paid the fine imposed on it. For violations that occur, especially those related to customary marriage, if the community has paid the customary fine and a dispute remains, the village head does not immediately hand over the case to the police; instead, they refer the dispute to the customary institution for resolution. Resolution through the police becomes the last resort if the customary institution is

unable to resolve the dispute.<sup>23</sup> The customary leader must decide on sanctions to maintain law and order and prevent social turmoil. <sup>24</sup>And ensure customary justice between the community.<sup>25</sup>

Sawangan Village, although located in the same province as Langgon I Village, implements its village government services according to national policy regulations. The village head, referred to as a *dotu*, is democratically elected by village residents every six years, as stipulated in Law Number 6 of 2014 concerning Villages. The structure of the Sawangan Village government consists of the village government and the Village Consultative Body (VCB). The village government consists of the village head and village apparatus, consisting of the secretariat, head of affairs, and hamlet head. The decision-making mechanism relating to the community is fully discussed in the VCB by consensus. Regulations regarding the rights and obligations of the Village Community are entirely in the form of village regulations, which are discussed and determined by the village government and VCB formally.<sup>26</sup>

Village assets are obtained from the allocation of village funds, original village income, and village funds and grants from other organs. Village assets are officially managed by Regulation of the Minister of Home Affairs Number 1 of 2016 concerning Village Asset Management. Thus, Sawangan Village has been managed using the Village Service mechanism as regulated in the provisions of applicable laws and regulations. Furthermore, Langagon I village acquired its assets through sanctions and historic assets that existed in parallel with the village's establishment.

The regulations regarding the obligations and prohibitions of the Community that apply to the Lubuk Basung and Kamang Hilia Villages of West Sumatra Province, including those that pertain to the descendants of Bodi-Chaniago and Koto-Piliang, are verbally regulated and passed down from generation to generation by traditional leaders.<sup>27</sup> The obligations and prohibitions in the life of the Minangkabau Community include marrying within the same tribe, pawning joint property without the consent of the tribe, interrupting conversations of older people, adding to customary words that have been determined, and sitting in an inappropriate position.

Meanwhile, some of the obligations inherent in the Minangkabau community include adhering to the matrilineal system, respecting uncles who act as family mentors, guarding heirlooms, engaging in deliberations to reach consensus in decision-making, and following marriage customs and their customary processes. If there is a violation of the Community, sanctions will

<sup>23</sup> M Tjoanda, "The Expansion and Existence of the Indigenous Rights of Sea in Indigenous Villages (Review of the Customary Right of Coastal and Marine Areas of Halong State)," *Journal of Cultural Heritage Management and Sustainable Development* 10, no. 3 (2020): 209–16, <https://doi.org/10.1108/jchmsd-05-2018-0034>.

<sup>24</sup> Erdianto, S. Putra, and Elmayanti, "Settlement of Customary Violation in the Coastal Part of Pelalawan Regency," *IOP Conference Series: Earth and Environmental Science* 1181, no. 1 (2023).

<sup>25</sup> J Ubink, "The Quest for Customary Law in African State Courts," in *The Future of African Customary Law* (Van Vollenhoven Institute, Faculty of Law, Leiden University, Netherlands: Cambridge University Press, 2011), 83–102, <https://doi.org/10.1017/CBO9780511844294.005>.

<sup>26</sup> Tjoanda, "The Expansion and Existence of the Indigenous Rights of Sea in Indigenous Villages (Review of the Customary Right of Coastal and Marine Areas of Halong State)"; J Luo et al., "Rural development level of villages in Wuhan City's

new urban district and its hierarchical structure," *Progress in Geography* 38, no. 9 (2019): 1370–81, <https://doi.org/10.18306/dlkxjz.2019.09.010>.

<sup>27</sup> Kripa Ananth Pur, "Rivalry or Synergy? Formal and Informal Local Governance in Rural India," *Development and Change* 38, no. 3 (2007): 401–21.



be imposed by customary provisions. The method of determining sanctions for the Minangkabau Community is carried out through two different mechanisms, as determined by the descendants of the tribe. The descendants of *Koto-Piliang* emphasize a hierarchical and tiered process, starting from the highest leader of the tribe and proceeding to the tribal chief.

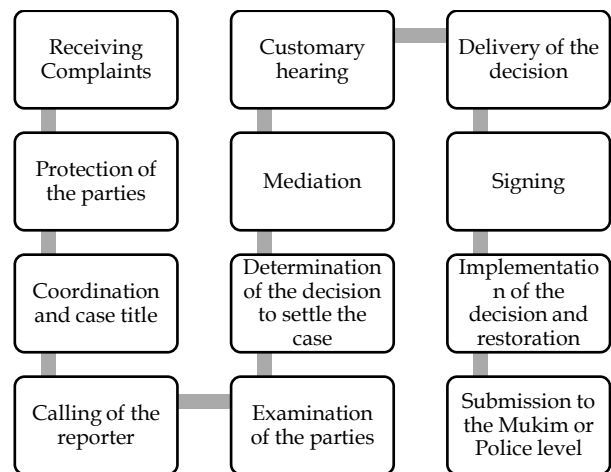
The degree of customary violations that exist determines the level of decision-making. The more serious the violation, the higher the fine amount determined by the actor. Meanwhile, in the descendants of *Bodi-Chaniago*, the determination of sanctions is carried out in an egalitarian manner to reach consensus because there is no supreme tribal leader. The sanctions imposed can take the form of reprimands, customary fines, social exclusion, or the revocation of customary rights within the tribe.

Meanwhile, in the Village in Aceh Province, there are several prohibitions and obligations of the Community that are regulated in provincial regulations, not village regulations. Some of these prohibitions include disputes within households, conflicts between families, disputes between residents, being alone in a deserted place, disputes over property rights, theft, harassment, environmental pollution, threatening behavior, and forest fires.

Additionally, there are Community obligations in the form of cooperation activities aimed at maintaining the cleanliness of the Village environment. For Community members who cannot participate in cooperation, such as parents, state officials, and businesspeople, they contribute to the formulation of the budget and ideas. Suppose there are Community members who can carry out cooperation but do not participate. In that case, they will be subject to sanctions ranging from warnings and fines to ostracism by the Village

Community. This has happened because the traditional village, influenced by customary law, possesses a strong collective identity rooted in tradition and culture. This identity plays a significant role in community actions and social movements.<sup>28</sup> The mechanism for imposing sanctions in the Village can be seen in the following figure:

**Figure 2.** Sanction Decision-Making Process in Gampong (Aceh Province)



Source: managed by authors, 2025

## 2. Decision Making in Enforcing Citizens' Rights and Obligations

Decision-making regarding the enforcement of the rights and obligations of citizens, village governments, and customary institutions is interrelated, although it is closely tied to village affairs<sup>29</sup>. For example, village development planning carried out through the Village Level Development

<sup>28</sup> I W Rideng, I N P Budiarta, and I N Sukandia, "The Development of Bali Tourism through Cultural and Local Wisdom of Customary Village," *International Journal of Entrepreneurship* 24, no. 5 (2020): 1-6, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85098987217&partnerID=40&md5=aa5104467817e0b4e4f299021f33d7cf>.

<sup>29</sup> Ubink, "The Quest for Customary Law in African State Courts"; Erdianto, Putra, and Elmayanti, "Settlement of Customary Violation in the Coastal Part of Pelalawan Regency."

Planning Deliberation (*Musrenbangdes*) mechanism also involves customary institutions<sup>30</sup>. The results of the *Musrenbangdes*, which the VCB and the village government discuss, cannot be implemented without approval from the customary institution. On the other hand, the decision of the village deliberation should be a decision of the customary institution made by consensus, so that its implementation can be supported by both the community and the customary institution<sup>31</sup>. This is because, with the support of the customary institution, it will remember the community as a whole in Langagon Satu Village, including when sanctions are imposed during deliberations. It means that formal regulation is not always an obstacle to implementing customary law. This contrasts with previous research, which finds that formal regulation and customary law are often in conflict with each other. This study, however, demonstrates that formal regulation can be utilized to support the preservation of local values in the decision-making process. Thus, the existence of formal and customary law can ensure legal certainty<sup>32</sup> and equal access to community services<sup>33</sup>.

The Minangkabau customs prevalent in West Sumatra Province generally consist of two lineages, namely the Bodi-Chaniago and Koto-Piliang lineages. The two descendants have differences in the decision-making mechanisms related to community life and village government. In the *Bodi-Chaniago* descendants, the customary decision-making mechanism is implemented democratically, where each party involved in decision-making has equal rights and opportunities. On the other hand, among the Koto-Piliang descendants, the customary decision-making mechanism is implemented hierarchically and in stages, where the highest customary leader holds a greater position and authority than the others, resulting in a top-down decision-making process.

**Table 2.** Actors in Decision Making at Minangkabau (West Sumatra)

Actors	Role	Actors	Role
Descendants of Bodi-Chaniago		Descendants of Koto-Piliang	
<i>Datuk/Penghulu</i>	tribal or clan leaders who have an essential role in implementing deliberations and decision-making	<i>Pucuk Adat (rajo)</i>	The highest leader has greater authority than other parties in decision-making, and their decisions are final.
<i>Niniak Mamak</i>	leaders of extended families or clans who play a role in providing considerations or advice in decision-making	<i>Penghulu pucuk</i>	The highest customary leader, under Pucuk Adat (Rajo), plays a vital role in decision-making.
<i>Alim Ulama</i>	Religious figures who play a role in providing views based on Islamic values in decision-making	<i>Penghulu andiko</i>	Penghulu under Penghulu Pucuk can provide considerations in the decision-making deliberation

<sup>30</sup> Alma'arif Alma'arif and Ella L Wargadinata, "Adopting Open Government in Local Development Planning," *Jurnal Kebijakan Dan Administrasi Publik* 26, no. May (2022): 18-32, <https://doi.org/http://dx.doi.org/10.22146/jkap.64692>.

<sup>31</sup> Utami et al., "Conflict Resolution in the Customary Village Governance Administration of Baduy, Tengger, and Samin Ethnic Groups in Indonesia"; Ubink, "The Quest for Customary Law in African State Courts."

<sup>32</sup> G M Swardhana and S Jenvitchuwong, "The Participation within Indigenous Land Management: Developments and Challenges of Indigenous Communities Protection," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 308-27, <https://doi.org/10.53955/jhcls.v3i1.72>.

<sup>33</sup> J A Jayus, "Urgency of Legal Indigenous Communities' Position in Indonesian

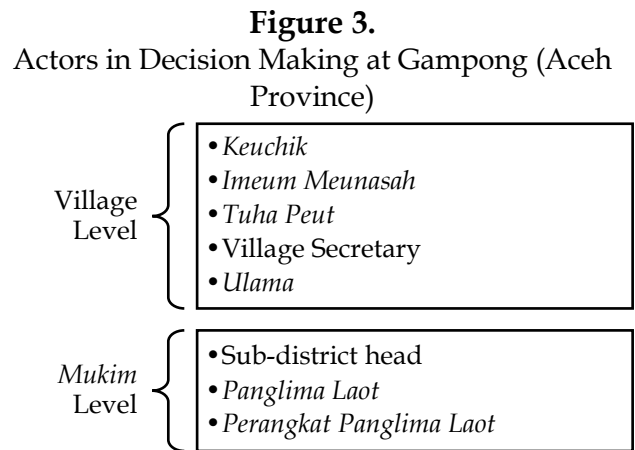
Constitutional System," *Jurnal Media Hukum* 27, no. 1 (2020): 79-98.



Actors	Role	Actors	Role	Actors	Role	Actors	Role
Descendants of Bodi-Chaniago		Descendants of Koto-Piliang		Descendants of Bodi-Chaniago		Descendants of Koto-Piliang	
<i>Cadiak Pandai</i>	intellectuals who play a role in providing views based on the knowledge or insight they have in decision-making	<i>Alim ulama</i>	Religious figures who provide considerations based on Islamic values in the decision-making deliberation process				of young people in the decision-making deliberation process
<i>Bundo Kanduang</i>	old and respected women who provide decision-making considerations if the problem is related to women and families	<i>Dubalang</i>	parties who play a role in maintaining security and as implementers (executors) of customary decisions				
<i>Parik paga</i>	younger generations who are involved in the decision-making deliberation process, who provide considerations based on the perspectives and aspirations of the younger generation	<i>Bundo Kanduang</i>	Female leaders who provide considerations in the decision-making deliberation process related to women and families				
		<i>Manti</i>	intellectuals who provide considerations based on knowledge or insight in the decision-making deliberation process				
		<i>Anak kemenakan</i>	younger members of society, and provide considerations based on the perspective or aspirations				

Source: managed by authors, 2025

Decision-making in the Village in Aceh is carried out in stages, starting from village-level decision-making and Mukim-level decision-making, or other similar terms. The actors involved in the Decision-making are as follows:



Source: managed by authors, 2025

At the village level, the party that has the right to decide is the *keuchik*. Then, at the mukim level, the party with the right to choose is the *imeum mukim*, for residents who are sued for violating customary law will be processed by customary law.

### 3. Government or customary institutions outside the village government

The customary government in Langagon I Village is structured as a customary institution, led by the village head through a customary ceremony, in which the village head is appointed as *Babato* (customary leader). Meanwhile, there are also sub-district heads who are appointed as *pangulu*. *Pangulu*, from a historical perspective, serves as a liaison and facilitator of conflicts

between villages. The village head/*Sangadi*, as *Bobato*, is tasked with leading the customary process and implementing customary decision-making that binds the Community. In addition, *Babato* has the function of appointing customary leaders, *Syar'I* employees, and *Tuhanga*. The current customary leader has been in office for 15 years, and no community has protested the implementation of his duties and functions. This is because the current customary leader upholds the principle of non-discrimination in deciding cases, including those involving his immediate family. In addition to *Babato*, there are *Tuhanga* members of the customary institution, comprising five people in Langagon Satu Village. The primary task of *Tuhanga* is to implement customary law in the community's daily life. Since its inception, *Tuhanga* has been instilled with customary values, enabling its members to master and memorize customary law.

Additionally, *Tuhanga* is responsible for disseminating information related to customary law in Langagon Satu Village to the community. Some *Syar'i* employees are related to religious affairs. *Syar'i* employees are tasked with enforcing customary regulations about religion and avoiding conflicts arising from spiritual matters. Another structure is *Pangulu*, who is equivalent to a sub-district head; currently, the customary position is held concurrently by the sub-district head. However, when making customary decisions, *Pangulu* does not participate in the decision-making process. Based on the interviews conducted, it appears that village-level decision-making, including village development deliberations, is carried out within customary institutions, resulting in village decisions that these institutions essentially determine.

Customary institutions outside the village government structure in West Sumatra Province include the *nagari* head, *malin*, and *dubalang*. The differences between the two descendants in Minangkabau also determine

the differences in the structure of their customary institutions. Members of customary institutions are appointed through different processes. However, some of the requirements for the appointment of customary leaders in a hierarchical manner are 1) a nephew, 2) one custom, 3) reciprocity, and 4) wealth and socio-economic status. *Penghulu/Datuk* are appointed from their clan. However, *Penghulu* has also been a cadre of customary leaders from the beginning.

The government organs outside the Gampong government in Aceh consist of the Aceh Customary Council, *Imeum Mukim*, *Imeum Meunasah*, *Keuchik*, and *Syahbanda*. The role of these customary institutions is autonomous and independent in fostering customary law, and as partners of the government in organizing the government.<sup>34</sup> The appointment mechanism in customary organizations in Aceh is carried out by voting, where the candidate receiving the most votes is selected, or by deliberation, the requirements of which have been determined by the Aceh Provincial Government.

In this case, traditional leadership is seen as democratic in its way, emphasizing consensus and community involvement.<sup>35</sup> For people who meet the requirements, they are then determined as candidates for the *imeum mukim* by the *imeum mukim* election committee. The candidate who is elected is the candidate who gets the most votes. If there are two or more candidates who get the same number of votes, a re-election is needed. For candidates for the *imeum mukim* who are elected because they receive the most votes, they are appointed and determined by the Regional Head for a term of five years.

<sup>34</sup> Hamidi et al., "Comparison of Authority of Village Government Before and After the Implementation of Law Number 6 of 2014 Concerning Village."

<sup>35</sup> Koenane, "The Role and Significance of Traditional Leadership in the Governance of Modern Democratic South Africa."

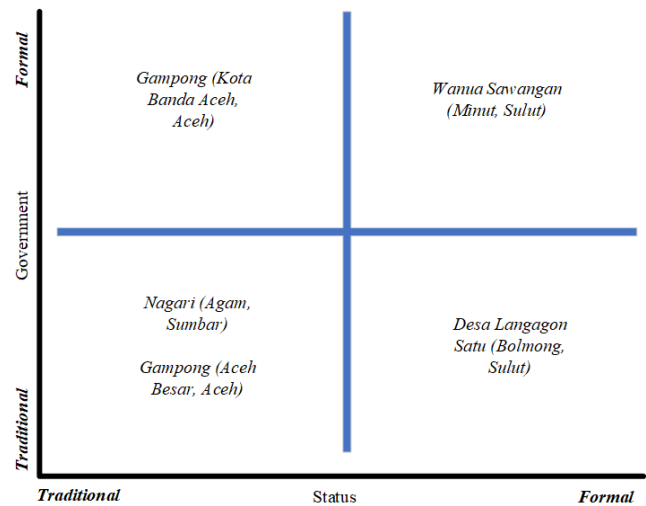
**Table 3.** Comparative aspects of each village government

	Village status (based on regulation)	Rights and Obligations	Decision-making process	Government or customary institution outside formal structure
<b>Gampong (Banda Aceh)</b>	<i>Adat</i> village	Regulated in the village regulations	Mix traditional and formal law	There is a customary structure
<b>Gampong (Aceh Besar)</b>	<i>Adat</i> village	Living under customary law	Based on customary law	There is a customary structure
<b>Langagon Satu</b>	Formal village	Living in customary law and formalized in the Village regulation	Based on customary law	There is a customary structure
<b>Wanua Sawangan</b>	Formal village	Regulated in the village regulations	Based on formal law	There is no customary structure
<b>Kamang Hilia</b>	<i>Adat</i> village	Living in customary law ( <i>Tambo</i> )	Based on customary law	There is a customary structure
<b>Lubuk Basung</b>	<i>Adat</i> village	Living in customary law ( <i>Tambo</i> )	Based on customary law	There is a customary structure

Source: managed by authors, 2025

Based on the explanation of the research results above, several fundamental differences can be identified in the village government, which exist in each research location. These differences are evident in the village's status and its local government. When the village status is a traditional village which is indicated by the difference in the structure of conventional institutions and government institutions that are different from the structure of the official town regulated in Law Number 6 of 2014 concerning Villages, with its customary government indicated by a different government system from the regulations governing official villages in Indonesia. Based on this, the status and government of the town can be categorized in full in the following figure.

**Figure 4.** Categorization based on the structure and status of the Village



Source: managed by authors, 2025

Langagon Satu Village, located in Bolaang Mongondow Regency, holds the status of an official village, as it has been registered by the Directorate General of Village Government, Ministry of Home Affairs, Ministry of Villages, Development of Disadvantaged Regions, and Transmigration, as a village that receives government funds. However, the implementation of its village government is greatly influenced by the customary laws in force there. The customary values firmly held by both the Community and the village government have been recorded as a village regulation to govern village community life.

Additionally, Gampong exhibits differences between those located in Banda Aceh and those in Aceh Besar Regency. *Gampong* is a customary village because it has a different government structure from the official town, as regulated by laws and regulations on Villages. At the same time, the *gampong* located in Aceh Besar Regency remains influenced by customary values in the implementation of its village government. The socio-economic condition of their community influences traditional villages in urban areas.<sup>36</sup> Meanwhile, *Gampong*, located

<sup>36</sup> F Frassoldati, "The Village and the City. Exploring the Urban Multidimensionality of Guangzhou," *Territorio*, no. 74 (2015): 47-53, <https://doi.org/10.3280/TR2015-074008>.

in Banda Aceh City, although its name is *Gampong*, has implemented the general village government. Similarly, these differences are caused by the agents of change in the village attempting to reconcile traditional and non-traditional values.<sup>37</sup> Technological advancements and the inevitable impact of globalization influence this condition.<sup>38</sup>

*Nagari* in West Sumatra Province is a traditional village form that remains unchanged and has not undergone fundamental alterations, despite being officially designated as a village since 1979. *Nagari*, comprising both the Koto-Piliang and Bodi-Caniago descendants, is greatly influenced by customs in its governance. Finally, *Wanua* Sawangan became Sawangan Village, located in North Minahasa Regency. Although it is one of the oldest villages in North Sulawesi Province, it has evolved into a formal village, as evidenced by its village government structure and its official village status.<sup>39</sup>

## Conclusion

Traditional villages, or those referred to by other names, have distinct characteristics compared to villages in general, particularly due to the significant influence of customs on the local government system, resource management, and the socio-cultural life of the village community. Traditional Villages are, in principle, a legacy of local community

government organizations that are maintained from generation to generation and are still recognized and defended by the leaders and communities of Traditional Villages, enabling them to function and develop local welfare and socio-cultural identity. With these conditions, it is necessary to redefine traditional villages as regulated in statutory provisions. This study successfully captures the application of local values in the modern village governance system in Indonesia.

This study has limitations, yet it offers insightful information about the dynamics of traditional village governance in the context of contemporary Indonesian administration. First, the research's purview is limited to just three provinces: West Sumatra, Aceh, and North Sulawesi. These regions were chosen due to their distinctive traditional structures. However, they do not fully capture the variety of Indonesia's traditional villages, which include those in Kalimantan, Bali, and East Nusa Tenggara, each with its own customary institutions and government structures. Subsequent studies may broaden the geographic focus to encompass a more varied representation of traditional governing patterns throughout Indonesia. In the context of specific contentious issues, such as land rights, forest management, and inter-village conflict resolution, the relationship between customary law and national legal systems remains unclear. Due to land-use conflicts and environmental concerns, these issues are becoming increasingly important. Future research should examine how traditional villages address these conflicts, particularly in the context of governmental policies and development objectives.

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<sup>37</sup> D Vorbach and J Ensor, "Autonomous Change Processes in Traditional Institutions: Lessons from Innovations in Village Governance in Vanuatu," *International Journal of the Commons* 16, no. 1 (2022): 173–88, <https://doi.org/10.5334/ijc.1170>.

<sup>38</sup> Frassoldati, "The Village and the City. Exploring the Urban Multidimensionality of Guangzhou."

<sup>39</sup> Luo et al., "Rural development level of villages in Wuhan City's new urban districts and its hierarchical structure"; Tjoanda, "The Expansion and Existence of the Indigenous Rights of Sea in Indigenous Villages (Review of the Customary Right of Coastal and Marine Areas of Halong State)."

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