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Conflict resolution in the customary village governance administration of Baduy, Tengger, and Samin ethnic groups in Indonesia

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CITATION

Utami NS, Katharina R, Asrori, et al. (2024). Conflict resolution in the customary village governance administration of Baduy, Tengger, and Samin ethnic groups in Indonesia. *Journal of Infrastructure, Policy and Development*. 8(8): 6371. <https://doi.org/10.24294/jipd.v8i8.6371>

ARTICLE INFO

Received: 13 May 2024

Accepted: 30 May 2024

Available online: 12 August 2024

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Abstract: In Indonesia, the village government organization is part of local democracy. This includes the local democracy in indigenous villages. Indigenous villages have their own customary rules for implementing village elections. They have their own conflict resolution systems in implementing the village government. The implementation of the indigenous village governance leaves conflicts. So, there is a need for a suitable model for resolving problems in the implementation of village elections. The method used in this research is the qualitative research method with the juridical empirical approach. The locus of this research is in the Baduy, Tengger, and Samin indigenous village communities. The conflict resolution model in the administration of the Baduy, Tengger, and Samin customary villages differs in the right mechanism, but in substance, the resolution model is the same, as they use a deliberation model for consensus. In resolving conflicts, indigenous peoples fully submit to traditional leaders. The provincial and the regency/city governments are expected to give greater attention to the conditions of villages with customary government characteristics.

Keywords: conflict; customary village; governance; Baduy; Tengger; Samin; Indonesia

1. Introduction

The Republic of Indonesia is a legal state that adheres to the principle of decentralization in governance, as stipulated in Article 18 clause (1) of the 1945 Constitution. It states, “The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into cities/regencies, and the cities/regencies have regional governments, which are regulated by law.” As a legal state, every administration of government affairs must be based on the applicable law (*wetmatigheid van bestuur*).

In the political structure of rural communities in Indonesia, the implementation of democracy is inseparable from the process of direct village head elections. A village is one of the places where the democratic process is carried out. Every village in Indonesia face many polemics in implementing direct village head elections. The village community is inseparable from pluralism. Apart from that, community or family values are still intact compared to individualistic urban communities. Indonesia’s development and governance process recently is imbued with the spirit of decentralization, and its logical consequence is regional autonomy (Hermawan et al., 2021).

The Republic of Indonesia’s 1945 Constitution regulates regional governments in Indonesia, consisting of provinces, regencies/cities, special regions, and indigenous

communities. The existence of indigenous communities in Indonesia is undeniable. Van Vollen Hovven in his library research once stated that since hundreds of years before the arrival of the Dutch, the indigenous people living in Indonesia have had and applied their own legal systems. The indigenous legal system is known as customary law. Customary law can be interpreted as a form of cultural ideas consisting of interrelated cultural values, norms, laws and rules that have sanctions. A custom is a reflection of a nation's personality. Moreover, it is one of the manifestations of the nation's soul which has been applied from century to century (Arliman, 2018).

Villages and customary villages basically perform almost the same tasks as administrative offices. The only difference is in the implementation of the right of origin, especially regarding the social preservation of the customary village, the regulation and management of customary territories, customary peace sessions, the maintenance of peace and order for customary law communities, and the regulation of the implementation of government based on the original structure. Customary villages have functions of governance, village finance, and village development. They receive facilitation and guidance from the district/city governments (Ridwan, 2013).

In Indonesia, the process of selecting village heads usually have the same pattern, i.e., via general election by the village inhabitants, except for several customary villages, such as the Baduy, Tengger, and Samin customary villages. In this paper, the authors chose the Baduy, Tengger and Samin ethnic groups because these villages have a strikingly different customary village governance system compared to the majority of villages in Indonesia. The authors chose these three ethnic groups with governmental system uniqueness that originate from Java Island. There are other villages with unique customary governance systems, but they are located outside of Java Island. With different village governance systems, these three ethnic groups must have a different conflict resolution method compared to the positive law. Authors regard that this would be a very interesting research, especially if the ethnic groups analyzed in this research have very different and specific conflict resolution methods compared to the positive law (the state law).

Unfortunately, in the direct election of village heads, there are many cases of fraud or criminal acts committed by the village head candidates and their success teams. A frequently committed crime is money politics, i.e., giving money to people to vote for a particular candidate. Many people often commit illegal things to gain power. This is because they believe that power and money are the primary capital to achieve victory (Mubarak and Fauzan, 2019).

In Indonesia, there are often reports that village heads repeatedly abuse their power to gain as much support as possible. The village head election shows that the village head candidates are only filled with people who have financial capabilities. These people will invest their funds and political resources into the village head election. In countries ranging from Pakistan and Brazil to the Philippines and Indonesia, observers regularly use the term 'traditional politicians' to describe political elites who, after having emerged during authoritarian regimes, succeed in using their wealth, social status, and control over resources to maintain political power after the advent of competitive elections (Hans, 2003).

Law No. 6 of 2014 has placed the position of the village in a new paradigm. Not only does it place the village as a government organization within the regency/city

government system (local state government), but it also places the village as a hybrid organization between a self-governing community and a local self-government. The construction combines the functions of a self-governing community with a local self-government. The customary law community unit, which has been part of the village area, is arranged in such a way as to become a village and a customary village.

Research from Yulia et al. (2023) showed that the Baduy indigenous people have the *Silih Hampura*, i.e., the Baduy criminal law system. As indigenous peoples, the Baduy have a legal system that is not codified in a law. They still adhere to unwritten laws and preserve them by instilling these legal values from generation to generation through oral cultural practices and customary traditions. Even though it is not written down, the Baduy indigenous people have rules that their citizens live by and obey. Whether it contains advice, obligations, orders, prohibitions, or manners, patterns of life behavior that must be carried out by the community both towards fellow humans and nature. Including regarding customary violations or criminal events that occurred in customary territories. The customary law that applies is not only about rules of conduct but also regulates the resolution of conflicts that occur in indigenous peoples.

Another previous research was conducted in the Samin ethnic group's territory, which was written by Winarsih (2016). This research found that the Samin ethnic group has a very special conflict resolution method at the customary village government based on their beliefs. The Samin ethnic group have a great trust on the decision resulted from customary village deliberations. The Samin people have a benchmark of justice that is inherent in their society within the village scope. Therefore, in village deliberations, they carry out mediation. At the same time, they trust legal decisions involving village officials, society, perpetrators, and victims. They regard that such methods can provide a fairer solution for rural communities and can accommodate the values and culture that have lived in society from generation to generation (Winarsih, 2016).

There were some other valuable previous research papers with differentiation from this research, namely a research written by Yulia et al. (2023) which was conducted on the Baduy customary law system and a research from Winarsih (2016) on the customary village government. These researchers found that the village government has a very effective role of customary conflict resolution was very effective. Meanwhile this research takes on a general conflict resolution in the village governance administration.

The spirit of democratization and regional autonomy that has been rolled out since the Reformation Era through Law No. 22 of 1999 on the Regional Government until now through Law No. 6 of 2014 on Villages, especially with the process of direct election of village heads as stipulated in the current village law has caused many occurring conflicts in the community. This also has an impact on the values that live in society (Nurcholis, 2011). The reality is that there is still a rampant practice of money politics, voter mobilization, and dynastic politics, which is certainly not good in a democratic country. The rise of dynastic politics will certainly affect the results and operation of the village government system. Very often, people who do not have good qualities can sit on the village's bench of power and become the village's ruler (Ismi, 2012).

The problems above illustrate that, in reality, many conflicts still occur in village

governments. Therefore, it is necessary to create a conflict resolution model that is competent to resolve conflicts that arise in village governments. So, this research paper aims to describe the conflict resolution model in the administration of customary village governance and provide recommendations related to conflict resolution in the administration of customary village governance. Based on the background above, the problem of this research is “What is the conflict resolution model for establishing customary village governance in Indonesia (Studies in Baduy, Tengger, and Samin)?”

2. Literature review

Historically, the growth of village government in Indonesia started from the era of this archipelago’s kingdoms. It continued during the Dutch East Indies government (when Indonesia was colonized by the Dutch), the Japanese military government, the independence era, the Old Order and the New Order Eras, and lastly, the current Reformation period. Based on the history of village growth, i.e., from the beginning of its growth until now, there are at least several types of villages in Indonesia.

First, the traditional village (self-governing community). This type of village is the original and oldest form of village in Indonesia, referred to as the concept of “original autonomy,” where the community organizes and manages itself with its own wealth without state intervention. In practice, a customary village (self-governing community) does not carry out administrative tasks assigned by the state. *Desa Pakraman* in Bali is an example of a traditional village whose existence has been recognized in the ordinances of the Dutch colonial government in IGO, IGOB, and *Desa-Ordonnantie*.

Second, administrative villages (local state governments) are villages that are administrative units, which are the lowest units of government to provide administrative services from the central government. The state forms administrative villages, which are an extension of the state to carry out administrative tasks assigned by the state. Administrative villages substantially lack autonomy and democracy. Under Law No. 5/1979 (enacted in the New Order era), villages were more like administrative villages, although they were given the right to autonomy. Administrative villages are all villages that have been transformed into urban villages.

Third, autonomous villages as local self-governments. Independent villages are formed by law based on the principle of decentralization. Autonomous villages have an apparent authority because the law of their formation regulates it. Therefore, autonomous villages have the full authority to control and manage their own household affairs (Aziz, 2016).

The concept of an indigenous village is community unit where the sense of unity as citizens of an indigenous village is bound by a certain area (coral village) with clear boundaries. Meanwhile, another opinion related to customary villages is that it is also a unit of customary law communities, which have the authority to regulate their own area or territory by further enforcing customary law in the community (Damayanti and Fauzi, 2022).

In Indonesia, a village is a part of the state government that is placed at the bottom of the hierarchy that deals directly with the community. The government is the most important concrete political structure in the management of the state to govern the

country. The word “governance” is derived from the Latin “gubernare” which means “to direct”, “to track”, and “to drive” (Zuhro, 2018). Historically, “governance” is not a new term. This term was firstly used in France during the reign of King Henry IV in 1399. At that time, governance was understood as “governmental actions” (Loffler, 2003).

Another definition of governance is that governance comprises the traditions, institutions and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern (Farazmand, 2004). According to the World Bank as quoted by Coomb (1993) for instance, defines governance as an action of the those in power in managing national affairs. Then, governance may also be defined as the management of a regime’s structure with a perspective to strengthen the legitimacy of the power establisher in the public eye.

In today’s democratic era, the election of village heads is often discussed by most people, especially those in rural areas. The election of village heads is closely related to the village government, which act as a driving force for the welfare of the people in the village. It is crucial because the progress or failure of a village depends on its leader.

Every time a village head election is organized, the political atmosphere in each village area often heats up. This is due to the competition between candidates to take hold of the desired power in the village. Even today, we often hear that voter mobilization is often seen in every village head election. There needs to be greater concern for this as a good, honest, open, and sportive village head election is the beginning of the concept of a democratic village head election system in Indonesia. A good implementation of the general elections will certainly positively impact the democracy in that area (Firmanda, 2017).

Meanwhile, conflict will occur if there is a difference in understanding between two or more people regarding various disputes, tensions, difficulties between disagreeing parties (Amarini et al., 2022). ICTS can also trigger opposing attitudes (opposition) between the two parties where each party views the other as an opponent/obstacle and is believed to interfere with efforts to achieve goals and fulfill their respective needs. Apart from the many causes of conflict, differences in the backgrounds of both parties may lead to conflict. Conflicts may also occur due to differences in interests between individuals in groups/society, all of which are interrelated in a complex social reality (Wahyudi, 2015).

3. Materials and methods

The method used in this research was the qualitative research approach using the juridical-empiric approach. Qualitative empirical methods commonly used across the social sciences are not systematically used to study law. This is surprising because qualitative methods are particularly well suited for analyzing the types of evidence and developing the types of arguments we typically see in law reviews. Constitutions, statutes, administrative regulations, depositions, and interrogatories are among the many readily available sources lawyers draw from. Moreover, the events embedded within legal processes that produce these pieces of evidence are interconnected. For example, rules of precedent link cases, making the sequence in which cases are decided very important. Qualitative analysis tools are specifically designed to study

these interdependencies, and thus are particularly useful for legal scholars (Linos and Carlson, 2017).

In this study, the authors used primary data and secondary data. The primary data were collected directly through interviews and observations. The authors conducted interviews to several influence figures such as Jaro Saija (village head) from Kenekes Village, Puun (supernatural leader) at Ranu Pani Village, and the Jaro Saija at Ngadas Village. For a comparison, the observation and interviews were also conducted in the Kelopoduwur village. Besides from conducting interviews, the authors also conducted observations in three Tengger villages, namely Ranu Pani, Ngadas, and Kenekes villages. Then, the researchers also observed the general settings of the Kelopoduwur village (of the Samin indigenous community), which means that the researchers carefully observed how they resolved conflicts in society.

The secondary data were gained from the results of literary studies. In addition, primary, secondary, and tertiary legal materials were used as research instruments. Lastly, to analyze the data, the researchers implemented a descriptive analysis with the statutory approach and concept approach methods. The authors used the descriptive analysis to describe the findings in the analysis to ease readers in understanding the dispute resolution method of the Baduy, Tengger, and Samin ethnic groups.

4. Results and discussion

4.1. The conflict resolution model in the administration of indigenous village governance in Indonesia (Studies in Baduy, Tengger, and Samin)

Law No. 6 of 2014 on Villages has opened up opportunities for villages to become independent and autonomous. Based on this law, the concept of autonomy attached to the village or customary village is original autonomy. The enactment of Law No. 6 of 2014 implied that the spirit of the local governments has been reawakened to reorganize the village government model in accordance with the origins and customs that once prevailed in the region.

Law No. 6 of 2014 on Villages juridically allowed indigenous communities in Indonesia to revive the customary village government system implemented before independence. However, it is crucial to empower indigenous villages to restore the origins and customs of village governance (Hamidi, 2016).

There is a distinctive relationship between the application of traditional and governance villages in various regions in Indonesia. Villages have autonomy, not the formal autonomy of provincial, district, and city governments, but rather an autonomy based on local origins and customs. An autonomy that is based on local origins and customs is the autonomy that has existed since long ago and has become a custom inherent in the village community concerned. Historically, the concept of village head election long before Indonesia's independence or reform was traditionally based on local customary laws (Nurcholis et al., 2014). The law is the soul of the nation. Therefore, the process of electing the village heads must also be in accordance with the characteristics of the local indigenous community to preserve the original autonomy of the village.

The process of direct election of village heads in Indonesia has implications for the position of the village as the original autonomy. With the direct village head election process, the village loses its original autonomy. The current process of direct village head elections has implications for the social structure of village communities. It is undeniable that many polemics occur during the process of electing village heads at the local level. Based on the theory of the historical school of thought pioneered by Friedrich Carl Von Savigny, the law originates from the soul of the nation or *volkgeist*. Each region has its own characteristics. It has different cultural values and traditions (Fatmawati, 2016).

4.1.1. The governmental structure of the Baduy traditional village community

The people of the Baduy tribe are led by the village head, Jaro Pamarentah, whose position is under the sub-district head, while customarily subject to the highest customary leader, Puun. Jaro Pamarentah is the daily executor of Kapuunan (customary) government affairs, a liaison between government elements (sub-district government, regency government, etc.) and the Kanekes community.

As for the administration of the village government, it is carried out by the village secretary, as a representative of the government with the requirements of following the rules of the Indonesian state. Therefore, the village secretary comes from outside of the Kanekes Village, considering that the Baduy community cannot attend school (Bedner and Huis, 2008).

The government of the Baduy customary law community located in the Kanekes Village area, Leuwidamar District, Lebak Regency uses two governmental systems, namely the national system, which follows the rules of the Indonesian state, and the customary system that follows the customs and local wisdom that the community believes in (Mustomi, 2017).

The current head of Kanekes Village is Jaro Saija. He has been in office for nine years. Even though he has exceeded the leadership time limit, the village head, Jaro Saija, continues to serve. "As long as there is *wangsit* (supernatural messages) to replace me, then I will continue to be Jaro (village chief)." Jaro Saija's appointment as village head is different from the village head election process in general in Indonesia. In Kanekes Village, the village head is not elected by the villagers. The Puun chooses a Jaro based on *wangsit* (supernatural messages) obtained by the Jaro this described by Puun in the personal interview "The replacement of the village head is usually done due to illness/death or is considered to have made mistakes against the customs. The appointment of a new Jaro is according to the *wangsit* from the *danyang* or supernatural being". The Pangiwa usually reports custom violations committed by the village head. The position of the Pangiwa, which is very close to the Baduy community, certainly helps the work of the village head/Jaro.

This makes the Baduy community always satisfied with the village head's work. So, they never demand the replacement of the village head without the will of the Puun. The will and decision of the Puun are highly respected and they are believed to have the best decision. In practice, the election process is well-conducted in Kanekes Village, without cost or rejection from the community. The influencing factor is the belief and trust of the community. The community believes that the Puun will decide the best for the Baduy community. On the other hand, the customary leaders carry out

their duties both on the religious side and in the social life of the Baduy community.



Figure 1. Interview with Puun (wearing a cowboy hat) by authors 1, 3 and 5.

Figure 1 explains the Tengger ethnic group's village structure and the relationship with the Kanekes village head, which was started from the customary institution led by Puun. This organizational structure was based on the interview with Puun during the research, the Puun delegated his authority to Jaro Tangtu, with whom Girangserat assists. Jaro Tangtu is also assisted by Baresan IX, Tanggungan Jaro 12, and Tangkesan tribe advisor in daily activities. The Jaro 12 Dependents delegate their duties to the Jaro Warega/Jaro 7 Institution. This Jaro 7 institution consists of the Carungeun Hamlet, Garehong Hamlet, Nungkulan Hamlet, Cibengkung Hamlet, Cihandam Hamlet, Panyaweuyan Hamlet, and Cigulu Hamlet (Puun, 2024).

In the **Figure 2** structural organization of Tengger ethnic group, from this structure the highest structure is the Puun (customary leader). He had a vice called Jero Tangfu, which is selected from experienced village leader. The Kanekes village head, in addition to being under the sub-district as in a general village, also carries out the duties of the Jaro Tangtu. Therefore, the structure of the Kanekes village head is generally similar to other villages, consisting of the village head, Village Supervisory Agency, and assisted by the village secretary. The secretary oversees the head of government, head of general affairs, and head of economic and development affairs and is assisted by the Societal Protection Unit, in which the Pangiwa helps. The existence of Pangiwa is what makes the difference between the Kanekes traditional village and other village, this information resulted in personal interview with Puun (Puun, 2024).

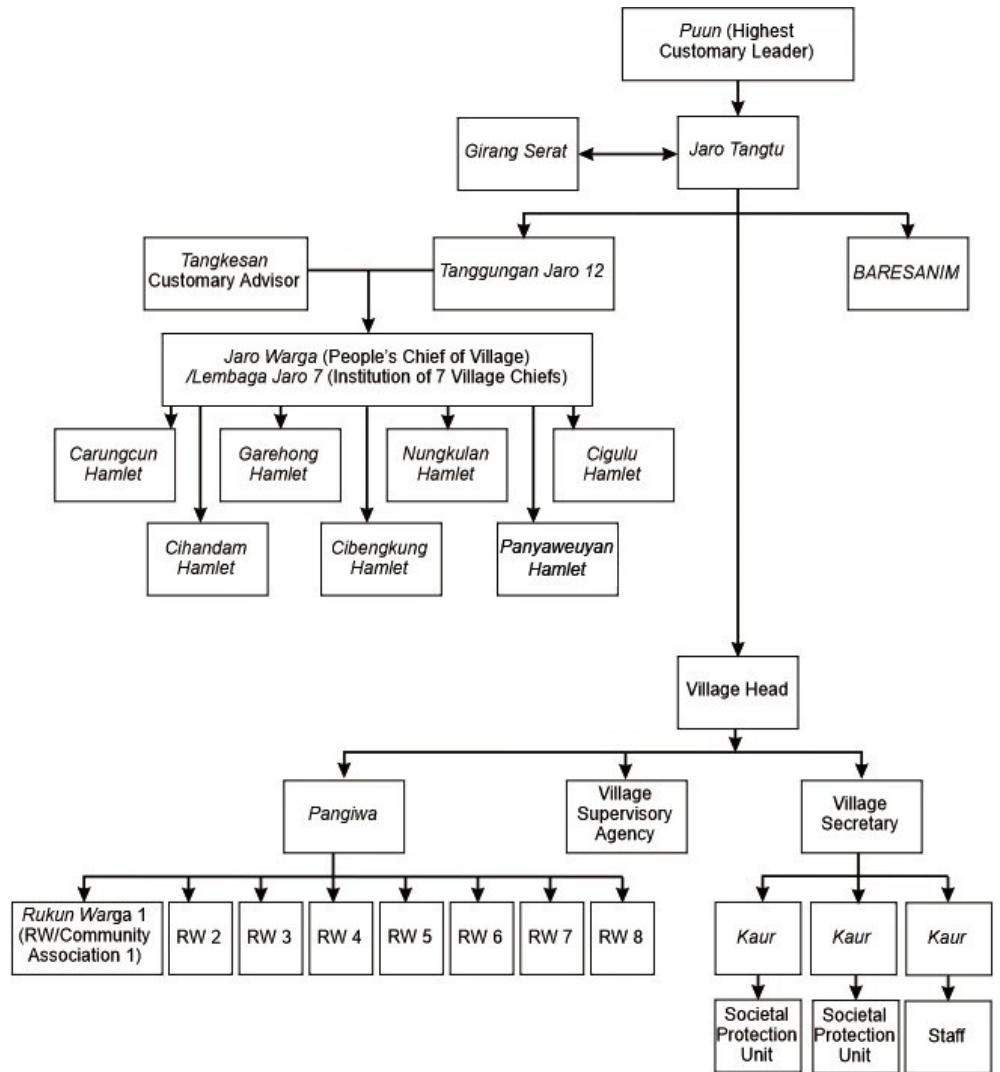


Figure 2. The structural organization of the Tengger ethnic group, structure is result from interview with Puun (Puun, 2024).

4.1.2. The governmental structure of the Tengger traditional village community

The Tengger people are one of the tribes that inhabit the slopes of Mount Bromo (Waraouw, 2012). Mount Bromo (2392 m) is a mountain that is considered sacred to the Tengger people because it is a symbol of the place of the god Brahma. It is a famous tourist spot in East Java which can be reached through 4 regencies, namely: Probolinggo, Pasuruan, Lumajang, and Malang. The distribution of the Tengger indigenous people more clearly can be seen in the **Table 1**.

Table 1 shows the villages inhabited by Tengger people in East Java Province. This research was conducted in Ngadas village. Ngadas is a multicultural village with religious diversity. There are people that embrace the religions of Hinduism, Buddhism, and Islam. The people of this village have strong customs. Ngadas Village, which is inhabited by the Tengger tribe, has a long history and unique cultural richness. This village has a population of 1754 people, with most of the population relying on agriculture (Pramono, 2020). Being located within a 7000-hectare forest, Ngadas village has stunning natural beauty, including 11 waterfalls known as “Coban Raksasa” (The Giant Waterfall). Apart from the Ngadas Village, this research was also

conducted at Ranu Pani as it is the location of the Puun (the highest traditional priest) and the Kenakes Village on the mountain of Bromo. Bromo Mountain has become one of the leading destinations in Malang, East Java. Ngadas Village, in addition to its stunning natural beauty, is known for its unique culture and traditions.

Table 1. Villages inhabited by Tengger People (Pemerintah Jawa Timur, 2021).

District	Subdistrict	Village(s)
Probolinggo	Sukapura	Wanatara, Jetak, Ngadisari, Wanakerta, Ngadas, Pake, Sapikerep, Sariwa, Kedasih, Ngadirejo
	Sumber	Wonokerto, Sumber Anom, Ledok Ombo, Pandansari, Panjul
Lumajang	Senduro	Ranu Pani, Argosari, Senduro, Tlutu, Wonoayu
Pasuruan	Tosari	Tosari, Baledon, Sedaeng, Wonokitri, Ngadiwon, Kandang, Mororejo, Podokoyo
	Gucialit	Kenongko, Pakel
	Puspo	Kedawung
	Tutur	Ngadirejo, Ledok Pring
Malang	Poncokusumo	Ngadas, Gubuklakah

Structurally, there are four levels of government (Centreng) in Tengger customary law, namely: 1) Sulinggih; 2) Sanggar; 3) Sepuh and 4) Legen. Sulinggih is the highest structure in the Tengger customary law society. The only position that exists within Sulinggih is Dukun Adat (the Customary Shaman) as the head or leader. There are dozens of Dukun Tengger (Tengger Shamans) who occupy certain areas with special coordinators from several Dukun Adat. But in general, all Dukun Adat act as the head of the leader. The Dukun Adat will gather every two months in a meeting of the Paguyuban Dukun Adat (the Customary Shaman Association), which generally discusses the implementation of the Tengger customary law (Huda and Fauzani, 2024). The position as the Dukun Adat of Tengger is voluntary, as they obtain no honorarium. The community gives “Sesari” to the Dukun Adat to thank him for his services. The position of Dukun Adat is reserved for people who are willing and capable due to the heavy responsibility and voluntary nature of the position.

The position of Dukun Adat is generally hereditary because their knowledge is considered stronger, although Dukun Adat is not appointed due to biological descent. People who are not descendants of Dukun Adat can become Dukun Adat by learning the required knowledge and studying with existing shamans.

The next Centreng structure in the government of Tengger Customary Law is the Sanggar, which occupies a position below Sulinggih. Suppose, in general, the Sulinggih’s authority is to recite the mantras of Tengger Customary Law. In that case, the task of the Sanggar as the second highest position in the government of Tengger Customary Law, is taking care of and preparing the place of worship for rituals as well as recite mantras (Saleh, 2008).

The next level of Centreng in the administration of Tengger Customary Law is Sepuh. Sepuh, as the name implies (meaning “old”), comes from the word Seseput, i.e., customary elders who live and represent certain areas of both villages and hamlets. In addition, Sepuh also has the authority to prepare and determine the types of offerings that will be used in traditional rituals led by Sulinggih. Sepuh also plays a role in ordering the community to comply with Tengger Customary Law.

Meanwhile, although structurally the lowest position, Legen has a role that is almost similar to Sepuh. But in general, Legen's most prominent role is to deliver offerings made by Ratu or women who are in charge of making offerings.

The election of village heads, especially in Ngadas village, is basically a manifestation of the opening of democratic opportunities after the Reformation era. The implementation of village head elections can be seen as the implementation of democracy starting from a small unit. As is known, the village is the smallest unit of government services to the community.

The election of the village head is sacred to the Ngadas community. The position of the village head, who is also the customary head, illustrates how strategic the position is. The importance of the village election determines the fate and direction of Ngadas Village's development, so the community runs the contestation as well as possible to elect the appropriate village head by considering the competence and experience of the candidates. The awareness of the importance of the village head election becomes a strong foundation for the community to carry out this contestation with dedication. The people of Ngadas Village understand that the elected village head determines the fate and direction of their village's development. Therefore, they carefully consider the village head candidates' competence, experience, and capability before casting their votes. The election of the village head is a crucial moment to realize the aspirations and needs of the Ngadas community. The community realizes that the elected leader must have the ability to advance the village, maintain local wisdom, and ensure the continuation of interfaith harmony that has become characteristics of the multicultural Ngadas Village.

Ngadas Village is one of the traditional villages in Indonesia that has a tradition of village head elections that has fulfilled the requirements of a self-governing village. Ngadas village, for the last few periods, has carried out a democratic process of village head elections by being elected by the community through votes. The following are the names of Ngadas Village leaders after the establishment of the village itself.

Table 2. A list of Ngadas village leaders.

Name of village leader	Duration of leadership
Legisah	9 years 5 months
Bromo Rejo	20 years
Asmokerto	25 years
Ratmojo	4 years
Purnomo Mujiraharjo	21 years
Mulyadi Bromo Putro	8 years
Samsuri	1 year
Kartono Noto Raharjo	14 years
Mujianto Mugi Raharjo	2013-up to now

Table 2 shows the length of time each village head has served. From this table, it can be seen 4 Jaro Shaija (Bromo Rejo, Asmokerto, Purnomo Mujiraharjo, and Kartono Noto Raharjo) exceeded the formal length of time for serving as village heads according to the Indonesian law (the formal law states that village heads only have 2

terms of offices, each period with a length of 6 years). The solution for this from the government is that in cases where there are village heads who exceed their terms of office, there will be a limit for temporary officials every 2 years. This data length of is received from the interview with Puun during the research (Puun, 2024).

Table 2 shows the length of the village head time in offices and some of them have more length than limit term. The Tengger tribe, especially in Ngadas Village, does not recognize dualism in leadership, although there is such a thing as a customary shaman. But formally, the government and customs of the Tengger tribe are led by the village head (Petinggi, also known as Jaro Saija) as well as the customary head.

The process of selecting Petinggi is carried out directly by the local people through the Petinggi election process. Choosing Petinggi is commonly based on the element of descent/lineage. The selection of Dukun or shaman is carried out through several stages. Candidates will in the end be tested using the Mulunen test (a test of mantra pronunciation, where the pronouncer cannot be interrupted or forget), which is held at the Kasada Ceremony located at Poten, Mount Bromo. The selection of the prospective Dukun is usually hereditary, but now it is starting to be opened to the public. Anyone can become a Dukun if he completes the requirements. The Tengger customary Dukun are different from other Javanese Dukun, as the former have the aim of maintaining culture and performing traditional ceremonies. In every Tengger village, there is a Dukun. Above them is one Dukun who takes care of all religious events named “Lurah Dukun”. Although the religion of the Tengger people is still strong, currently, in Tengger villages, there are also Muslim and Christian residents, especially in Ngadas Village, where the community is open to other religions entering the community.

The division of functions between the Petinggi and Dukun is as follows: a Petinggi holds the political-governmental sector, while the Dukun holds the socio-religious sector. The Petinggi serves government affairs related to village development. Structurally, the Dukun are detached from the structure. However, officials and Dukun have equal positions with different functions. Institutionally, officials are formal leaders, while Dukun are non-formal leaders. There is no overlapping struggle for authority and power between the two elites. Instead, they collaborate and coordinate in organizing the lives of the Tengger people.



Figure 3. Informal conflict resolution through the customary village government at Ranu Pani Village (the author wears a lilac hijab).

Figure 3 is an informal conflict resolution from the customary village, it was an example how the customary society resolve the conflict. In reality, there are problems

in the implementation of the Tengger traditional village government, including the lack of participation of the Tengger village community in becoming village officials. The village secretary, section head, and hamlet head are directly responsible to the village head. Meanwhile, the head of affairs is responsible to the village secretary. In running his administration, the village head and his staff have a tradition called Walagara.

This tradition is based on local beliefs. This was conveyed by the head of the Tengger traditional village, who stated that, “For two years, registration has been opened for Tengger people who want to become village officials, but until now, no one has registered.” To deal with this problem, the head of the traditional village has hired the old village officials. Before anyone registers, the old village officials are still asked for help to assist the village government (Interview Head of the Tengger Traditional Village, 2024).

There are also essential changes in the governance structure between the Tengger indigenous community government and the Ngadas Village Government. Initially, the Tengger indigenous community government and the Ngadas village government ran separately but hand in hand. Now, especially with the enactment of Law Number 6 of 2014 on Villages, there are changes in governance and synergy between the two governments. In the beginning, the Sulinggih structure only included the Traditional Shaman/Dukun Adat, but now, the position of Sulinggih is occupied by the Village Head as the highest structure that determines the policies of the indigenous community. Meanwhile, the customary shaman and the customary centreng under him act as customary executors. Then, there is a new special title for the customary shaman, namely “Romo Dukun Pandhita” which is pinned to each customary shaman in the community area (Interview with Head of the Tengger Traditional Village, 2024).

The simplification is done because it adapts to the policy in Law No. 6 of 2014 on Villages, which is related to the licensing of activities, the budget for implementing regional programs, and other aspects related to indigenous peoples’ policies.

4.1.3. Government conflict of Samin traditional village community

The Samin community is an indigenous community that inhabits the area of Kelopoduwur Village, Banjarejo District, Blora Regency, Central Java Province, Indonesia. In ancient times, it was difficult to communicate with the Samin community. It was hard for them to be open to outsiders because of its place of residence inside the forest. The current era of the Samin community has experienced many developments and progress. Currently, the Samin community is willing to implement and accept government regulations (Muthusamy et al., 2014), such as paying taxes, participating in election activities, etc.

The Samin tribe has a unique culture and tradition, including in the aspect of decision-making procedures and leader selection. Some potential obstacles or challenges may occur in selecting leaders in the Samin tribe of Blora. The traditional decision-making procedures and leader selection of the Samin tribe include:

- The rejection of formal process: The Samin tribe is known for rejecting formal procedures of government and hierarchy. They may prefer a consensus approach in decision-making rather than a formal election process. Therefore, organizing a village head election in a way that meets the cultural expectations of the Samin

tribe can be challenging;

- Lack of resource constraints: A village government election may require certain resources, such as budget, infrastructure, or equipment;
- Communication barriers: A well-run village government election requires effective communication with all members of the community. Different languages and communication methods may be an obstacle to ensuring equitable participation from all Samin.

Challenges in implementing the Samin village community government are generally resolved through deliberation or discussion. To overcome problems and disputes in the Samin tribe's village government, the local government and related institutions need to conduct close supervision during the election process. In addition, transparency and active participation from community members are also needed so that the democratic process can run well.

4.2. A dispute resolution model for customary village head election based on local wisdom

In the state constitution, the existence of indigenous peoples is regulated in Article 18 B clause (2), which, with the constitutional basis, provides a direct explanation of the position of indigenous peoples in the context of original autonomy. The state recognizes and respects the unity of customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia. Therefore, the existence of Article 18B clause (2) of the 1945 Constitution is the constitutional basis for state recognition of indigenous peoples in Indonesia (Panca, 2017).

In every village head election in every village in Indonesia, the political situation that occurs is often heated. This is directly related to the competition between candidates who want to obtain power at the local or village level. The implementation of customary village governance raises issues. In the Tengger community, there is a lack of community participation in becoming village officials. This is an urgent matter to discuss.

In social life, Javanese society recognizes the term Rukun Agawe Santosa, which means harmony will create a happy life. The community uses this term as a motivation to uphold a sense of togetherness and mutual cooperation in order to realize social harmony (Kuswardani et al., 2018). This principle of harmony is driven by the traditional expression which is said by Kelopoduwur head village with "Crah Gawe Bubrah Rukun Agawe Santosa" meaning that quarrels will cause damage, while harmony can strengthen unity. Thus, the Javanese community is very careful in preserving the noble sayings passed down from generation to generation by their ancestors. Javanese people try to adhere to unen-unen (traditional proverbs), which is considered capable of making life harmonious and balanced (Silahuddin, 2015).

Table 3 shows the number of case of the disputes in the Baduy, Tengger customary Village in every village. The Tengger community upholds the values of equality, democracy, and community life. The figure of a customary head/customary elder, i.e., "Dukun" is more respected than administrative leaders. The Tengger people

have their own laws outside the formal laws that apply in the state. With these laws, they have been able to regulate and control various problems in their community life.

Table 3. Disputes in Various Tengger districts inhabited by Tengger People (Pemerintah Jawa Timur, 2021).

No	Tengger customary area	District	Number of disputes	Villages and number of cases
1	Probolinggo	Sukapura	2	Jetak (1) and Kedasih (1)
		Sumber	5	Wonokerto (2), Sumber Anom (1), Panjul (2), and Pandansari (1)
2	Lumajang	Senduro	2	Ranu Pani (1), Wono Ayu (1)
		Tosari	4	Tosari (1), Ngadiwon (1), Podokoyo (2)
3	Pasuruan	Gucialit	2	Pakel (2)
		Puspo	1	Puspo (1)
		Tutur	2	Ngadirejo (1), Ledok Pring (1)
4	Malang	Poncokusumo	2	Ngadas (1) and Gubuklakah (1)

The principles of life embraced by the local community include *sesanti panca setia* (loyal vision), *guyub* (harmony), *sanjan-sinajan* (visiting each other), *sayan* (mutual cooperation, helping each other based on the motto “*sepi ing pamrih, rame ing gawe*” (sincere cooperation), and *genten kuat* (mutual help). These are the basis of provisions governing human relations and an attitude of life that considers the natural environment (water, soil, forests, and moors) as *sumber panguripan* (the source of life) which regulates human relations with the natural environment (Fakrulloh, 2014).

Regarding conflict resolution mechanisms, the Tengger people still hold onto their traditions through customary justice. In criminal cases, for example, the customary leader will conduct a meeting. Then, the truth of the people’s testimonies will be carefully examined. Then, the punishment will be determined, which is usually in the form of a fine. The customary law of the Tengger tribe is familial and the settlement is carried out in stages, starting from the lowest level to the highest level. That is, from the neighborhood level to the village level.



Figure 4. Local Wisdom of Tengger (“*Alam, Kearifan Suku Tengger Dan Tahun Baru* (Nature, Tengger Tribe Wisdom and New Year, 2013).

Figure 4 is a processions of selection *Baduy* of Tengger traditional customary village head, the village head selection only after. In some cases, sanctions are based on an agreement with all the indigenous people of the Tengger tribe. However, if the conflict is not resolved by customs, then the case is delegated to the competent authorities. A customary chief has both spiritual and social functions. The function of the customary “shaman” in terms of spirituality is to lead traditional ceremonies.

The social function of the shaman is as a mediator between the community and the government. In addition, the customary chief/shaman has certain authorities in making decisions, rules, sanctions, or social fines for violators of customary regulations. For this reason, each village will be led by a traditional chief/shaman (Kayen, 2015). The requirements in the election of the customary head/shaman are: a married man, a descendant of the traditional chief/shaman, and can master all spells and customs. The shaman candidate test is conducted at Poten, the foot of Mount Bromo, and is held to coincide with Yadnya Kasada (a traditional Tengger ceremony). In detail, the duties of a traditional shaman are:

- Carrying out actions regarding land affairs;
- As an enforcer of legal violations, to make sure of good law enforcement; and
- Organizing the law to correct violated rules.

Figure 5 is Yadnya Kasada traditional ceremony for Harvest and the arrival of the rainy season. Furthermore, it concerns the conflict resolution model of the Baduy indigenous community. To resolve conflicts, the government structure of the Baduy Dalam tribe recognizes two government systems: the national system that follows the rules of the Republic of Indonesia's government and the customary system that follows the customs of their beliefs. The two systems are combined or mixed, so there is no conflict of law. Nationally, the Kanekes are led by a village head called Jaro Pamarentah, whose position is under the sub-district head. At the same time, customarily, they are under the highest Kanekes customary leader, the Puun.



Figure 5. Yadnya Kasada traditional ceremony (Saputra, 2020).

The Puun himself is in Tangtu village, with a hereditary tenure system. However, it is not always a direct inheritance from father to son, but can also be inherited by relatives or others (Binada, 2019). The term of office cannot be determined because it is based on a person's ability to hold the position. It can be understood that the conflict resolution mechanism of the Baduy tribe uses two systems, namely the national law system and the customary system of the Baduy tribe, which refers to the highest custom holder or stakeholder in the indigenous community (Adhiharinalti, 2012).

5. Conclusion

The conflict resolution model in the administration of the Baduy, Tengger, and Samin customary villages differs in the proper mechanism. Still, in substance, the settlement model was the same as the deliberation model for consensus. Indigenous people hand over their conflicts to their indigenous figures/leaders. The customary

figure's role here is as a judge, decider, or mediator. The mediator's responsibility in the mediation procession is to help and accelerate the dispute resolution process. It is hoped that the provincial, regency, or city governments may grant greater attention to the conditions of villages that have the characteristics of customary governance so that they can realize the concept of traditional villages in their regions in accordance with the orders of Law No. 6 of 2014 on villages.

Author contributions: Conceptualization, NSU and AB; methodology, RK and A; validation, AB, and RS; formal analysis, NSU; investigation, NSU and AFS; resources, NSU; data curation, AY; writing—original draft preparation, NSU and AB; writing—review and editing, NSU and AB; visualization, NSU; supervision, RK; project administration, NSU; funding acquisition, NSU. All authors have read and agreed to the published version of the manuscript.

Conflict of interest: The authors declare no conflict of interest.

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