

Comparison of Election Arrangements for Traditional Village Heads in Bali and Maluku Province

Ratna Herawati¹, Devi Yulida²
{ratna_h27@yahoo.com¹}

Universitas Diponegoro, Indonesia^{1,2}

Abstract. The Indonesian constitution recognizes the existence of indigenous peoples as part of an entity of Indonesian society. The Traditional Village is closely related to the position of the Traditional Village Head as the highest point in the administration of the Traditional Village government. Thus the regulation regarding the election of the Traditional Village Head is a strategic matter to be discussed. This study uses an empirical juridical method with descriptive-analytical research specifications so that the data collection method uses secondary and primary data analyzed qualitatively. The results of this study indicate that each region has its characteristics in the election of the Traditional Village Head. The difference is that each area has its background and history of formation. In the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali Province, the election of traditional village heads is carried out through deliberation to reach a consensus, while further provisions are left to Awig-Awig. The local village, on the other hand, in Maluku Provincial Regulation Number 16 of 2019 concerning Customary Village Arrangements, there are no clear procedures and mechanisms for regulating the election of Traditional Village Heads. Even in practice, indigenous peoples use rules that are no longer relevant to legal developments in Indonesia. Based on this research, it can be concluded that to realize a responsive and dynamic law within the Unitary State's framework. Local regulations must adapt to national legal regulations.

Keyword: Head of Traditional Village, Traditional Village, Regulation of the Election of Traditional Village Heads

1 Introduction

The 1945 Constitution of the Republic of Indonesia (UUD NRI Year 1945) in Article 18B paragraph (2), essentially gives recognition of the customary law community unit, along with their traditional rights, as long as they are still alive and in harmony with community development, and does not conflict with the principles of the Unitary State of the Republic of Indonesia (NKRI). This recognition shows that the state recognizes the existence of indigenous peoples as part of Indonesian community entities [1]. The customary law community lives in an entity called a traditional village. The village is the lowest government organization in the district/city area, whose position is closest to the community [2]. In this regard, a *traditional village* is defined as an indigenous community unit, has territorial boundaries and cultural identities that are formed on a territorial basis, and has the authority to regulate and manage its interests based on the original rights of these indigenous peoples [3]. Talking about the administration of customary village governance is closely related to the position of the traditional village head, who leads and plays a role in maintaining order in the traditional village.

Seeing the considerable part of a standard village head, the regulation regarding the election of a conventional village head is a strategic matter for further analysis.

Bali Province is one of the provinces known for its unique culture. Based on data obtained in 2022, Bali Province has 1,493 traditional villages. One of the unique features of the Province of Bali is the duality of villages, namely the official village and the traditional village that runs in harmony and harmony. Furthermore, a typical village in Maluku Province is known as a country led by a king. Negeri is a combination of several *soa*. *Soa* is a variety of *parental eyes*, namely the mention of a family that comes from the same ancestor based on patrilineal or patrilineal lineage. This country has existed for centuries ago and has been maintained until now. The role of the king is to be responsible for the course of deliberations and courts related to customary issues in a country [4].

One of the embodiments of the privileges possessed by traditional villages is specificity, related to regulating and managing the administration of customary village governance following the established law that applies in the town. This is confirmed in Article 109 of Law Number 6 of 2014 concerning Villages: "The institutional structure, filling positions, and term of office of customary village heads based on customary law is stipulated in provincial regulations." Following up on the mandate given by the law, the Province of Bali issued the Regional Regulation of the Province of Bali Number 4 of 2019 concerning Traditional Villages in the Province of Bali. Regional regulations *a quo* mandate that the terms and mechanisms for the election of traditional village heads (*bandesa adat*) are regulated in *a wig-a wig*, namely Customary Law. Local village.

Meanwhile, the procedure for the selection is regulated in a *limitation* in the regional regulation, namely through deliberation to reach a consensus, except for traditional villages with specific criteria. The selection process through consensus deliberation is a tangible manifestation of the principle of cooperation adopted by the Balinese people and is following *tatuek*, namely *gilik saguluk*, *parasparo*, *salunglung sabayantaka*, *breakfastaya*, which means to be united, respect the opinions of others, and remind each other. . Meanwhile, Maluku Province also has regulations regarding ancestral villages, specifically Maluku Provincial Regulation Number 16 of 2019 concerning Customary Village Arrangements. Based on *the sample* Traditional Village Head *a quo*, there are similarities, namely that it mandates that the election process be carried out through deliberation to reach consensus, while regarding the institutional structure, filling positions and term of office are left to Customary Law which has lived for generations.

Referring to the background above, each region has its characteristics, and the specificity of each cannot be equated with one another. Therefore, this study discusses the comparison of the election arrangements for the traditional village head in the province of Bali and the province of Maluku. The purpose of this paper is to discuss the history of Traditional Villages in the Bali and Maluku Province, the regulation of the election of the Head of Traditional Village in the Province of Bali, and the arrangement of the election of the Head of the Traditional Village in Province of Maluku.

2 Method

It uses empirical juridical methods, namely, research methods, by examining factual conditions in society [5]. This study uses analytical descriptive specifications, namely positive legal facts or practices and related legal theories associated with applicable laws and regulations

[6]. Primary data is obtained directly from resource persons in the field through interviews [7]; interviews were conducted with traditional village officials in Bali Province. The secondary data include legislation, journals, and books related to Customary Law. The data obtained from this study were then analyzed using a qualitative descriptive method. The analysis results are then *cross-checked* with laws and regulations to find the level, synchronization, and harmonization. The analysis stage is carried out by analyzing the logic of thinking in a deductive manner with a qualitative description [6]. The results of this study will be presented as a narrative in the form of a description. It is expected to facilitate the research process and make it easier for readers to understand the problems discussed in this study.

3 Finding and Discussion

3.1 History of Traditional Villages in the Provinces of Bali and Maluku Provinces

Each region in Indonesia has its characteristics and uniqueness. One of these uniqueness can be seen in the 2 (two) village government systems in Bali Province, namely the traditional village and the official village. Theoretically, traditional villages are a legacy of local collective governance, passed down from generation to generation, respected, and played a role in advancing local welfare and sociocultural identity [8]. When viewed historically, the existence of the village has existed since the Dutch East Indies government, around 1906-1908. The Dutch East Indies government appointed *perbekel* as its representative to take care of matters related to government and administration. Regulating the fields of customs and religion was left to the kings of the area [9].

After Indonesia's independence, the system of government led by the *Perbekel* was known as the official village, the arrangement of which was contained in Law Number 5 of 1979 concerning Villages. Law *a quo*, their existence, and constitutional rights are still recognized in Article 18 of the 1945 Constitution. Over time and with the Indonesian government's efforts to realize a *living constitution*, namely laws that are dynamic and able to accommodate the interests of the community [10], then the existence of traditional villages is accommodated in Law Number 6 of 2014 concerning Villages. Law *a quo* traditional villages are identified as one type of village whose existence is recognized in Indonesia. The duality practice of village government in Bali Province runs in harmony, and this is due to the division and role between the official village and the traditional village [11]. Traditional villages are run based on tradition, cultural and religious customs, and are bound by *heaven three*. *At the same time, the* official village is a government village or administrative village and is a representative of the government in the government system in Indonesia.

Regional typology is one aspect that affects the grouping of traditional villages in the Province of Bali [12], as for the grouping is as follows:

- a. Mountain Traditional Village, or Bali Aga, has a cultural orientation influenced by the Kediri era. The tradition that developed in Bali Aga Village is a little tradition dominated by culture before the entry of Hinduism, which the Majapahit Kingdom brought. Bali Aga Village is a traditional village in Bali that still maintains the old culture. The leadership of Bali Aga Village adheres to a system of twin or collective patterns based on seniority, also known as *ulu-ampad*. Because Bali Aga Village does not recognize the caste system, the position of elder figures is the highest social structure [13].
- b. Apanage Village, also known as the plains village, was influenced by the Majapahit Kingdom. The unique characteristics of this village are the irrigation system in the rice fields,

centralized power by placing the king as a descendant of the gods (*devaraja cults*), the dominance of pedanda figures, religious concepts written in lontar, the color system, cremation ceremonies, the Hindu-Javanese calendar system, wayang performances. Leather, architecture, and art with Hindu and Buddhist motifs, as well as the recognition of mask dances. The leadership in Apanage Village is the sole leadership as a representation of the king.

- c. Anyar Traditional Village is a traditional village that has developed, going hand in hand with the official village as stated in the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali Province.

Based on the explanation above, it can be concluded that the history of the traditional village since its inception was an autonomous village that has fulfilled the requirements of government as a village, namely territory, government, and customary law that regulates and sustainably manages people's lives [12].

The Maluku Province is one of the regions in Indonesia that recognizes the existence of traditional villages. The traditional village in Maluku is known as the country. In addition, *Ohoi* is also another name for a traditional village in Southeast Maluku Regency. If examined historically, the tug-of-war for implementing a traditional-based village government system with a modern government system in Indonesia has occurred since Indonesia's independence [14]. The presence of Law Number 5 of 1979 concerning Villages which does not accommodate traditional villages, the existence of the state and *ohoi* in Maluku Province was briefly removed and replaced by official villages and villages. This is one manifestation of the weakening of the cultural structure of Maluku by leaving its local identity [15].

Law Number 6 of 2014 concerning Villages has again brought the spirit of Maluku Province to carry out village government following local wisdom. The customary government structure in Maluku is commonly referred to as the *state saniri*, a combination of state officials. The king acts as the head of the *saniri* and is responsible for deliberations and the judiciary that establishes rules and formulates cases related to customary domestic issues he leads [4]. As for the structure of the *saniri*, in general, it can be explained as follows [16]:

- a. The king, as the head of the customary village functions as the head of the state government that is protected and protects the community in an integrated manner;
- b. Aman is a traditional institution, acting as a customary head that functions as a leader in the implementation of traditional ceremonies and provides guidance to the community;
- c. Head of *Soa*, in charge of administering the state government as village secretary;
- d. Marinyo is a broadcaster whose job is to deliver news to the people of the country and abroad or to neighboring countries;
- e. The landlord plays a role as the Afertilizer of the community's shell land and as an expert in the matter and at the same time as the owner of a large land in the traditional village;
- f. *Kewang* is a forest police officer in charge of preserving the resources contained in the forest and is responsible as a *ranger*;
- g. *Kapitan*, is a warlord or state police in maintaining public order and national security.

Maluku Province Regional Regulation Number 16 of 2019 concerning Traditional Village Arrangements is an embodiment of the spirit to bring back traditional villages as part of the government in Maluku Province. The state is a territorial alliance with clear land and sea boundaries, is genealogical, is led by a king, and is accompanied by a *state saniri* (state legislature). The indigenous people of Maluku call themselves the children of Maluku. In general, the children of Maluku are a society with a living relationship with their customs,

traditions, culture, kinship, and diversity or the traditional way of religious life [17]. Meanwhile, *ohoi* has the same meaning as the traditional village, commonly used in the Kei Islands, Southeast Maluku Regency. If examined historically, *ohoi* formed from people in the Kei Islands who lived in the form of family groups (clans), which over time increased in number and formed an *ohoi*. The *ohoi* will continue to develop along the journey of civilization in the Kei society. *Ohoi* lives their lives based on customs related to death, birth, house construction, and plantation management to the stage of the leadership process, which in carrying out their traditional life is supervised by a particular customary institution within *Ohoi* [18]. In running his government, *Ohoi* has a modern government structure. This is evidenced by precise levels and division of tasks within the government, namely *ratshap*, *ohoi*, and *ohoi soa*. *Ratshap* denotes an area of power led by a king (*rat*) to overcome various customary problems in the *Ohoi* under *Ratshap's rule*. In this regard, the *ratshap* was formed as part of the delegation of authority to overcome various problems in the Kei community, which are considered very broad and complex, thus illustrating the representation of traditional institutions in the decision-making process [18].

Sociologically, the Kei community adheres to a system of social stratification in social life and dividing government roles and functions. The division of tasks is based on clans: *Mel-Mel* is the leader of *Ohoi* and *Ratshap*, *Ren* is the Landlord (*Tuan Tan*), and *Iri* has the task of being an assistant. [18]. *Ohoi* implements a patriarchal system so that a king (*rat*) election is carried out based on the father's lineage. Following up on the existence of *ohoi* and *ratshap*, the Southeast Maluku Regency government issued Southeast Maluku Regency Regional Regulation Number 3 of 2009 concerning *Ohoi* and *Ratshap*. However, because national law continues to experience dynamics and changes, the *quo* requires further reform in adapting to national law. This is, of course, in line with Adolf Merkl's theory of 2 (two) legal faces (*das doppelte Rechtsantlitz* law which requires that the regulations below must conform to the regulations above them [19].

3.2 Arrangements for the Election of Traditional Village Heads in the Province Bali and Maluku Province

Awig-awig is a special customary rule regulating the lives of indigenous people living in a traditional village. The characteristics found in awig-awig [9], namely:

- a. Social-religious nature, the process of making refers to auspicious days, times, places, and holy people. The aim is to make *awig-awig* have charisma and soul or *taksu*. The content of an *awigawig* not only regulates *maslah bhuwana alit* (social life) and *bhuwana agung* (life of the universe). Thus, indigenous peoples in Bali believe that violations of *awig-awig*, in addition to inflicting *sekala* (birth) sanctions, are also *Niskala* (inner) witnesses.
- b. Concrete and clear, the rules of customary law are developed in basic terms only. At the same time, the detailed arrangements are left to the condition of the community, for example, through *pararem*, as the implementing regulations of *awig-awig*.
- c. It is dynamic, meaning that Customary Law grows and develops in society. When people's lives change due to the times, then customary law also develops in order to be able to protect the citizens of the community.
- d. Communal nature, namely maintaining a balance of common interests with personal interests. *awig-awig* guarantees that each individual has an important meaning in social life.
- e. Sociological dimension, in the development of national law, customary law becomes the material for forming the legislation. In contrast, customary law institutions, such as traditional security institutions, can be used in law enforcement in indigenous peoples.

Based on the explanation above, it is known that *awig-awig* plays an essential role in regulating the life of the Balinese people, both in the fields of religion and culture and the social and economic fields. The primary function of *awig-awig* is to be used as a guide in the implementation of *Tri Hita Karana* or the relationship between humans and God Almighty (*Prahyangan*), harmonious relations between human beings (*Pawongan*), and harmonious relations between humans and the natural environment (*Palemahan*) [20]. For the Balinese people, Hinduism and Balinese culture are likened to weaving threads *onendek*, intertwining with each other with their distinctive colors and patterns. Hinduism radiates in its people's way of life, as seen in traditional social organizations, such as traditional villages [21].

In line with this, *awig-awig* also regulates *praju* (managers) traditional village in the province of Bali, which consists of *patajuh* typical village (customary village head), *village* or *panglima* (deputy chairman), *panyarikan* or clerk (secretary), and *patentgen* or raksa interpreter (treasurer). *Bandesa* adat is the highest level of management of a traditional village. The arrangements are contained in Article 29 paragraph (2), paragraph (4), and paragraph (5) of the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in the Province of Bali, which explains that *Bandesa* the customary *village manners* by deliberation and consensus." The term *krama* desa refers to Balinese Hindus who are registered as members of the local adat village and *mipil* membership) *krama* village custom). Then it was also explained that related to the process of deliberation and consensus in the appointment *village villages*, traditional and related conditions term of office will then be regulated in *the awig-awig* and *pararem* applicable to the local traditional village.

The mechanism for selecting *bandesa villages* is carried out through deliberation to reach a consensus. The process of selecting *traditional* village villages is through deliberation, except for old traditional villages. Article 53 of the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali explains that old traditional villages are the composition of indigenous people in certain Traditional Villages in Bali with a collective government system (*ulu apad*). Determination *bandesa* in the old traditional village is carried out following the provisions of Article 53 paragraph (2) of the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, namely through lineage (*riringan*) or sequence (*ketekan*).

De facto, the selection of *village councils* through deliberation to reach a consensus is not fully adhered to by traditional villages in the province of Bali. For example, the election of *Intaran* Traditional Village, South Denpasar District, Denpasar City, in 2019 conducted the election *bandesa council* voting mechanism. This is because *voting* is more efficient and effective; the traditional village council election system *Intaran* through deliberation is considered conflict-prone and takes a long time to reach a consensus. Nevertheless, selecting the *bandesa councils* still follows the provisions of *awig-awig*; before *voting*, each union consisting of several *banjars* (*rukun Warga*) conducts deliberation to determine the candidates to be registered to participate *vote* in the contestation of the election *bandesa councils*. *The awig-awig* mechanism *voting* also regulates the requirements for nomination. *Intaran* Village has no special needs, colour discrimination, or gender; both men and women can be nominated. Elections by *voting* are not only implemented in the *Intaran* Traditional Village; a vote is also applied in the *Sangur* Traditional Village; what makes the difference is *voting* used in the *Sanur* Traditional Village is carried out if the deliberation that has been carried out does not succeed in reaching consensus, then *voting*.

Furthermore, because the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali does not explicitly contain the requirements for nomination, term of office, and the process for selecting *traditional* village villages, the arrangements related to

this matter are left to the agreement of each traditional village. contained in *awig-awig* or *pararem*. In other words, the terms, terms of office and procedures for deliberation between one traditional village and another, especially regarding the selection of traditional village villages in Bali Province, can be different and not the same each and others.

The follow-up to the recognition of indigenous peoples in Article 18B of the 1945 Constitution of the Republic of Indonesia can be seen from the existence of traditional villages, which are recognized in Law Number 6 of 2014 concerning Villages. Furthermore, within the framework of the Unitary State of the Republic of Indonesia, the Maluku Provincial Government established the Maluku Provincial Regulation Number 16 of 2019 concerning Customary Village Arrangements, the *a quo* domiciled as an *umbrella provision* related to the arrangement of traditional villages, especially in districts or cities in producing various policies and regulations at the legal system level so that traditional villages can develop more advanced, following the characteristics and characteristics of the region.

Maluku Province Regional Regulation Number 16 of 2019 concerning Customary Village Arrangements provides freedom for indigenous peoples to regulate customary issues, customary law and culture, and form traditional institutions, including choosing the head of traditional government. Furthermore, it is said that the position of the head of the customary village government is the right of *soa* or *matarumah* or certain descendants based on passed lineage and cannot be transferred to other parties unless determined otherwise by *matarumah* or descent based on deliberation. An example was in 2014, Negeri Tiga Rumah had a female king known as *mama raja*. The right to nominate a king belongs to her husband as part of the *parental eye*, but because the husband has other jobs. So the wife who has entered. The husband's parental eye is allowed to replace her husband's name in the draw at the church [22]. This incident is also the *antithesis* of the patrilineal culture that is generally applied in Maluku Province. Patrilineal has discussed the thought of the people of Maluku that men are more suitable to lead than women, so the kings who rule the country are generally men. However, it is not absolute. Under certain circumstances, women also have the right to be kings to lead the country.

Factually, Maluku Provincial Regulation Number 16 of 2019 concerning Traditional Village Arrangements, mandates the existence of further rules that contain provisions regarding the process of selecting the head of the customary village government in Maluku Province. However, until this research was conducted, there was no new regional regulation that contained this matter. The absence of such regulation does not reduce the spirit of indigenous peoples in carrying out their lives based on customary law which has been passed down from generation to generation by their ancestors.

One of the proofs is that Negeri Tiga Rumah, Teluk Subdistrict, Ambon City, on March 5, 2022, conducted the election of traditional village heads by referring to the Ambon City Regional Regulation Number 8 of 2017 concerning the State. Regional regulations *a quo* confirms that the head of the state government is the collective administrator of the state government. The position of head of the government of this country is the *parental* of the *parental eye*. Furthermore, specific arrangements are also contained in the Ambon City Regional Regulation Number 10 of 2017 concerning the Head of State Government's Appointment, Election, Inauguration, and Dismissal. Article 4, paragraphs (1) and (2) of the Ambon City Regional Regulation Number 10 of 2017 concerning the Appointment, Election, Inauguration, and Government of the Head of State Government, states that the candidate for the head of the state government is a country that meets the following requirements:

- a. Indonesian citizen;
- b. Fear God Almighty;

- c. Uphold and practice Pancasila, implement the 1945 Constitution of the Republic of Indonesia, and maintain and maintain the integrity of the Unitary State of the Republic of Indonesia;
- d. Minimum education graduated from high school (SMA) or equivalent;
- e. Be at least 25 years old at the time of registration;
- f. Willing to be nominated as head of state government;
- g. Country boy;
- h. Not currently serving a prison sentence;
- i. Have never been sentenced to imprisonment based on permanent legal force for committing a crime punishable by a minimum imprisonment of 5 (five) years;
- j. Not being revoked their right to vote in accordance with a court decision that has permanent legal force;
- k. Able-bodied;
- l. Has never been the Head of State Government for 3 (three) terms of office.

Based on the above provisions, it is known that the requirements to become the head of the state government in Ambon City are almost the same as the requirements for nominating the official village head as contained in Law Number 6 of 2014 concerning Villages. Furthermore, regarding the election of the head of government, it is regulated in Article 5 of the Ambon City Regional Regulation Number 10 of 2017 concerning the Appointment, Election, Inauguration, and Government of the Head of State Government, which in essence, states that:

- a. The election process is carried out by deliberations of *matarumah parentah* whose implementation is led by the head of *mataruumah parentah*.;
- b. Deliberation *eye-home parentah* only stipulates 1 (one) candidate;
- c. If the deliberation does not reach a consensus, *a vote will be held*;
- d. The deliberation process will be attended by *the children of the matarumah parents*
- e. The results of the deliberations will be made an official report, submitted to the state saniri and submitted to the mayor through the sub-district head.

However, if a consensus is not reached, it will be resolved through voting or *voting*. Such provisions are certainly not in line with customary values, reinforced in Article 7 paragraph (2) of the Maluku Provincial Regulation Number 16 of 2019 concerning Customary Village Arrangements, which in essence, states that the position of the head of the customary village government is the right of the *soa* or *matarumah parentah*. Through deliberation. This is also supported by Hamid Dokolomo's opinion, which essentially states that the process of selecting a candidate for a leader who will rule the country is usually done through deliberation; this has been going on for centuries. The results of the consensus deliberation became a requirement for a child of the country to be appointed as the country's leader [4]. Thus, the *voting* for the election of traditional village heads is deemed to be incompatible with the noble values of indigenous peoples; it is hoped that in the future, there will be arrangements governing the election of traditional village heads if deliberation does not reach a consensus following local customary values.

Furthermore, the author will describe in tabular form, related to the comparison of the arrangements for the election of Traditional Village Heads in Bali Province and Maluku Province, as follows:

Table 1. Comparison of Customary Village Head Election Arrangements in Bali Province and Maluku

Differences	Bali Province	Maluku Province
Regulatory Legal Basis	a. Provincial Regulations Number 4 of 2014 concerning Traditional Villages in Bali Province b. Further regulated in Awig-Awig and Pararem	a. Maluku Province Regional Regulation Number 16 of 2019 concerning Traditional Village Arrangements b. Further regulated in district or city regulations, such as: 1) Ambon City Regional Regulation Number 8 of 2017 concerning the State 2) Central Maluku District Regulation Number 3 of 2006 concerning Procedures for Nomination, Election, and Inauguration of the Head of State Government
Nomination Terms	Regulated in Awig-Awig and Pararem, each Traditional Village has its own requirements in accordance with Customary Law.	Included in the Regional Regulations at the district or city level.
Selection Mechanism	Deliberation to reach consensus, except for the Old Traditional Village.	Deliberation for consensus,
Disharmonizati on between Setting and Practice in the Field	The election mechanism through deliberation to reach consensus has not been fully implemented. For example, the election of the Intaran Traditional Village Head in 2019 was still carried out through voting or voting.	a. The election of the traditional village head is carried out by deliberation, but if consensus is not reached in deliberation, then voting is carried out. b. There are no further arrangements in district or city regional regulations governing the election of Traditional Village Heads, as mandated by Maluku Provincial Regulation Number 16 of 2019 concerning Customary Village Arrangements. c. In the absence of further arrangements, several King Elections are carried out using a legal basis that is no longer in accordance with the relevant laws and regulations.

(Results of research data)

Referring to the table above, it is known that there is still disharmony between regulations and practices in the election of Traditional Village Heads, both in the Province of Bali and in the Province of Maluku. Therefore, regulatory reform is an effort to realize a responsive law. The absence of the initiative to reform the law can also be seen from the election of traditional village heads in Central Maluku Regency which still uses the legal basis of Central Maluku Regency Regional Regulation Number 3 of 2006 concerning Procedures for Nomination,

Election, and Inauguration of Heads of State Governments. If examined further, this regional regulation was formed even before the recognition of the Traditional Village as an entity of the Indonesian people, namely in Law Number 6 of 2014 concerning Villages. Thus, it is fitting for districts or cities in Maluku Province to form legal products that are in line and line with the regulations above. This is as mandated by the 1945 Constitution of the Republic of Indonesia, that customary law communities exercise their traditional rights, but must be in harmony with the principles of the Unitary State of the Republic of Indonesia, this harmony also includes harmony in the field of law and legislation.

4 Conclusion

Based on the explanation above, the regulation regarding the election of traditional village heads in Bali Province is listed in the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali Province, explicitly stipulating that the election is carried out through deliberation to reach a consensus, while further provisions are left to the awig- local village awig. On the other hand, Maluku Province also has its own rules regarding traditional villages, namely the Maluku Provincial Regulation Number 16 of 2019 concerning Traditional Village Arrangements. However, there are no clear procedures and mechanisms for regulating the election of customary village heads; this is due to the characteristics and uniqueness of each.

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