

Relationship Of Traditional Village Authorities With Village Spatial Management, The Principle Of Justice Intergeneration Perspective (Study in Penglipuran Traditional Village, Bangli)

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Abstract. The other issue of spatial planning is a matter of legal culture of customary law communities, name that people interpret the meaning of a space and decide to use it according to the classification determined by their culture. Besides that, it has a relationship with the authority of the customary village as a customary institution that oversees the customary law community. Moving on from the study of the relationship between customary village authorities and spatial planning, that humans have created a new dimension called the proxemic cultural dimension, are here the arrangement and use of space is adapted to their cultural concepts. As a unit between humans and their environment, humans and the environment simultaneously are in a condition that mutually forms one another. The implementation of the authority of the Traditional Village in spatial planning in Penglipuran Traditional Village is based on authority that originates from recognition based on the constitutional basis in Article 18B of the 1945 Constitution of the Republic of Indonesia which provides recognition of the position of indigenous peoples to exercise local legal powers in customary law communities. This recognition is manifested by the existence of customary village autonomy to regulate the community and all existing resources in the customary village based on the awig-awig and customary village pararem.

Keywords: traditional village authority; village spatial; intergenerational justice

1. Introduction

Space is an important requirement in everyone's life, so that in utilizing space it can reflect the relationship between humans and humans, and humans and the environment. In general, space is meaningful as a place for human personal and social life to carry out activities that can improve their welfare, quality of life, and culture. This space or container of life is also a place of actualization for humans to use space through their behavior and social characteristics.

From an anthropological point of view, space is an affair that refers to how a model of spatial arrangement is carried out by a group of individuals, communities or society according to their culture. The essence of the anthropological study of space or the anthropology of space is the problem of how individuals manage the space that becomes their territory, how

the individual's cognitive domain, which functions as a mental map, determines the use, function and boundaries of an area.

In this context, spatial planning issues can be understood in addition to issues of legal culture, namely how a community interprets the meaning of a space and decides to use it according to the classification determined by its culture also has a relationship with the authority of the adat village as a customary institution that oversees the adat law community. Departing from the study of the relationship between customary village authority and spatial planning, that humans have created a new dimension called the proxemic cultural dimension, where the arrangement and use of space is adapted to their cultural concepts. As a unit between humans and their environment, humans and the environment are simultaneously in a condition that mutually forms one another.

In its actualization, space is a valuable need and through a social contract system, sovereignty is granted to the State. The government then carries out the implementation of spatial planning through the activities of regulating, fostering, implementing and supervising spatial planning. With the nature of the space, what needs to be done in "Spatial Planning" is to set rules for stakeholders as space users. Therefore, the highest goal of the entire spatial planning process is to change the mindset and action patterns of stakeholders in utilizing space in a sustainable manner. According to a study by the National Legal Development Agency, the potential problems that could occur in urban and rural areas were mentioned:

- a. Changes in urban and rural spatial structures and patterns which have consequences for the loss of protected areas and cultivation spaces for the community, and cause other social problems.
- b. The opening of opportunities for land conversion or larger forest areas and consequences for the rate of environmental degradation and deforestation.
- c. The development of corruption mode for business interests under the pretext of spatial review which actually sacrifices environmental sustainability aspects.

The provisions of Article 25 paragraph (1) of the Bali Province Regional Regulation Number 4 of 2019 have regulated the granting of authority to Traditional Villages related to customary village spatial planning, but this authority creates a blurring of norms when it is related to the provision of Article 25 paragraph (2) which states Local Authority the scale of the Traditional Village as referred to in paragraph (1) as long as that is the authority of the customary village, contextually this can blur the authority stipulated in Article 25 paragraph (1).

Penglipuran Traditional Village which is also a Tourism Village in the implementation of customary village authority relations in village spatial planning uses the customary village autonomy rights with awig-awig and pararem which already have a constitutional basis as mandated by article 18B of the 1945 UUDNRI. In an effort to realize intergenerational justice in spatial planning besides awig-awig and pararem as important forces for limiting, prohibiting, and conservation efforts for spatial assets, there needs to be anticipation of the existence of regulations/policies made by the state that can pose a threat to space as assets belonging to traditional villages, such as the existence of a land certificate program through the Prona Program, so it is necessary to confirm the arrangements in awig-awig to anticipate the dynamics that occur.

2. Method

This research is a type of empirical legal research, philosophical in its analysis and exploratory in extracting data. The main method used is exploration through interviews with traditional clans and community leaders. Studies on primary, secondary and tertiary legal materials through document review techniques will also be carried out, while field studies will be used as objects of exploration through depth interviews. The technique for collecting primary legal materials and secondary data in this study will use the Document Review technique, which is a technique for obtaining legal materials and secondary data through the collection of all manuscript documents related to this research. After the information data is collected entirely from the field, then it is processed systematically according to the category and type of data qualitatively. Legal materials which include primary, secondary and tertiary legal materials will be managed and processed in advance for the purposes of data analysis and legal materials. Primary legal material covering all organic laws and regulations related to village leadership arrangements will be managed, processed and analyzed.

Primary legal material which includes:

- *UUD NRI 1945;*
- *UU No. 26 Tahun 2007 Tentang Penataan Ruang*
- *UU No. 6 Tahun 2014 Tentang Desa;*
- *Perda No 4 Tahun 2019 Tentang Desa Adat di Bali;*
- *Awig-Awig Desa Adat Penglipuran*

All data from exploration results that have been managed and processed will be analyzed according to the category and type of data, both from the results of document reviews and in-depth interviews. All information data will be analyzed using content analysis techniques. A synthesis technique will be carried out to draw conclusions and formulate recommendations as a form of intergenerational justice in rural spatial planning based on local-wisdom values and principles which include the concept of intergenerational justice and customary village authority as the key in rural spatial planning. The data that has been obtained both primary data and secondary data were analyzed descriptively qualitatively, namely with the aim of describing something in a certain area and at a certain time. Then the data that has been collected is processed, qualified, and linked systematically to obtain a conclusion in response to the problem of customary village authority for rural spatial planning being studied.

3. Discussion

3.1 Village Authority in Rural Area Spatial Planning

In understanding "village" in Indonesia, according to Mashuri Mashab there are three kinds of interpretation or understanding, namely [1]:

First, the notion of "sociologically", in this case it is described as a community unit that lives and resides in a certain environment, they already know each other well. This is due to the pattern of life that is homogeneous and has a strong dependence on the natural surroundings. Sociologically, the life of the people still lives simply, their lives are more dependent on agriculture, have strong social bonds, customs and traditions, are honest, modest, and so on.

Second, the notion of "economically", in this case "a village is a community environment that tries to fulfill its daily needs from what is provided by the natural surroundings". In this

second sense, the village is an environment related to the economy, and its inhabitants try to fulfill their life needs from natural potentials that provide them with economic benefits..

Third, the notion of "politically", in this sense village is seen as "a government organization or political power organization has certain authority because it is part of the state government". In this political sense, a village is often formulated as "a legal community with the power to organize self-government". Based on a political point of view, the village as a legal community unit, the village can manage their lives independently (autonomously), and this has actually been owned since the legal community unit was formed, this is where the origin of why the village is said to have genuine autonomy and not the same as an autonomous region others such as districts, residencies, and provinces that obtain autonomy from the Central Government or the National Government [1].

From the perspective of the national government, the village government is seen as the lowest government unit that occupies a portion of the country's territory. In this context, national governance is the interweaving of village government systems and various other government structures above them. Thus the village government only plays a role as a sub-system whose life and death depends on the will of the supra-system above it, namely the national (state) government which is layered from the sub-district, district, provincial to central government [1].

In autonomy, the central government and the government have a relationship of authority, among others related to the method of distributing governmental affairs or the distribution of governmental affairs. This way of determining will reflect a form of limited autonomy or broad autonomy [2]. It can be classified as limited autonomy if: First, regional household affairs are determined categorically and their development is regulated in certain ways as well. Second, if the system of supervision and supervision is carried out in such a way that the autonomous region does not have the independence to determine freedom in how to regulate and manage its regional households. Third, the system of relations in the financial sector between the center and the regions which raises matters such as limitations on the original regional financial capacity which will limit the space for regional autonomy.

In the view of Ateng Syafrudin and Suprin Na'a, the consequence of the legal concept or notion of the Unitary State of the Republic of Indonesia is not only the decentralization of authority to autonomous regions, but also the protection of village autonomy and aspects of village history as the rationale for designing village autonomy. Village autonomy is not part of regional autonomy, because regional autonomy that is unique to Indonesia as a unitary state is village autonomy [3]. According to Kushandajani, there is a strong tendency to interpret "village autonomy as part of regional autonomy" just as the central government views regions as "part of the country's territory" and submits to the government over them. The regional government (district) views the village as only part of the regional government, where the power to make policies and implementation related to the village rests with the district head, so that the meaning of village autonomy becomes blurred [4].

In village autonomy the elements are: 1) certain customs, binding and obeyed by the village community concerned; 2) land, inheritance, and village assets; 3) sources of village income; 4) village household affairs; 5) democracy in terms of choosing and being elected to form a village government to manage the village; 6) The existence of representative institutions or deliberative institutions in the implementation of village household affairs [5].

From a legal political perspective, the Village Law is a long political struggle, as well as a battle of ideas to make the village the spearhead of development in achieving a better quality of life. The main tug-of-war of the debate over villages is over authority, between centralized and decentralized. The birth of Law Number 6 of 2014 is a crystallization of the political will

in parliament which is about to face the 2014 legislative and presidential elections. The Village Law, which was born in a political year, is very likely to become a political commodity, because through the Village Law political parties want to reap voters in rural areas, so that the demands of the community and village apparatus can be accommodated in it [6].

If you look closely, it is true that village arrangements or by other names cannot be found in a clear formulation in the 1945 UUDNRI. In the 1945 Constitution of the Republic of Indonesia, what is regulated is the unity of indigenous peoples and their traditional rights, as stated in Article 18B paragraph (2). The basic arguments from the birth of the Village Law, if one looks closely at the Academic Draft of the Draft Law on Villages, there are several important arguments related to the existence of villages, namely:

Views from a historical/historical perspective; From a historical/historical perspective, it can be concluded that in fact villages or in other names as local community organizations spread throughout Indonesia have territorial boundaries with their customs that have been known to exist since before Indonesia's independence [7]. Besides that, the existence of the village cannot be separated from the context of local wisdom as traditional wisdom that is owned by every local community in Indonesia, this local wisdom is practiced in society to manage natural resources, the principle objective of this local wisdom is for a harmonious life.

The view from the philosophical-conceptual aspect. From a conceptual-philosophical view, it can be concluded that: because historically the village existed beforehand, philosophically the village should become the basis for village governance and become part of the government unit. According to the view of J de Louter, an expert on Dutch constitutionalism and F. Lacculle, the village is "the foundation for the Indonesian state administration". This means that it is very urgent to carry out village arrangements in the law, so that there is great hope for the creation of harmonious relations and mutual respect between the village and the government above it and vice versa [8].

To be able to realize village independence at least requires a dynamic relationship from a combination, namely between local initiatives and how these initiatives are wisely responded to by the state. The form of a policy response from above is in the form of acknowledging the existence of the village through the establishment of rights, powers, authorities and responsibilities to the village.

If it is related to the context of spatial planning in rural areas, then the village should be given responsible freedom so that it can explore ideas/ideas that reflect the local character to carry out village development planning. The purpose and benefits of the idea of village autonomy, in essence, are to synergize all the potential that the village has, as well as strengthen the position of the village and its people in developing the village so as to strengthen the local economy which is ultimately able to empower all existing potential and make the village self-sufficient.

In the Academic Manuscript, several arguments were presented from the submission of RUU on Villages, namely [9]: 1). Juridical argumentation, 2) Argumentation from a sociological aspect, and 3) Psychopolitical Argumentation.

The basis of juridical argumentation with reference to the mandate of Article 18B of the 1945 Constitution is essentially the existence of "unity of indigenous peoples", gives the consequence that villages in the lowest government structure in Indonesia have identities and entities that need to be regulated separately. Based on the provisions of Article 18 of the 1945 Constitution, it confirms the existence of large and small areas in Indonesia [10] So that it can be concluded that the state through the constitution clearly gives recognition and respect to the Village. This clearly confirms that the Republic of Indonesia must recognize the existence of

villages in Indonesia that are diverse in nature. *Zelfbesturende landchappen* will follow the principle of decentralization (giving) and *volksgetneenschappen* will follow the principle of recognition/recognition (although this principle is not known in decentralization theory) [11]. Although after the second amendment of the 1945 Constitution there was a loss of the term Village, but with the recognition and respect for the unity of indigenous peoples and their traditional rights, this shows implicitly that the existence of the village is still strong [12]. However, the state must still give recognition to the unity of existing indigenous peoples such as: *Nagari; Mukim; Huta; Sosor; Kampong; Marga; Negeri; Parangiu; Pakraman/Desa Adat; Lembang*, and other. Therefore, the preparation of the Village Law was made separately from the Local Government Law, this clarifies the meaning of Article 18 of the 1945 Constitution. This will be able to strengthen the position and authority of the village.

Argumentation from the sociological aspect, namely the development paradigm should be carried out from below (villages), so that it can be prevented the tendency of development that is only oriented towards urban growth, which can increase the flow of urbanization. Sociologically, the hope in the future is to restore village entities by strengthening villages and providing independence to villages, even though changes occur due to the effects of globalization so that the dynamism that occurs villages can still maintain their local identity. In this case, what needs to be an important note is needed regulation between the functions and roles of the state, regions and villages.

Psychopolitical Argumentation, from the historical dimension since the actual independence of Indonesia there has been attempts to format villages according to the context of local diversity. As opinion by Selo Soemardjan it is not easy to place the position and format of the village, because there are differences of views that give rise to disagreements to determine decentralization with autonomy to the provincial, district / city areas, or added to the village. Psychopolitically, the position of the village will remain marginalized, when the village arrangement is placed in a subordinate position and subsystem in the local government arrangement. The village actually has historical, sociological, political and legal aspects that are different from the regions. Therefore, the drafting of the Village Law actually wants to "exclude" villages from subordinate, subsystem and marginal positions from local government, so that they can hopefully position villages in an honorable position in the constitution of the Republic of Indonesia.

3.2 Implementation of Customary Village Authority in spatial planning in Penglipuran Traditional Village, Bangli

The people of Penglipuran Village as a whole adhere to Hindu beliefs with a community forum called *banjar adat*, which there are many activities related to religion, environment and social. This makes Penglipuran Village highly uphold traditional, the value of mutual cooperation, family principles, and deliberation of consensus in its daily life. Penglipuran Village upholds the teachings of Hinduism based on the concept of Tri Hita Karana harmony in everyday life. Tri Hita Karana can be interpreted as three ways to achieve birth and well-being. The three parts of Tri Hita Karana are (a) Parhyangan, the harmony of man's relationship with God Almighty; (b) Pawongan, the harmony of human relations with fellow human beings; and (c) Palemahan, the harmony of man with the surrounding universe/environment.

In addition to Tri Hita Karana as the foundation of life, the role model of the people in Penglipuran Village is bound by *awig-awig* or customary regulations that must be obeyed by

the community. As a village that has strong beliefs and traditional, the government system in Penglipuran Village can be classified into two, namely:

Penglipuran Village Customary Institution (Penglipuran Traditional Village) using a government system namely *hulu apad*. The customary village government consists of *prajuru hulu apad* and *prajuru apad*. *Prajuru hulu apad* consist of *jero kubayan*, *jero kubahu*, *jero singgukan*, *jero cacar*, *jero balung* and *jero pati*. *Prajuru hulu apad* automatically held by those who are most senior judging by the age of marriage but who have not *ngelad*. *Ngelad* or retirement occurs when all children are married or one of their grandchildren has married. Those who have just married sit at the very bottom of the *desa apad* membership ladder. The traditional institution of Penglipuran Village is led by a *bendesa* and assisted by two *penyarikan*. Customary institutions are autonomous institutions for there is no structural relationship in government. Traditionally, customary institutions are detailed over the vertical structure of customary village government and horizontally consist of certain professional/functional groups such as *Sekaa Gong*, which is a group that functions or serves as a *gambelan* player during religious ceremonies, *Sekaa Baris* is a group of dancers, *Sekaa Mebat* is a group of cooks, *Sekaa Pecalang* is a group tasked with maintaining security, *Sekaa Truna Truni* is a youth group from Penglipuran Village. The function of traditional institutions is related to the implementation of traditional religious ceremonies (*yadnya*) as well as in the construction and maintenance of sacred places of worship (*pura*). The duties and obligations of traditional village residents are contained in the *awig-awig* of Penglipuran Traditional Village.

The Penglipuran Village department (Penglipuran Environment) institution is administratively part of the Kubu Village area and is one of the three neighborhoods in the village. As an environmental area, Penglipuran Village is led by a Head of Environment and assisted by a deputy. The Head of the Environment serves and functions to provide administrative services to its citizens in addition to being an extension of government officials.

Looking at the perspective of spatial planning of rural areas, it is certainly a constitutional perspective that is a strong foundation as mandated by article 18B which provides strengthening of indigenous peoples autonomously through the rights of recognition given in Law No. 6 of 2014 concerning Villages while still being rooted in the paradigm of national hukun development, namely Pancasila and the noble values that live in the community. According to Abrar Saleng, local values that can be absorbed in the substance or material content of laws and regulations in the field of forest and environmental conservation are local values that live and develop in society, are national, and even universal. Because, only such local values can be used as legal principles and rules in the preparation of laws and regulations in the field of forestry and the environment in the future.

The provisions in Bali Provincial Regulation No. 4 of 2019 concerning Traditional Villages in Bali consideration, there are things that underlie this regulation, namely: that Indigenous Villages that have grown up for centuries and have the right of origin, traditional rights, and the right of original autonomy to manage their own households, have contributed greatly to the continuity of people's lives in nation and state; b. that the Customary Village as a unit of indigenous law community based on the Tri Hita Karana philosophy rooted in the local wisdom of Sad Kerthi, imbued with Hindu religious teachings and cultural values and local wisdom living in Bali, plays a very large role in the development of society, nation, and state so that it needs to be nurtured, protected, fostered, developed, and empowered to realize the life of a politically sovereign Balinese Krama, economically independent, and culturally personal

Furthermore, in the Customary Village Authority Article 23 describe the authority of Traditional Villages includes authority based on the right of origin and local authority on the scale of Customary Villages. Article 24 Authority of Traditional Villages based on the right of origin as referred to Article 23 includes: a. the establishment of *Awig-Awig*, *Pararem*, and other customary regulations; b. determination of customary village development planning; c. determination of the Customary Village Revenue and Expenditure Budget; d. the implementation of government based on the original arrangement; e. development and preservation of customary values, religion, traditions, arts and culture as well as local wisdom; f. management of *Wewidangan* and land *Padruwen* of Traditional Village; g. management of *Padruwen* Traditional Village; h. development of customary law life in accordance with the principles of *Bali Mawacara* and *Mawacara* Village; i. establishment of organizational systems and customary law institutions; j. participate in determining decisions and implementing existing development in *Wewidangan Desa Adat*; k. maintenance of peace and order of *Krama*/people in Traditional Villages; l. holding peace hearings on customary cases/customary speech of a civil nature; and m. settlement of customary cases/speech based on customary law.

Article 25 (1) Local authority on the scale of Traditional Villages as referred to in Article 23 includes the management of: a. holy places and sacred areas; b. customary forests; c. water sources; d. *pasisi* and *sagara*; e. *padruwen* of customary villages/ customary territories; f. agriculture, plantations, fisheries, and animal husbandry; g. food industry and folk crafts; h. Traditional Village market or *tenten*; i. boat moorings; j. public baths; k. art, culture, and *pasraman* studios; l. *kapustakaan* and reading garden; m. tourist destinations and/or attractions; n. the neighborhood of *krama* settlement; (2) Local authority on the scale of Traditional Villages as referred to in paragraph (1) as long as the authority of customary villages.

Based on interview with I Wayan Budiarta as the Head/*Klian* of Penglipuran Traditional Village on July 24, 2022; the relationship of authority owned by the Penglipuran Traditional Village in relation to spatial planning, which includes the Parhyangan, Pelemahan and Pawongan spaces, so that it can be mentioned that Traditional Villages are autonomous in the management of existing resources, both human resources and space and Traditional Villages have full rights in regulating the community in living including arranging their space Land in the form of village corals, The rice fields and gardens basically belong to the Customary Village. For example, the existence of the *Prona* program or land certification causes land from a legal perspective to become proprietary land. This raises problems related to changes in the status of land in Penglipuran Traditional Villages except for residential land that already belongs to the Customary Village, which is referred to as the coral of the customary village.

In *awig-awig* Penglipuran Traditional Village is arranged as follows:

INDIK DRUWEN TRADITIONAL VILLAGE is arranged in:

PAOS 25: Padruwen of Penglipuran Traditional Village has tried to comply with the following guidelines:

Building outside: 1.1 Sacred building, so the Pahryangan-Pahryangan of the Traditional Village is complete with Pratimanyane and all the worship services. 1.2 The construction of the banjar hall, the construction of the kulkul hall according to the banjar rules.

Laba pure land, traditional village padruwen land, karang kertu land and AYDS land.

Setra obeys Dresta.

Arrangement according to the Adat Village.

Arta berana, means of Upakara, Uparangga, complete with traditional village.

PAOS 27 is arranged in:

The Karang adat village, who is satisfied with the rights of the Adat Village's family members, has a right to use, so it is easy to understand the nature of each other, and if you refuse to use the Adat Village, you will not be able to use it (Right to Use).

It's a piece of cake that's ready to go. The karang kerti is designed and used by the people of the Traditional Village, and inspected by the Custom Warrior according to the customs of the Custom Village and proves that it is authentic.

In the words also said that he obeyed Dresta.

4. Conclusion

The implementation of the authority of Traditional Villages in spatial planning at Penglipuran Traditional Village based on authority derived from recognition based on constitutional foundations in Article 18B of the 1945 Constitution which provides recognition of the position of indigenous peoples over to carry out local legal force in indigenous law communities. This recognition is realized by the autonomy of Traditional Villages to regulate the community and all resources in Traditional Villages based on awig-awig and pararem of customary villages.

Based on the awig-awig of Penglipuran Traditional Village in paos 25 and paos 27 is regulates the spatial arrangement of both settlements and gardens/rice fields which in principle are all land owned by customary villages. The customary village communities are only given use with the right and prohibited to selling garden / rice fields.

Reference

- [1]. Mashuri Mashab, *Politik Pemerintahan Desa di Indonesia*, (Yogyakarta, PolGov, Fisipol UGM, 2013), hlm. 1-2
- [2]. Ni' matul Huda, *Hukum Pemerintahan Desa, Dalam Konstitusi Indonesia Sejak Kemerdekaan Hingga Era Reformasi*, (Malang, Setara Press, 2015), hlm.47
- [3]. Ateng Syafrudin, Suprin Na'a, *Republik Desa*, (Bandung, Alumni, 2010), hlm.10
- [4]. Kushandajani sebagaimana dikutip dalam: Ni'matul Huda, *Hukum Pemerintahan Desa...*(Malang, Setara Press, 2015), hlm.54
- [5]. Taliziduhu Ndraha, *Dimensi-dimensi Pemerintahan Desa*, (Jakarta, Ghalia Indonesia, 1991), hlm.8-9
- [6]. Ni'matul Huda, op.cit. hlm.206
- [7]. For example: in Sumatra it is called "nagari", while villages in Java, known as "lurah", "village meeting (rembug desa") as the implementation of legislative institutions, and Dewan Morokaki as a judicial body in charge of the judiciary and sometimes plays the role of a deliberative body for the executive.
- [8]. Directorate General of Community and Village Empowerment, Ministry of Home Affairs, Jakarta, Academic Paper of the Draft Law on Villages, January 12, 2012, page. 7
- [9]. *Academic Paper of Village Law Draft*, ibid, hlm. 10-13
- [10]. Article 18 states: The division of Indonesian regions into large and small regions, with the form of government structure determined by law, by considering and remembering the basis of consultation in the state government system, and the rights of origin in special regions. In the explanation it is also affirmed: "The regions of Indonesia will be divided into provinces and the provinces will also be divided into smaller areas". This means that smaller areas include districts / cities and villages, or at least the law must also give the right position of the existence of villages that existed long before the Republic of Indonesia was born, and villages in the colonial period have also been regulated separately. In the explanation of Article 18 it is stated that: In the

territoire of the State of Indonesia there are approximately 250 zelfbesturende landchappen and volksgetneenschappen, such as villages in Java and Bali, countries in Minangkabau, hamlets and clans in Palembang and so on. These areas have an original structure, and therefore can be considered special areas. In the explanation of Article 18 it is stated that: In the territoire of the State of Indonesia there are approximately 250 zelfbesturende landchappen and volksgetneenschappen, such as villages in Java and Bali, countries in Minangkabau, hamlets and clans in Palembang and so on. These areas have an original structure, and therefore can be considered special areas.

- [11]. For the record: the diversity and distinction of zelfbesturende landchappen (autonomous village) and volksgetneenschappen (traditional village) gradually disappeared, especially in the New Order era Law No. 5/1979 made uniformity with the administrative village model, which is not an autonomous village and not an indigenous village.
- [12]. Article 18 paragraph (1) states: "The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into regencies and cities, each of which has a local government regulated by law". Also article 18B paragraph (2) affirms: "The State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as stipulated in law".