

Customary *Negeri* Government Without Government Critical Analysis On The Case Of Customary *Negeri* Government In Central Maluku District)

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Abstract

This research aims to analyze and describe the definitive government vacuum in customary lands and the role of the Central Maluku district government in the succession of government leadership in the lands. The problems in this research are: (1) What are the issues causing the definitive government vacuum in customary villages and negeris? And (2), what is the role of the Central Maluku District government in the succession of government leadership in customary villages? The results of this research are theoretically expected to enrich the literature regarding the customary government vacuum due to problems with the mata rumah parenta (clan heredity), which are the descendants of the customary land ancestors, and the role of local governments in the succession of government leadership in customary villages and negeris. Practically, the results of this research are expected to be an input for the district government in assigning the acting village heads to fill the void in the customary land government. For this reason, the selected informants are those who are considered to have closeness to and clear knowledge of the data and information needed at the research location. The data collected from the field used in-depth interview techniques and was analyzed qualitatively. It was found that there was still a government vacuum in the existing customary villages caused more by customary problems (the matarumah parenta problem), which could not be resolved by the acting village heads on behalf of the local government. This fact describes the less optimal work of the acting village heads in carrying out their role during their years of service and their extended periods afterward.

Keywords: Government, Customary *Negeri* Government, Village Head Vacuum

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Introduction

In some areas, there has been a vacuum in the village government. Why can there be a government vacuum in the villages? How can this happen in the practice of administering village government or state government in the Unitary State of the Republic of Indonesia (NKRI), which normatively has been regulated in structured statutory regulations regulating government administration down to the lowest level, namely the village/*negeri*? These questions arise because there are cases in the field regarding the succession of village heads that are not in accordance with regulations. The process of filling in a definitive government in customary villages or customary lands experiences difficulties, which have implications for the absence of a customary village or *negeri* government for years, some even exceeding three decades.

It was during this government vacuum period that the regional government, with its authority, then took over by appointing a task executor or acting government for each village. Unfortunately, there are claims that this appointment is only a subjective wish of the regional government authorities. Formally, this step can be justified, but it should be accompanied by supervision by the acting government in carrying out its duties because the acting head's term of office is limited and the essence of the assignment given is to hold elections in order to produce a definitive government. According to Sutoro Eko, this characteristic is a reflection of the practice of governing without a government. The practice of administering customary village administration or customary land in Central Maluku Regency is very numerous. In addition, the acting

government's filling of his position can last up to 1 or even 3 decades.

On the other hand, there is low oversight, such as the absence of acting government performance evaluation, local government intervention, and the tendency for regional heads to allow the acting government's term of office to be done for the sake of their political interests. This situation gave rise to many problems, one of which was the paralysis of traditional villages and *negeri*, which previously existed as autonomous social institutions. This condition, according to Tuanaya et al. (2021), is certainly very detrimental to the customary village/*negeri* community in obtaining government services based on their position as government administrators, development administrators, as well as effective and efficient social administrators.

Indigenous villages, or *negeri adat*, are referred to by several local terms such as *nagari*, *kampong*, *kampung*, *pekraman*, and other designations as potential cultural heritage in maintaining cultural identity and building awareness of cultural diversity in Indonesia, as well as active actors of local wisdom. On the other hand, indigenous villages have specific arrangements and procedures for governance and development (autonomous), genealogical attachment, and a set of rules. Genealogical attachment has a set of written and unwritten rules that are adhered to together in various activities such as religious, social, economic, and so on. These rules and norms are enforced by officials in the village with customary leadership that is still recognized by the indigenous village community today.

While villages have characteristics that apply generally throughout Indonesia,

indigenous villages have different characteristics. The difference with villages in general is mainly due to the strong influence of *adat* on the local government system, local resource management, and the socio-cultural life of the village community. With the construction of combining the function of self-governing community with local self-government, the indigenous community unit, which has been practicing government in the form of administrative villages and customary lands, basically performs almost the same tasks as villages in general. The only difference is in the implementation of the right of origin, especially regarding the social preservation of the village/*negeri*, the regulation and management of customary territories, customary peace sessions, the maintenance of peace and order for indigenous peoples, and the regulation of the implementation of government based on the original structure that lives and is institutionalized in the midst of indigenous peoples.

In the findings of Dokolamo (2020), customary government functions as: conflict resolution and community tension control (Dokolamo, 2020), weak implementation of the state government due to resource factors (Marupesy, et al, 2018), *sasi* culture in the implementation of customary government (Gaspersz, Saiya, 2019), human resources are not optimal (Maruapey & Rusli, 2018), state government administrative services (Gea, et al, 2022), local regulations on the state regulate the process of electing customary government (Soselissa, et al, 2021), the position and function of the regulation of customary village elections is very important (Tuasamu, 2018), land law in dispute resolution in the community (Uktolseja, et al, 2021), the replacement of the king of the country due to a

government vacancy (Riruma, et al, 2022), regulation of the election of the government of the country (Lekipiow, et al, 2022), the role of *Saniri* in development (Lessy, Tuanaya, Wance, 2021).

The number of traditional villages and *negeris* in Central Maluku Regency still immersed in customary conflict situations is 190 in 17 sub-districts. In several customary villages, which do not yet have a definitive customary village head, the vacuum will be filled by the presence of an acting governor appointed by the Regent. However, this cannot resolve customary issues, which are the main obstacle to assigning definitive village governance in conflicting villages (Wahab Tuanaya et al., 2021). In certain coastal villages, which were also immersed in the same conflict, they were finally able to reconcile over the problem and were able to have a definitive democratically elected government. These situations eventually lead to negative prejudice against the lack of role of the local government in overcoming or minimizing the problems faced by customary village/customary *negeri* communities.

The problems in the field need to be resolved through various field research, followed by scientific discussions in the context of academic discourse, through which the results can be an input to local governments. It is expected that the problem of the government vacuum in customary lands can be resolved and does not leave potential conflicts in the community.

Administrative Village Government and Customary Village/*Negeri* Government.

The village is the smallest administrative unit in the country. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia

states that the Unitary State of the Republic of Indonesia is divided into provinces, and the provinces are divided into districts and cities, where each province, district, and city has a regional government. The basis for village regulation is the 1945 Constitution of the Republic of Indonesia, which stipulates that the state recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia.

The enactment of Law Number 22 of 1999 concerning Regional Government in Article 93, Paragraph 1, of the Law states that villages can be formed, deleted, and/or merged by taking into account their origins at the initiative of the community with the approval of the Regency Government and DPRD.

In Law Number 06 of 2004 concerning Villages, it strictly regulates the components of village autonomy, including village rights and obligations. Article 104 explains that village autonomy is one of the goals of structuring village government. Thus, this law opens the opportunity for the return of the form of the village and its government to their original form according to their origins. In the village, institutions have even been formed that are in accordance with the needs of the village, which are only determined by village regulations. This institution is a partner of the village government in the context of empowering village communities.

Law Number 6 of 2004, concerning villages, in Article 1 Paragraph (1), explains that a village is a village or a customary village, which is a legal community unit that has territorial boundaries. This is authorized to regulate and manage government affairs and the

interests of the local community based on initiatives, community, origin rights, and/or traditional rights recognized and respected within the system of government of the Unitary State of the Republic of Indonesia.

This law is related to the *Negeri* Government as a customary village government formed from the rights of origin, custom, and culture, in which village autonomy is a must. This autonomy encourages the arrangement of the *negeri* government, which pays more attention to the needs, conditions, and characteristics of the people served while still guiding the improvement of public services.

The district and city governments in Maluku Province have taken advantage of this opportunity to return to the concept of *negeri* administration with the enactment of Maluku Province Regional Regulation Number 14 of 2005 concerning the re-determination of the *negeri* as a customary law community unit within the Maluku provincial government area and to become an umbrella for regional regulations for district and city governments. The birth of this regional regulation provides space for district and city regional governments in this province to accommodate legal community units along with customary rights, including the right to administer *negeri* administration (*adat*). This situation is in line with the presence of Law Number 6 of 2014 concerning villages, where Article 6 of this law regulates villages and customary villages. Especially in Central Maluku Regency, it is regulated by the Central Maluku Regency Regional Regulation Number 6 of 2006 concerning *Negeri* Government.

In Maluku Province Regional Regulation Number 14 of 2005, it is stated that the *negeri* (or village) is defined as a genealogical-territorial customary law

community unit that has territorial boundaries and has the right to regulate and manage the interests of the local community based on local origins and customs in Maluku Province recognized and respected within the bonds of the Government of the Unitary State of the Republic of Indonesia.

In Article 6 in paragraph (2) of Law Number 6 of 2004, it allows the mention of "customary village/customary *negeri*" to be adjusted to the designation that applies in the local area. *Negeri*, another name for village, has similarities when compared to the term "nagari" in Sumatra (Minangkabau) or "gampong," which is known in Aceh. According to Geertz in Soepono (1989: 9), the word "customary *negeri*" or "*negeri*" comes from Sanskrit, which means "city," which is then used interchangeably in Indonesian with the terms "capital," "country," "kingdom," or "city." Conversely, the term village (*desa*) is also absorbed from Sanskrit, namely *Dhesi*, which means "land of birth." There are also those who interpret it as a suburb or an area that is ruled by or dependent on higher rulers.

Thus, it can be explained that the concepts of "country" and "customary land" are autonomous legal community units. The connection with the concept of the state in Maluku Province is that the state, as an autonomous form of government, owns territory and wealth and has the right to regulate its household affairs, including choosing its leaders. The process of electing leaders in the traditional land of Maluku Province will be followed up by the district or city government as a government unit above the village or country government.

The aim of returning village government to *negeri* government is to realize the advancement of customary peoples by granting unlimited autonomy,

which will be very beneficial for increasing the capabilities of people in the *negeri*. In other words, the benefit of returning the village concept to the *negeri* government is to take advantage of the potential possessed by the customary *negeri* for the advancement of the people through the economic, customary, and cultural potential of the *negeri*.

The advantages of the customary land concept will not be replaced by an administrative village. This is because in the concept of customary land, all knots of power and authority are gathered together; that is, they do not only exist in one territorial unit but also have power and authority that are autonomous and independent in nature. This shows that the government of customary lands grows and is rooted in indigenous peoples and becomes a symbol of the embodiment of various orders and even customs that exist and are maintained by the people of indigenous lands. The concept of this customary land exists in Maluku Province, which includes the Central Maluku district.

In line with that, the tasks of the *negeri* administration in Maluku are also carried out based on the village government system, which in general still respects the unity of indigenous peoples or their rights of origin in customary governance. For example, the administration of government in the *negeri* cannot be separated from the work of *negeri* apparatus such as *saniri* or in the village concept referred to as the Village Consultative Board (BPD), *raja* or village head, and various other traditional instruments that exist in the *negeri* systemically.

The organizational structure of the government of customary lands in Maluku Province, including in Central Maluku Regency, places the *raja* and the head of the *soa* as executors of the *negeri*

administration. According to Holle (2013), *rajas* and *saniri negeri* in Maluku are known as the *Rajapatti Saniri* Board, which consists of the *rajas* and heads of *soa*. This board is an executive body under the leadership of the *raja*. *Raja* is the holder of the *negeri* government and also acts as the customary head in leading traditional events. *Raja* is obliged to maintain laws and customs, maintain unity and peace in the *country*, and carry out *negeri* administration such as marriage, distribution of inheritance, and so on.

In carrying out this task, *Raja* was assisted by clerks who served as assistants to provide services to the community. The clerk's function is to carry out the duties of correspondence, archives, and reports. The head of the *soa* is in charge of assisting the king in administering the government of the *negeri* when *Raja* is not present. The head of the *soa* is given the authority to replace the *raja* in carrying out the duties of the *negeri* government to serve the needs of the community. As the leader of a division within the *negeri*, which consists of several clans, the *soa* head is tasked with accommodating and channeling the aspirations and opinions of the people who are in his "soa" jurisdiction. The *soa* head also acts as the traditional head who leads traditional wedding ceremonies, especially in receiving the marriage property given by the groom to the *negeri* government.

Besides *Saniri Rajapati*, there is also Complete *Saniri Negeri*, which is a group of *soa* representatives. Within the *negeri*, a community group consisting of several clans, or "*matarumah*" elects and appoints one of its members as *saniri* and one other person as head of *soa*. In the implementation of the *negeri* government, it is known that there is a legislative board known as the Complete *Saniri Negeri*. Complete *Saniri Negeri* consists of: *saniri*

members, traditional elders, and influential community leaders such as teachers, officials, religious leaders (imams/priests), *kewang*; village and forest security guards and sea supervisors, *kapitan*; war leaders, *marineyo*; the person responsible for communicating the decisions of the government (*raja*) to the staff of the *negeri* government as well as to the public; *tuan negeri* as the leader of implementing domestic customs and landlords. The task of Complete *Saniri Negeri* is to determine policies and issue regulations together with *Saniri Rajapati*. *Saniri Rajapati*, in carrying out something important in the country, will first consult with Complete *Saniri Negeri* to seek approval. The leader of this complete *Saniri Negeri* is the *raja*. However, apart from serving as a legislative board, Complete *Saniri Negeri* also has the task of electing the *raja* according to the prevailing customary procedures.

There is a *negeri* consultative body known as *Saniri Negeri Besar* (Big *Saniri Negeri*), which acts as a judicial body. *Saniri Negeri Besar* is tasked with holding an open meeting between *Saniri Rajapati* and Complete *Saniri Negeri* and all adult male community members aged 18+ years. This meeting is held once a year, usually at the beginning of the year or at the end of the year, takes place in a traditional house called *Baileo*, and is led by the *raja*.

To realize effective performance by *negeri* apparatus, according to Moenir (2002), the development of *negeri* apparatus or village apparatus can be called successful if the organization obtains physical and spiritual satisfaction from the *negeri* apparatus or village apparatus at all levels. Even though it is realized that the influence of local culture in the form of a system of customs still exists in the *negeri* government in Maluku, in order to meet global developments,

social and economic dynamics, and demands for regional autonomy that are developing today, the effectiveness of the *negeri*'s government needs to be fostered. Therefore, the *negeri* officials can obtain knowledge, education, skills, and training to manage administration at the *negeri* level.

Governance System of Customary Village/ Negeri

Customary village/*negeri* government system refers to the village/*negeri* government system with customary or traditional principles adhered to by the community from generation to generation. According to Government Regulation Number 75 of 2005 concerning village government, the administration of government affairs by the village government and the Village Consultative Board (BPD) in regulating and managing the interests of the local community based on the origins of local customs is recognized and respected within the system of government of the Unitary State of the Republic of Indonesia.

Law Number 6 of 2014 in Article 1 Number 1 defines that a village is a village, and a customary village, or what it is referred to, hereinafter referred to as a village, is a legal community unit that has territorial boundaries authorized to regulate and manage government affairs and interests local communities based on community initiatives, origin rights, and/or traditional rights recognized and respected within the NKRI government system.

In line with that, government affairs in the village, according to Law Number 6 of 2014 concerning Villages Article 18, which regulates village authority, cover the fields of administering village administration, developing village communities, and empowering village

communities based on community initiatives, rights of origin, and customs. Furthermore, Article 19 of Law Number 6 of 2004 also divides village authority by considering the village government system, namely:

1. Authority based on origin rights,
2. Village-scale local authority,
3. Authority assigned by the government, provincial government, district or city regional government, and
4. Other authorities are assigned by the government, the provincial regional government, or the district or city government.

In managing villages in customary lands, the object of governance implementation in *negeris* uses customary law and formal law. In other words, the use of power in *negeri* government can be seen not only in the narrow sense (*bestuure*) but also in the broad sense (*regeling*). These mean that in administering government in *Negeri*, the head of *Negeri*, or *Raja*, has two roles. First, *Raja*, with the capacity of administrator, is responsible for administering government in the fields of governance and social development, as they are in accordance with formal law, assisted by *Saniri Negeri* officials and several *Soa* heads. Second, the *raja* also binds his position as the head of the customary government, who rules over all customary issues occurring in the midst of the lives of his community members, assisted by traditional institutions previously known as *Saniri Negeri Besar*.

Changing a village back into a customary village after more or less 20 years in the New Order era, which put aside traditional governance, of course, has its challenges. In the New Order era, the change from traditional government to

village government was sociologically a phenomenon of social change formed based on social planning by the government. According to Lawang (1999), the process of social change includes two main dimensions, namely the structural dimension and the cultural dimension.

The structural dimension, according to him, has implications for changes in position or status for indigenous peoples who are no longer autonomous and independent customary territories but are positioned as the lowest government unit. Even though the status of customary land as a customary law community unit is still recognized, the role, power, authority, function, integration, and relationship between one position and another and the flow of communication from components in the customary land have certainly changed. The change in the structural dimension automatically changes the cultural dimension, as the two dimensions are interrelated. Cultural dimensions such as ideas, norms, regulations, integration systems, and others also change. This structural and cultural change is felt by customary peoples in Central Maluku District as there are shifts in values and norms because the role of traditional institutions has been sidelined in village government.

Customary villages have functions of governance, village finance, and village development and receive facilitation and guidance from the district or municipal government. In this position, villages and customary villages receive the same treatment from the central government and local governments. Therefore, in the future, villages and customary villages can change the face of the village through effective governance, effective development implementation, as well as community development and community

empowerment in the region. Indigenous villages are a process or way of reactivating the potential of indigenous villages in the context of cultural preservation. The criteria for customary villages are regulated in Law No. 6/2014 on Villages, which states in Article 97 that the establishment of customary villages must fulfill the following conditions: 1) the unity of customary law communities along with their traditional rights is actually still alive, whether territorial, genealogical, or functional; 2) the unity of customary law communities along with their traditional rights is considered in accordance with the development of society; and 3) the unity of customary law communities along with their traditional rights is in accordance with the principles of the Unitary State of the Republic of Indonesia.

The process of governance in a *negeri*, including in Maluku, is a manifestation of the complex interaction between the formal structure of government, long-rooted traditions, and the dynamics of community needs. *Adat* or *Negeri* village governments are formed based on the need to organize and manage resources, maintain order, and facilitate community development and welfare. The existing governance structure combines modern elements of the state administrative system with traditional practices specific to the local community, allowing for unique and adaptive governance. This process occurs in response to the community's need to have a management system that can represent local values while meeting the standards of efficient and effective public management. Thus, governance in a *negeri* is not only the result of socio-political evolution but also a reflection of the community's collective efforts in building a sustainable governance system that is responsive to the challenges of the times.

The interaction between a *non-governmental* government and its citizens plays an important role in determining the effectiveness of governance. A responsive government is able to identify and respond quickly to the needs and aspirations of the community, integrating them into planning and decision-making. This creates an inclusive governance system where people participate not only as beneficiaries but also as key actors in the development process. This collaboration is strengthened through public dialogue and consultation mechanisms, ensuring that government policies and programs reflect the collective will of the people and are oriented towards improving their quality of life.

However, *the Negeri* administration is not free from challenges. Issues such as resource constraints, socio-economic inequality, and environmental change require innovative and adaptive solutions. In addition, maintaining a balance between traditional values and the needs of modernization is a challenge. *Negeri* governments must be able to formulate strategies that enable sustainable development while maintaining the identity and cultural values that are the foundation of society. In the face of these challenges, cooperation between the government, the community, and various other parties is key to creating comprehensive and sustainable solutions, ensuring that *the negeri* administration can continue to adapt and evolve according to the dynamics of the times.

Results and Discussion

Government Vacuum due to Customary Issues and the Presence of the Acting Village Head

According to the Big Indonesian Dictionary (KBBI), second printed in 1989, "vacuum is a vacuum subject (state,

nature, etc.) or emptiness." Meanwhile, according to Joenadi (2016), a power vacuum is a condition that occurs when a power holder has lost control over something or has finished his term of service for the position held by him and there is no one or nothing to replace him. In this power vacuum, other forces will tend to immediately fill the void by presenting task executors (Plt), temporary acting (Pjs), and acting (Pj), daily executors (Plh). These positions exist because the definitive officer of that office is absent or vacant. The official position can be temporary or permanent. Therefore, the vacuum of government leadership can be overcome, and finally, we can guarantee that the wheels of government can continue to run. (Muhjad, Jejakrekam.com)

According to Law Number 6 of 2014 concerning villages and their implementing regulations, there is no village task executor (Plt) in a village but an acting village head (Pj). To understand the appointment of village officials by the acting officer, we must first know about the acting regulation.

The legal basis for the acting officer is contained in Article 26, paragraph 2, of the Law on Villages. The acting village head (Pj) was appointed because the village head had finished his term of office, but there was no definitive replacement yet. This vacant position is filled by an acting person with full authority who is appointed by decree of the regent or mayor. The acting position is for a maximum of 1 year and will be re-evaluated. Ideally, the acting position is less than 6 months. The acting officer comes from civil servant officials who are appointed and considered appropriate with competence in the field of government or must be able and have experience in carrying out the main duties,

authorities, and obligations, as well as experience in leadership and technical areas of running government.

Appointment of acting village head through dismissal mechanism or dismissal of village head based on applicable regulations seen in the following stages:

1. The head of the village died.
2. Quit without coercion from others.
3. The village head was dismissed for violating his oath and promise. (Tuanaya et al., 2021)

Dismissal of the village head as referred to in letter C of Law Number 06 of 2014, namely:

1. The village head's term of office has ended.
2. The village head cannot carry out his duties on an ongoing basis or is permanently absent consecutively for six months;
3. The village head no longer fulfills and carries out his duties and obligations as village administrator.
4. The village head violated his duties and obligations as head of government.
5. There is a change in the status of a village to become a *kelurahan*, and there is a merger of two or more villages to become one new village, or the abolition of a village.
6. The village head is unable to carry out obligations as a village head; or
7. The village head is declared and legally proven to have committed the crime based on a court decision that has permanent legal force.

The position of village head in a customary village or *negeri* in Central Maluku District, appointed by the Regent, initially complied with the applicable provisions. However, due to the many interests coloring the acting village head's leadership journey, both for political and economic interests, the main obligation to

present a definitive village head (*raja*) was difficult to realize. This situation has implications for many *negeris* in this district, which have experienced village head vacuums ranging from 3 years to more than 30 years.

In an interview, the regional secretary of Central Maluku district explained that *negeris* experience a definitive government vacuum of up to 10 years or a decade. In fact, there are a number of customary villages that have had a definitive village head vacuum for up to 20 years and even more than 30 years, such as customary villages in Seram land: Laimu *Negeri*, Angos *Negeri*, Mosso *Negeri*, and Seith *Negeri* (Leihitu Sub-district). Meanwhile, there are also quite a number of other *negeris* that have experienced a government vacuum of more than 3-5 years, for example, Tulehu *Negeri*, Kailolo *Negeri*, Kulur *Negeri*, Latu *Negeri*, Latu Huwaloy, and Luhu *Negeri*.

This description shows that there are still many *negeris* experiencing a government vacuum due to unresolved customary issues. From interviews with members of the *saniri* of Tulehu *Negeri*, Kailolo *Negeri*, and Seith *Negeri*, it was found that the existing customary problem was an attempt to replace the *saniri negeri* who received customary recognition from the *negeri* community with the *saniri negeri* appointed by the regional government through the existing acting village head. As the data is conveyed in the form of a diagram, it looks as follows:

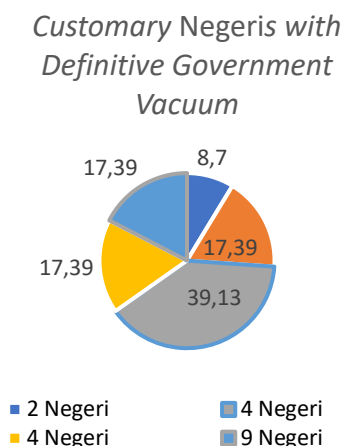


Figure 1. Customary Negeris with Definitive Government Vacuum
Source: Field Analysis, 2023

On the other hand, there has been a long absence of government in customary lands due to the problem of *matarumah parentah*. In a *negeri* where there is more than one *parentah* household, they sue each other or take legal action for having the right to become *raja*, which is quite lengthy and takes a long time. (Interview with the Head of Government Section of the Central Maluku Regent's Office.) In addition, the results of an interview with the secretary of Hila *Negeri* explained that:

We here have two parents who do not come from one descent, so lawsuits in court cannot be avoided and filed, and even the process has reached the cassation level. If there are no problems with lawsuits like this, then the replacement process that should have been carried out in 2016 has been completed, and our negotiator already has a definitive government.

Meanwhile, the results of an interview with the Secretary of Seith *Negeri* found that regional regulations in the Central Maluku district were

considered an obstacle to the presence of a definitive government in the *negeri*. This is because the regional regulations governing the existence of *saniri* and *soa* as customary institutions in assisting the *raja* to organize customary governance are deemed not in accordance with the realistic conditions in this *negeri*. In their opinion, their village is quite unique and different from other customary villages in the Leihitu sub-district. They have five *soas*, five *imams* over five mosques, five *saniris*, and five *matarumah parentahs*. Therefore, if a solution is not sought through compromises, it will become the main obstacle for the acting village head to complete his main task of presenting a definitive head of *negeri* through a democratic process accepted by all parties. As for Kailolo *Negeri*, the problems are even more unique. In this village, the arbitrariness of officials, with the support of the district government, intervened in *saniri negeri* to pass *Negeri Regulation No. 02 of 2016* concerning the determination of 2 *matarumah parentah*.

Besides, the Mosonifi customary institution was also presented, which has a much bigger role than the *saniri negeri* in making decisions to establish and determine the appointment of a person to become *raja* after the election committee is unable to carry out the duties as they are assigned. Even though it is known that in the customary villages in Central Maluku, there has never been a customary institution called Mosonifi. This existing institution only exists in the Kailolo *Negeri*, which has duties and functions beyond traditional institutions recognized for their legitimacy in society.

Thus, it can be explained that in customary lands, succession does not necessarily receive positive support, even though the head of the village has died and the village is left without a *raja*. However,

since the process of filling the position of head needs to be conducted, the succession can also be carried out after being considered according to village custom by the existing customary institutions. The deliberations will run smoothly without any hindrance if there are no complaints from certain clans or *matarumah parentah* about their existence. The position of the head of the customary land government in customary law is the right of certain *matarumah* (clan hereditary) determined based on the deliberation of the *matarumah*. This provision is always upheld by the local community in relation to the recognition of the existence of customary law communities as stipulated in Article 18 of the 1945 Constitution and Law No. 23 of 2014 concerning regional government.

However, what has happened is that most of the customary land administrations in Central Maluku District are still debating about the establishment of *matarumah parenta*. This difference occurs between two or more *matarumah parentah*, where each faction maintains its opinion that they are entitled to the status of *raja*. This debate became a prolonged polemic, resulting in the absence of the *negeri*. Nonetheless, there are also problems that can be resolved, such as in Waai *Negeri*, Suli *Negeri*, Wakal *Negeri*, and Asilulu *Negeri*, including several *negeris* in Saparua sub-district, Amahei sub-district, Tehoru sub-district, and Haruku Island sub-district.

Succession of Customary Government Leadership: The Role of Local Government

According to Cooley (1987), before the arrival of colonizing nations in Maluku, villages were generally formed by a geneological bond. This is a small group of families who live in a place or region and

are known as *soa*, headed by an *upu*. In its development, several *soas* joined and pointed to a *raja (latu)*, who was considered to have the most powerful power among the other *Upus*, by which the territory of his power became even wider. This is the forerunner to the formation of a *negeri*, or customary village, in Maluku. According to Efendi (1987), customary villages in Indonesia develop an increasingly complex structure in line with the expansion of the territorial jurisdiction. These villages stand alone, side by side with each other, and are not a single unit where each has an autonomous community, domains, laws, and government.

Administration, development, and society in the *Negeris* of Maluku in all aspects of life are very harmonious. Customary peoples in Maluku, with all their socio-cultural institutions, are developing very well. Likewise with the *negeri* government organizations that look so authoritative and highly respected by the people. Customary people in the *Negeris* of Maluku remain obedient and actively participate in every activity of government and development of the village. In the past, all decisions of the *Negeri* government were always followed and carried out with a sense of sincerity and full responsibility by the *Matarumah parentah*, which seemed to run very effectively and efficiently without any complaints. *Matarumah parentah* in the past seemed to run very effectively and efficiently. The elements of the government apparatus, from the *raja* to the *mariyo*, have been arranged and function properly. Each *matarumah* and *soa* in customary governance has its own role and function in running the wheels of government, and the people in Maluku at that time seemed so obedient and really appreciated the government in their

negeri. The people in Maluku at that time seemed so obedient and really appreciated the government in their *negeri*. In essence, there is no conflict or controversy within the government in each *negeri* in Maluku (Tuanaya et al., 2021).

All villages in Maluku, which are referred to as "negeri," have a customary government system that is still valid and upheld by the community. Most of the customary administrations of the *negeris* in Maluku were formed at the same time as the history of the formation of the *negeris* themselves. Indeed, the existence of the *negeri* and its customary government began to disappear and erode when the Indonesian government, during the New Order era, implemented Law Number 5 of 1979, which made the village government system in one line throughout Indonesia. However, there was an era of autonomy, namely with the enactment of Law Number 22 of 1999 concerning regional government and then Law Number 32 of 2004, which was subsequently renewed by Law Number 6 of 2014, which allows each region to return to the customary governance system that still applies in their respective regions. With this regulation, the people and regional government of Maluku happily welcomed the law (Kasri & Arwan, 2000).

Eventually, almost all *negeris* have expressed their readiness to return to customary governance, although in some *negeris* they are still confronted with the problem of the *matarumah parentah*, who is more entitled to occupy the position of head of the *negeri* government, or *raja*. Therefore, in an effort to maintain public peace, customs, and the history of the leadership of the *negeris*, villagers or the *negeri* must return government leadership to the *matarumah parentah* as the legitimate holders of power.

Facing this phenomenon, the role of local government in the district is needed to resolve disputes over the *matarumah parentah* that have been protracted and have led to the absence of the village head in a *negeri* for a long time. The steps to formally determine the acting village head can be justified as long as they do not conflict with the applicable laws and regulations. Referring to this, several customary villages in Central Maluku were filled by acting village heads from the sub-district or district civil servants. Initially, the acting village heads' work was quite good and smooth. However, due to the long-term political interests of the ruling elite and economic interests in the management of village funds from various parties, this eventually creates problems as follows:

Table 1. Interview Analyses regarding Acting Village Head Existence, Problems, and Implications

Negeri Name	Problem	Implication	Annotation
Tulehu Negeri	1. Dispute over the legality of matarumah parentah in 1 generation. 2. Presence of new other <i>saniri</i> .	1. Excessive and conscious abuse of authority to replace the previously existing customary <i>saniri</i>	- This polemic will become a ticking time bomb that opens space for conflict in

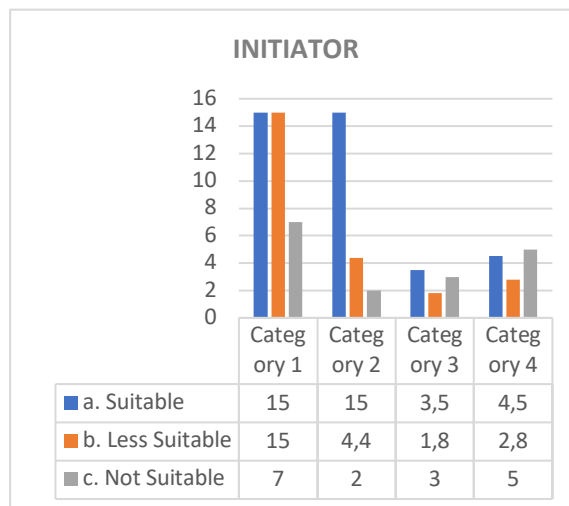
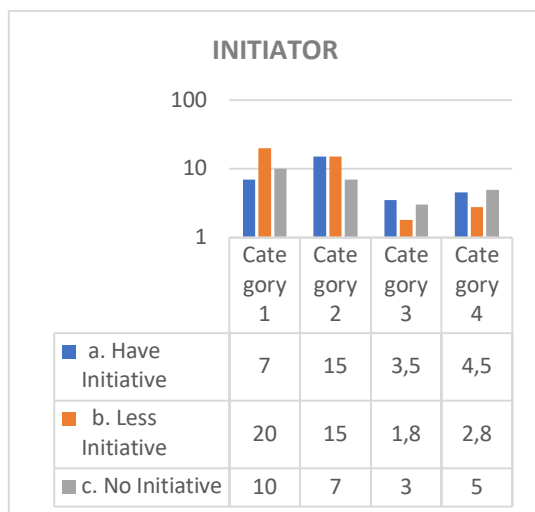
	<p>3. The term of service of the Acting Village Head is more than 2 years.</p> <p>4. These two <i>negeris</i> are lead by an acting who is also the head of the Salahutu Sub-District.</p>	<p><i>negeri</i> membership with a new <i>saniri negeri</i> which was decreed by the Regional Government of Central Maluku district.</p> <p>2. People of <i>negeri</i> who do not agree with new <i>saniri negeri</i> boycott the village by blocking the main road connecting 3 districts to Ambon downtown.</p>	<p>the midst of society.</p> <p>- If this situation is not handled quickly by the security forces from the province, then horizontal conflict in the community can be unavoidable.</p>
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Source: Interview with one of *saniri* members of Tulehu *Negeri*, Salahutu Sub-District, Central Maluku District

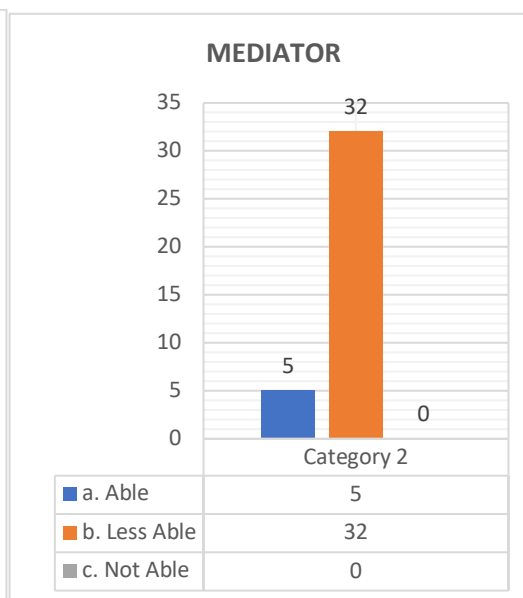
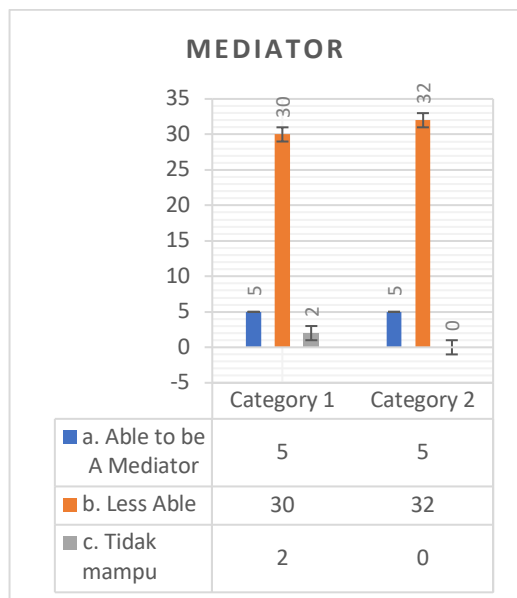
The regional government has made efforts to implement democratic mechanisms in the form of the direct election of village heads by forming a direct election committee by which a one-man, one-vote democratic space is opened. This is, of course, very contrary to the customs and history of the leadership of *Negeri*, which legitimizes *the matarumah parentah* as the legitimate holders of power.

On the other hand, if the above phenomenon is used to measure the role of acting village head on behalf of the local government in the succession of the leadership of the customary government in Central Maluku Regency using the benchmarks of the roles of initiator, mediator, motivator, and evaluator, it can be described as follows:

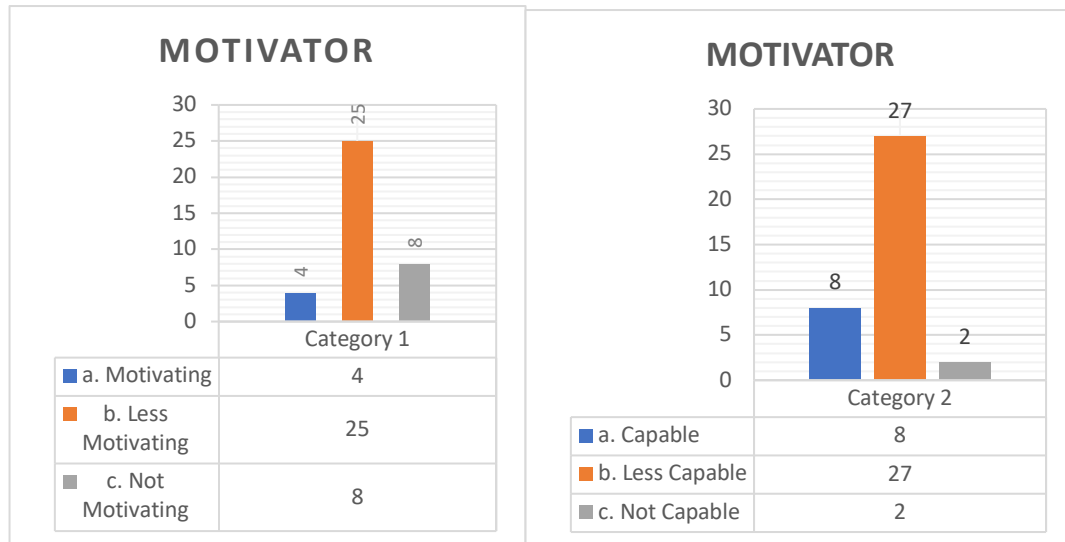
Role as An Initiator



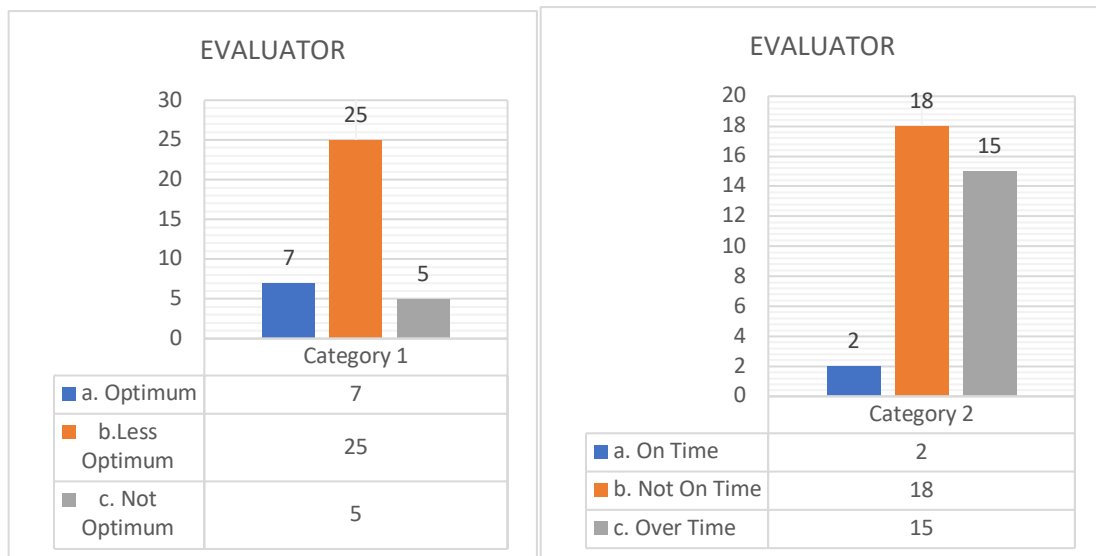
Role as A Mediator



Role as A Motivator



Role as An Evaluator



From the results of the field research, it can be concluded that the acting village head is still unable to carry out his role as an initiator, mediator, and motivator. In addition, the regional government of Central Maluku District is also not optimal in carrying out the evaluation function of the implementation

of the duties of the acting village head assigned to customary villages. This has an effect on the acting government, which, in the first 6 months to 1 year, is unable to conduct its main task of presenting a definitive government. This situation is still ongoing, even more than 3 years later, when the current acting village head is

replaced by another acting village head. This condition ultimately has implications for many *negeris* that have experienced a definitive government vacuum for many years. Due to this situation, the acting village head, on behalf of the local government, forms a new *saniri* through which the village funds can be used to finance activities in the village. Consequently, there were several cases of abuse of authority in village finance, which dragged several village secretaries and village treasurers into corruption cases.

On the other hand, the historical obscuration of the existence of *soa* from the *matarumah parentah* in certain customary villages has also added to customary problems in several *negeris*. Customary issues in the election of *rajas* are not easy to resolve because proving it requires sincerity and honesty from the *soas*, who, based on history, are the descendant of the *negeri's* government. This customary problem was then further exacerbated by the recognition of positive law (by winning the PTUN lawsuit). This situation indicates that the local government is less able to play its role as expected as an initiator, mediator, motivator, and evaluator in the leadership succession of the customary government in Central Maluku District.

Conclusions

Based on the analysis and discussion above, it can be concluded that:

- a. The stright customary peoples in Central Maluku District defending customary values in the practice of customary governance have created many problems that are difficult for the acting head of the village to resolve. The main problem is the determination of a leader figure in the customary community who is descended from the *matarumah parentah*, who, according to customary law, is considered to have the right to be a leader and cannot be transferred to another party, except in special matters determined based on the results of the discussion of *matarumah parentah* with the *Saniri Negeri Besar*.
- b. The number of *negeris* that do not yet have a definitive government within the Central Maluku District is still quite large. Therefore, to avoid a government vacuum, local governments are legally justified in appointing acting village heads with the main task of presenting a definitive head of government through customary processes that the community adheres to. Therefore, the regional government, through the officials assigned, must optimally carry out its role as initiator, mediator, motivator, and evaluator, by which the process of administering government by officials can be carried out properly and does not open spaces for divisions in the midst of the people they lead.

Based on the results of the analysis, several suggestions can be put forward, including:

- a. In carrying out the duties and responsibilities of the acting village head position, it is better not to do it for too long with more than one term of service. This will prevent the administration of the *negeri* from being easily infiltrated by interests that conflict with the wishes of the people of the *negeri*. In addition, customary institutions must be given the same authority as administrative village/*negeri* government institutions, including village financial management. On the other hand, the role of local government needs to be optimized in strengthening capacity

and assisting *Saniri* institutions in drafting village regulations, which have so far been shown to be ineffective.

- b. Leadership succession within the framework of the customary government system illustrates efforts to empower the customary village government. Therefore, there is a need for a mechanism or system for nominating the *negeri's* government as well as procedures for inaugurating the head of the *negeri's* government in accordance with democratic principles and customary law norms. Because of this, the role of the local government needs to be optimized as initiator, mediator, motivator, and evaluator regarding the process of changing the head of the *negeri* government based on the descendants of *matarumah parentah* through deliberations by which the *rajas* can be obtained according to the expectations of all people in the *negeri*.

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