

Political and administrative managements after converting status from the villages into the kelurahan (Study on Dadaprejo and Nganglik Kelurahan of Batu Local Government)

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Abstract

The implementation of the status changing from the administrative village become the administrative of kelurahan is a pilot project, this is based on the perspective of the Act number 32 year 2004 regarding the local government, which is followed by the Government Regulation No 72 year 2005 regarding Village and the Government Regulation No 73 Year 2005 about kelurahan. Nowadays, the status of Batu is the autonomy region in the form of the municipality. The provision is derivated from those above mentioned Laws which is also stipulated in the Regulation of Home Affair Ministry Number 28 Year 2006 regarding the formation, the deletion, the merger and the changing of Status of Villages become Kelurahan. As the response of that changing, then the regulation of Batu municipality No 4 Year 2007 regarding the changing status of Villages become Kelurahan was issued. Afterwards, the regulation of Batu municipality No 13 Year 2010 regarding the changing status the village of Dadaprejo become the Kelurahan Dadaprejo was imposed. On the contrary, the process of changing status of the Kelurahan of Ngaglik was based on the perspective of the Act Number 5 Year 1974 regarding the principles of local governments and the Act Number 5 year 1979 regarding the village governments. At the time of changing status of the Ngaglik kelurahan in 1982, the context of Batu in the form of Kecamatan or subdistrict which is part of the Government Level II of Malang Regency. The comparison of these two models of the changing status processes within the different of regimes is proposed as knowledge enrichment of the local government practice.

Keywords: Local Autonomy; Village Government; Kelurahan Governent; The Changing Status from Village to Become Kelurahan.

1. Introduction

The logical concequences after determining the batu municipality became autonomous region within the framing of Law No. 22 of 1999, required Batu to convert the entire villages into Kelurahan in a relatively short time [1]. Following up on that provision, the Batu government imposed local regulation No. 8 of 2003 regarding the Changing Status of Village become Kelurahan [2]. This is what is referred to as 'decentralization dramatic change', because changing the status from the village into Kelurahan do not merely change the administrative status name as one of government units, but also changing the structure of society, institutional arrangements and the government as well as the acquisition of villages' assets into kelurahans' asset. There are several systemic impacts which need to be solved by the Batu municipality at that time during the long process of establishing, setting of the institutional arrangement and human resources The adoption of 'extreme' decentralization as stipulated in Law No. 22 of 1999 related to the institutional setting structures, namely the lower level government for regency must be villages and the lower level government for municipality must be Kelurahan. Therefore, it becomes very



rigid and dichotomous. Thus it leads the newly autonomous Batu Municipality in a massive changing status situation from villages to kelurahans. Interestingly, it was not until agenda for converting the entire villages were fully acomplished, the new Law No. 32 of 2004 was passed as a form of local government policy revision which was no longer imposing the rigid model of institutional structure, but the converting status is rather based on the readiness factors and local community aspirations.

The basic spirit for revitalizing the existence of villages or converting status from villages into kelurahan should be based on the need for increasing public services. Therefore, either in the district or municipality could possibly have both villages and kelurahan as the lowest unit government levels, which reflects the capacity and capability in servicing and running government functions properly. If the condition of a village has been rated to change according to the increasingly dense and heterogeneous structure of society, reducing the number of Tanah Bengkok which is no longer relevant as the reward of the village officers, this condition leads to decrease government function for providing public services, as well as some other considerations which are estimated to be incompatible with the institutional model of the villages, thus the village should be proposed to be converted into kelurahan which is based on village government initiatives and agreements from the Village Consultative Body (BPD).

In the context of Dadaprejo Village, Junrejo sub-district of Batu Municipality wich had turned into Dadaprejo Kelurahan since September 2010, had undergone a long process of preparation that was counted since 2001, initially Dadaprejo region was one of a pilot project that was successfully converted into Kelurahan. The changing status process began with the stipulation of Village Regulation (Perdes) No. 13 of 2004 regarding the Status Changing from Village Become Kelurahan. The process did not receive a response from the Batu municipality, since Perdes still refers to previous Act No. 22 of 1999. After Act No. 32 of 2004 was imposed, meanwhile the preparations remain to be done with accomodationg to the new regulations. By the year 2008 the committee for status changing from the village into Kelurahan was established by the village government. The next process followed by the poll conducted in June 2009 with the results of 1026 people abstains, 2538 people agree and 222 people disagree. The pooling results was conducted with the 3786 number people with the voting right out of 5016 the entire number of Dadaprejo people .

However, in the context of Ngaglik Kelurahan which was converted long ago in the year 1982, had undergone different process which was determined by the provincial and national governments by the top down process. There was no polling process was taken from the local people. Thus, the converting process from villages to kelurahan was relatively shorter compared to Dadaprejo. These different contexts of converting status reflect dramatic changing of autonomy practice in Indonesia. Therefore this study aims to explore and compare the process of status changing by drawing research questions (1) How the political and administrative processes were managed after status changing from village into Kelurahan in Dadaprejo? (2) How the political and administrative processes were managed after status changing from village into Kelurahan in Ngaglik?

2. Material and Methods

2.1 Material

2.1.1 The changing paradigm of decentralisation



Decentralization became very popular terminology after the implementation of Act No. 22 of 2009 regarding Local Government. Although the concept of local autonomy had been adopted in the 1945 constitution. However, the practice of local autonomy did not have the space for implementation, since the government was run by the authoritarian regime which was formatted in the concept of centralisation. The Previous Act No. 5 of 1974 regarding the Principles of Local Government and the Act No. 5 of 1979 regarding the Villages were known as dominating and repressive in regulating the relationship between the national and local governments [3]

The changing paradigm of decentralisation was done through the political process of reformation. The concept of centralization has changed into decentralization which automatically alters the institutional pattern as well as central and local government relationships. The changing of Paradigm as stipulated in version of Law No. 5 of 1974 and version of Law No. 22 of 2009 are mentioned as follows:

Table 1. The changing paradigm of local autonomy[4]

No	Act No.5 Year 1974	Act No.32 Year 2004		
1.	Centralisation tends to deconcentration	Tending to decentralisation		
2.	State into local government (local state government)	Local government		
3.	Efficiency, Technocracy and Corporatism	Democracy		
4.	Uniformity and homogeneity	Diversity and heterogeneity		
5.	Bureaucratic government	Political Party Government		
6.	Vertical allegiance	Local Accountability		
7	Power tends to executive	Power tends to legislative		
8.	Function follows money	Money follows function		

The table above shows the contrast of different paradigm in the process of the local administration, as proposed by Smith that the main purpose of decentralization is political equality, local accountability and local responsiveness. In fact, by implementing decentralization system, central and local governments are faced with new and more complicated problem as a consequence of changes in conditions, namely the managerial crisis during the transition period. It has been stated by Pabottinggi that the current environment as a 'political transition with no political rationality[5]. Therefore, institutional change as a consequence of implementing decentralization and new format of local autonomy, leads on the transition condition for the regional administration which requires good management due to a critical phase toward the output changes [6].

2.1.2 Village Government

Village is the smallest unit of government that directly relate to the community. Hazarin in Soekanto states that "Village is an entities that have complete social structures for standing alone, which has the power of law, unity of rulers and unity of the environment based on collective rights to land and water for all its members"[7] Therefore, the essence of village is the unity of independent communities, and still have the ruling structure, laws and original customs



which these structures allow natives govern their territory. These factors distinguish the village from kelurahan, hence the village has a genuine autonomy, while the kelurahan does not have the autonomy due to merely an administrative unit of government.

2.1.3 Kelurahan Government

Kelurahan is the smallest unit of government as same as the village which is under the subdistrict level of government. The kelurahan is a working area of lurah who are responsible to the Head of Regent or Mayor through the head of Sub-Distric (Government Regulation No. 72 of 2005 Article 3 paragraph 1 and 2). This provision explains that the Kelurahan could be installed under the municipality or regent level of governments. This regulation is also stipulated in Act No. 32 of 2004.The existence of kelurahan itself is an administrative technical government unit which runs by the local civil servants. Moreover, Kelurahan is not equipped with autonomy right. This is because the character of kelurahan is an extension of local government organizations that perform tasks deconcentration.

2.1.4 The process of changing status from Village to Kelurahan

The converting status prosedures from village into kelurahan is a mechanism in order to to provide a solution for structure of society that has changed. The provisions related to the conversion status from village into kelurahan is that the Home Ministry Regulation No 28 of 2006 article 9, paragraph 1 and 2. This Regulation stipulates the changing status must be emphasized by the village government and community initiatives, which are evidenced by the poll in which approved by minimum 2/3% of the total number of villagers who have the right to vote.

The administrative requirements for changing status are stipulated in Home Ministry Regulation No 28 of 2006 Article 9, paragraph 3 as follows:

- a. The Coverage area do not changed;
- b. The number of total population of at least 4,500 people or 900 families in Java and Bali as well as at least 2000 people or 400 families to outside Java and Bali;
- c. The condition of infrastructure and government facilities are adequate for running of village government;
- d. The economic potential namely number of business services and production as well as the diversity of livelihood;
- e. The changing of social and cultural conditions in the form of the job diversity, diverse population and value changing from agricultural to industrial society; and
- f. Increasing the volume of services.

That provision regulate the eligibility of converting village into kelurahan, it will be followed by several consequences after the changing status namely employing civil servants, followed the dismissal with respect the previous village officers and the acquisition of assets belonged to the local government.



2.2 Methods

This research applies descriptive qualitative method which is conducted in Kelurahan of Dadaprejo and Kelurahan of Ngaglik, Batu Local Government. The subjects of this research are Dadaprejo and Ngaglik government officers as well as public figures of both study areas. The data were collected by the observation, in-depth interview and documentary techniques. The study was analysed by applying qualitative data analysis technique.

3. Result and Discussion

3.1 Chronological Converting Status process from village to Dadaprejo Kelurahan

Dadaprejo is a pilot project for converting status from village into kelurahan. At that time the government of Batu issued the Local Regulation No. 8 of 2003 regarding the changing status of village become Kelurahan. Eventually it was followed by the enactment of Dadapreho Village Regulation No. 13 of 2004 regarding the same provision. However, the process was postponed by the national government following the implementation of Act No 32 of 2004 regarding Local Government, followed by the Government Regulation No. 72 of 2005 about the village and Regulation No. 73 of 2005 about Kelurahan. Both were imposed as evaluation for governing the mechanism of status changing based on the people aspirations and readiness (Law No. 32 of 2004 Article 200, paragraph 3). This provision is also stipulated in the Regulation of Home Affair Ministry No. 28 of 2006 regarding the Establishment, Elimination, Merger and Changing Status Village into Kelurahan.

As a form of adaptive response, the Batu Government issued the Local Regulation No. 4 of 2007 regarding Changing Status Village into Kelurahan. After fulfilling the administrative status, head village issued criteria changing then the of the Decree No. 02/033/KEP/422520006/2008 regarding the Appointment Committee for Changing Status from Dadaprejo Village into Kelurahan, along with Warrant Task No. 072/151/422 520 006/2008 regulates the duties and functions of the committee[8].

The important reason for changing status is also based on the sociological reasons and the physical territorial changing of Dadaprejo that caused by increasing the number of people and decreasing the number of assets owned by the village. It is estimated that the asset were no longer able to support the running village administration of Dadaprejo. The next stage was the socialization by the Establishment Committee, assisted by the Junrejo sub-district officers and Batu government officers processed the netting aspirations of the community with the approval from village government and BPD that were held from 23 October 2008 to June 2009 with results as follows:

No	Name of Dusun	Number of Voting Right	Number of the voters	Agree	Disagree	Abstain
1.	Areng-Areng	1.427	1.023	1.015	8	404
2. 3.	Karangmloko Dadap Tulis Dalam	1.145 785	938 414	921 228	17 186	207 371

Table 2. The summary of Dadaprejo networking aspiration for status changing year 2009 [9]

						PAR
4.	Dadaptulis Utara	429	385	374	11	44
Total		3786	2760	2538	222	1026

According to the table, it shows that the number of people who have agreed to exceed 2/3 per cent of the total population who have the right to vote. Therefore, all requirements have been met for changing status criteria, the village government and BPD continue file this process to the mayor through the head of Junrejo Sub-district for consideration. The next step is the observation process related to the Dadaprejo government's readiness by Batu city government through observation team that formed by the Mayor Stone Decision No. 180/133 / KEP / 422 012/2009.

The observation team stated as the result of field observations that Dadaprejo was declared eligible to become a Kelurahan. This process then was continued at the preparation stage of Draft Regulatio by the Mayor through the Law Department for submission to the Batu Parliament to be discussed. In the discussion session between the Local Government Council of Batu city, several stakeholders, the Dadaprejo Government, BPD and society approved a draft for setting Dadaprejo changing status from village to Kelurahan. The process was then followed by determination of the hearing draft submitted by the Governing Council to the Mayor in order to set into the Batu Regulation No. 13 Year 2010 regarding the Dadaprejo Changing Status for being Kelurahan on September 30, 2010.

The long process of status changing from village into kelurahan is the result of revised law in order to minimize unilateral political interests of the elite by setting some tight requirements, namely administrative, agreement of both executive and legislative bodies at village level, and should be in accordance with community initiatives.

3.1.1 Political and administrative management after converting Dadaprejo status from village to kelurahan

3.1.1.1 Restructuration from village officers become Kelurahan Officers

The transition process after the changing status of Dadaprejo took place peacefully without political and administrative chaos. This is because the restructuration process of the newly Dadaprejo Kelurahan officers mostly employed from the local people, except for the position of secretary were most likely filled from the civil servants from outside Dadaprejo. There were several steps for making sure the transition process was smoothly settled as follows:

Firstly, remains securing the top leader position occupied by 'son of Dadaprejo'. Thisis because the Kelurahan Structure have to be based on the Local Regulation No. 7 of 2008 regarding the Organizational structure and work procedure for sub-districts and Kelurahan. Secondly, gradually restructured Kelurahan officers with civil servatns from outside Dadaprejo by employing the previous Dadaprejo village officers, Thirdly, Granting rewards for the retired village officers as appreciation, fourthly, conducting massive socialisation regarding the changes are based on the legal law, Lastly, the newly kelurahan officers have to be able collaborating local wisdom and legal rules during running the government.

3.1.1.2 Asset management after the transition proses in Dadaprejo Kelurahan

The special characteristic of villages is that possessing the genuine of autonomy in which inherit local asset belonging. However, Kelurahan does not have autonomy in running the government



and ownership of local assets, therefore the important process is an inventory control status of ownership from the village belongings to the state belongings through local governments. The transfer process of ownership must consider the social and cultural considerations, thus the horizontal conflict in the community could be reduced. Moreover, those assets have to be managed by the Mayor Regulation and can be fully functioned by the Kelurahan Government and Dadaprejo community.

3.2 Chronological Converting Status process from village to Ngaglik Kelurahan

The Kelurahan of Ngaglik have basic differences on the process of converting status from village to kelurahan compared to that of Dadaprejo, if the changing status of Dadaprejo is in the context of the Batu as an autonomous municipality, whereas the changing process of Ngaglik was in the context of Batu as sub-district in which was part of Malang Regency.

The changing status of Ngaglik Kelurahan was based on the Act No 5 of 1974 on the Principles of Local Government Article 72 paragraph 4 which stipulates that "If it is deemed necessary in accordance with its growth and development, the regency can be formed administrative municipality which shall be stipulated by government regulation". Due to the development of Batu subdistrict which at the time was very progressive, therefore the preparation process for upgrading the status of Batu subdistrict be administrative municipality already far began in the early 1980s. It can be indicated that the converting status of Ngaglik was imposed on 28th April 1982 by the Head of Malang Regency while the Batu was still part of Malang Regency[10].

Ngaglik was converted from village to Kelurahan due to Batu at that time was in the status of sub-districts. At the time, before the changing status, Ngaglik was a pilot village. Not only that, according to the Act No. 5 of 1979 regarding Village Governance (this legislation regulated the village and sub-district provisions) of Article 35, paragraph 2, as follows:

An area occupied by a number of residents who have the lowest government administration unit which directly under the Camat/head of sub-district, in the area of State Capital, Provincial Capital, Regency Capital, Municipality Capital, Administrative Municipality Capital and other form of cities that were not included in the provisions referred to in paragraph (1) be formed as a Kelurahan under Article 1 letter b.

In addition, the requirements for kelurahan establishment were stipulated on Article 22 of Act No. 5 of 1979 regarding Village Government as follows:

- a. In the Capital State, Capital Province, Capital Regency, Capital Municipality and Capital Administrative Municipality and other cities that would be determined further by the Regulation of Home Affair Ministry could be formed Kelurahan as referred in Article 1, letter b.
- b. Kelurahan as referred in paragraph (1), could be formed by observing the terms of area, population and other conditions to be specified further by the Home Affair Ministry.

Then, according to the Regulation of Home Affair ministry Number 5 of 1982 regading other cities outside the capital state, capital province, capital regency, capital municipality and capital administrative municipality could be formed as Kelurahan. As for the mentioned other cities that could be formed into the Kelurahan as follows:



- a. The villages are located in the territory of the capital sub-district;
- b. The villages outside the capital sub-district which as the center of development which had fulfilled the requirements and had the basic factors for the formation of a Kelurahan community life characteristics of the city and urban facilities.

According to that regulation, at that time Batu Subdistrict already showed the signs of rapid economic and metamorphoses into urban areas. Moreover, the Batu Sub-district was the Capital Sub-district area which was also administrative area at sub-district level, therefore, the surrounding areas were declared as Kelurahan namely: Ngaglik, Temas, Songgokerto and Sisir. Therefore, this chronological of forming Ngaglik as kelurahan in 1982 was rational according to the perspective of several mentioned provisions.

Until this study reported, there are no historical and formal written documentations regarding converting status from the village into the Ngaglik Kelurahan. Hence, at times of upgrading the Batu status became the Administrative Municipality, the Batu Sub-district had four villages namely Sisir, Temas, Songgokerto and Ngaglik, even when prior to Government Regulation No. 12 of 1993 on the establishment of Batu Administrative Municipality was imposed. Batu itself has undergone some status changes, starting from the Batu as the sub-district and be part of Malang Regency, as stipulated in Act Number 12 Year 1950 regarding the establishment of regencies within the area of East Java Province. Then the Batu Sub-district was upgraded to Administrative Municipality as stipulated in Government Regulation No. 12 of 1993, then as stipulated from the preamble of b paragraph explained that at that time physically Batu Sub-district already showed characteristics of urban life, so it required special treatment. In addition, according to the article 6 paragraph 1 letter a, stated that the administrative area was the whole area of Batu sub-district consisting of Temas Kelurahan, Sisir Kelurahan, Ngaglik Kelurahan and others.

Then the phenomenal change as the Batu administrative city was upgraded into an autonomous region in the form of Batu Municipality Government as stipulated by Act No. 11 of 2001 on the establishment of Batu which was passed by the President of the Indonesia Republic on June 21, 2001, then by the date of October 17, 2001 had been inaugurated Batu as autonomous region that separated from the Malang Regency.

Based on the chronology of upgrading the Batu Sub-district became the Batu Municipality, there is also significant changes concerning the existence Ngaglik as the Kelurahan by the determination of kelurahan as a working units of local government (SKPD) as stipulated in the Decree of the Baru Mayor No. 180/22/KEP/422 012/2013 regarding the Stipulation the Kelurahan as local work units in performing tasks Batu Government, Development, Community, Services, Operation of Public Peace and Order, Institutional Development, and carry out other duties assigned by the Mayor of Batu[11].

3.2.1 Political and administrative management after converting Ngaglik status from village to kelurahan

3.2.1.1 Restructuration from village officers become Kelurahan Officers

After 33 years passed as a Kelurahan since 1982, Ngaglik also experienced a transition process related to the restructuring of the village into the Kelurahan. Since, at that time, the changing



status did not involve a lot of public participation and aspiration which was top down. At that time, the village officials were converted into Kelurahan employees, although only seven people were appointed as civil servants namely, the head of the village became head of Kelurahan, Carik became Secretary, Kamituwo become the head of Government Affairs, Kuwowo become the head of economic affair, Modin became the Head of people welfare, Bayan became the Head of General Affair, Kepetengan beceme the Head of Financial Affair[12].

There are several similarities in the process of transitional step in Ngaglik compared to that of in Dadaprejo namely, First remains securing the important posisition of kelurahan structure be occupied by an officer from Ngaglik, in the case of Ngaglik, at that time the head of the village was appointed as the head of Kelurahan which was actually a native of Ngaglik. Second, the process of restructuring the new employed civil servants still accommodated 7 previous Ngaglik village officers. This is indicated as Mr. Ismail and Mr. Pardi Widodo are still being employed in the Ngaglik kelurahan. The interesting point is that the structure of the Kelurahan government already has a formal provision as stipulated in the Batu Regulation No. 7 of 2008 regarding the Organizational Structure and Work Procedures of the Sub-District and Kelurahan of article 6, paragraph 1 Organizational Structure Kelurahan, consisting of:

- a. Head of Kelurahan;
- b. Secretariay of Kelurahan;
- c. Division of Government Affairs;
- d. Division of Development Affairs;
- e. Division of Community Empowerment Affairs;
- f. Division of Public Welfare Affairs;
- g. Several Functional Groups

According to these conditions, the Kelurahan of Ngaglik has created modifications to the Kelurahan structure by accommodating the values of local wisdoms in the form of employing the public figure of Ngaglik Mr Ismail and Pardi Widodo as Modin (Islamic Religion Affairs) which is staffed under the Division of Public Welfare Affairs. Third, Granting awards to older public figures by awarding full-devotion allowance, fourth, the changing status of Ngaglik was the pilot project at that era since it was the best Village, therefore the changing status meant the special achievement. Last, although Ngaglik was converted as Kelurahan since 1982, the officer of Ngaglik kelurahan keeps remaining the cultural value namely, public discussion and public participation/gotong royong. In this terms, there is slightly difference with Dadaprejo Kelurahan in which keeps providing the extended public service delivery as after office time and at the weekend, but in Ngaglik the people no longer wish to be provided extra hour office and weekend time for public service delivery.

3.2.1.2 Asset management after the transition proses in Ngaglik Kelurahan

Regarding the transition management process, the assets of Ngaglik village was automatically handed over to the local government of Malang Regency, through the resident discussion along with the Kelurahan and Government Regency approval, the assets could be used by the Ngaglik people. While, at the time of Batu Status had been upgraded as an autonomous region in the form of municipality government, then the assets located and registered in the region Ngaglik then were transferred to Batu Municipality government.



Although there are still several problems related to the ownership over the assets from the Malang Regency Government to the Batu Government in several other villages, but this does not occur in Ngaglik Kelurahan, since all assets have become the property of the Batu government. The important thing to emphasize is the advantage of being a Ngaglik Kelurahan is that all the operational budget for running the government Kelurahan is sourced from Batu local governments budget and no longer be sourced from the village-owned land that have now turned into a public facility

4. Conclusion

To conclude, the main finding of both status changing differences is that the democratic philosophy and bottom up procedures were vested in Dadaprejo changing status process in 2010, whereas the undemocratic philosophy and top down procedures were practiced in Ngaglik in the year 1982.

On one hand, the implementation of status changing of Dadaprejo from the village to Kelurahan was a pilot project for Batu city, which was based on the law perspective of Act No.32 year 2004 regarding Regional government, followed by Government Regulation No. 72 of 2005 about Villages and Government Regulation No. 73 of 2005 regarding Kelurahan. At that time the status of of Batu had been already an autonomous region with the form of municipality. Moreover this provision was also derivated by the Regulation of Home Affair Ministry No. 28 year 2006 regarding the Establishment, Elimination, Merger and Status Changing from Village into Kelurahan. Therefore, the Batu government responded by imposing the Local Regulation No. 4 of 2007 regarding Status Changing from Village into Kelurahan and eventually passed the Local Regulation No.13 of 2010 regarding the Status Changing of Dadaprejo Vilage become Dadaprejo Kelurahan.

On the other hand, Ngaglik Village was changed into Kelurahan by implementing the Act No.5 of 1974 regarding the Principles of Local Government and the Act No. 5 of 1979 regarding Village Government. At that time, the converting status of Ngaglik was occured in a context of Batu as sub-district which was also part of the Local Government Level II of Malang Regengy. It indicates that these changing status processes were practiced in different regimes and autonomy perspectives

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