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MAKING ALL
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RESEARCH REPORT

A GRAND CHALLENGE
FOR DEVELOPMENT

Indonesia's Village Law: enabler or constraint for more accountable governance?



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Summary

Village underdevelopment is considered a major contributor to Indonesia's high levels of inequality. Law No.6 / 2014 ('Village Law') on villages' governance and finance is regarded as the most progressive policy in the history of local governance in Indonesia, and has great potential for rural development.

This study investigates the implementation of the Village Law, asking whether it is functioning as an enabler or a constraint for more accountable governance. Indonesian non-governmental organisation PATTIRO carried out the study and visited six villages, which were selected as examples of good practice in governance.

The study finds that, overall, the law both enables and constrains positive changes towards more accountable governance. It is an enabler in that its stipulations have generally encouraged some village reforms, compared with the previous law, and has helped to increase national and district funds going to villages.

But the law also constrains village governments from optimising their development programmes in various ways, including by imposing a complex reporting burden. It fails to define roles and responsibilities clearly and accurately, perpetuating ambiguities that impede better functioning and accountability.

Citizen participation within the framework of the law is also not optimum: first the law does not enable all village citizens to monitor village elections; second, there are restrictions on who can participate in village forums (*Musdes*); third, implementation of the law limits the authority of 'the village', subordinating it to district government for governance and finance.

Based on these findings, PATTIRO offered recommendations for different government authorities for strengthening the Village Law's implementation and has created research uptake spaces to share knowledge and practical experience of implementing the Village Law.

Key themes

- Village governance in Indonesia
- Decentralisation and accountability
- Legal frameworks for citizen participation

This study set out both to learn about Village Law implementation and to influence this by working towards a shared, consistent understanding of the law among government and civil society stakeholders at the local level, thereby promoting good practice in local governance

1. Introduction

1.1 Study scope and report outline

Village underdevelopment is a key aspect of high inequality in Indonesia; rural areas experience far higher poverty than urban areas. With more than 70,000 villages across 34 provinces, there are spatial inequalities not only between the rural and urban, but also between the east and the west (Gibson 2017). The underdevelopment of rural areas is regarded by some as a consequence of the minimal authority previously exercised by villages in the Indonesian governance system (Zakaria 2000; Antlov 2003).

Against this background, the introduction of Law No.6 / 2014 on villages (hereafter called the Village Law) has significant potential for rural development. It is regarded as the most progressive policy in the history of local governance in Indonesia for two reasons. First, it establishes village authorities (Articles 18–21) as responsible for the administration of village affairs, social and economic development, and the empowerment of the villagers based on community initiatives, customary law and local traditions. Second, it includes the Village Fund policy (Article 72), which allocates funding to village governments. In other words, the village government now has both the authority and resources necessary to govern its own affairs.

To ensure that increased decentralisation leads to increased democratisation, the Village Law recognises that village governance should be accountable to villagers by providing a framework for citizens' participation in the planning and monitoring of local policies. However, legislative gaps and conflicting interpretations of the different authorities established under the law have led to patchy implementation.

With this in mind, this study aimed to examine the implementation of the Village Law, and consider the circumstances under which it could help to give village governance – trapped for decades in political patrimonialism – a more democratic character. It also sought to explore the factors that influence individual village heads to become reformers.

The study was part of a wider applied research process implemented by PATTIRO, a national Indonesian NGO which carries out research, policy advocacy and technical assistance on the governance of public service delivery and community participation. With its particularly strong focus on social accountability, transparency and public finance management reform, and its extensive network of branches in 17 regions, PATTIRO is well-positioned in the Indonesian context to use its research as a bridge both local government and civil society actors, and to engage with a range of stakeholders at local and national levels.

In the context of PATTIRO's wider work, this study set out both to learn about Village Law implementation and to influence this by working towards a shared, consistent understanding of the law among government and civil society stakeholders at the local level, thereby promoting good practice in local governance. In particular, the research and uptake process aimed at a substantive improvement in Village Law implementation in a way that ensures more open and participatory governance of villages, including through the allocation of funding and resources to be used by local communities.

The study team at PATTIRO first set out to purposively identify and examine examples of good practice in accountable village governance. They then used the lessons drawn from these examples to develop recommendations for improvements to the implementation of the Village Law. These recommendations formed the basis of advocacy and uptake activities with key stakeholders in Village Law implementation – ranging from village-level officials involved in the study to national policy-makers.

The remainder of Section 1 continues with a brief discussion of the theoretical framework for the research, its methodology, and the research questions covering village governance and finance; Section 2 sketches the key aspects of the Village Law in these two areas.

Village heads have the power to undertake reforms that have a positive effect on local development. But in practice, for that authority to trigger change, other factors are needed: the capability to make a difference, motivation to change, knowledge of the village and the support of other actors

Section 3 presents a selection of the study's findings, focusing on the intertwined relationship between village governance and village finance. It identifies some of the implementation challenges that exist when local government actors who have reformist records or are otherwise notable for good practice in leadership for community development engage with the new legal structures of decentralised governance.

Section 4 discusses the findings: is the Village Law an enabler or constraint for decentralised good governance? How do the lowest tiers of decentralised governance relate to each other, and what impact does this have on the autonomy of village governance, and on the agency of village leaders?

Section 5 reflects on PATTIRO's engagement and uptake strategy, which involved creating spaces for the local governance stakeholders involved in the study and others with an interest in accountable governance agendas to learn about the findings and incorporate them into their Village Law implementation practices.

1.2 Theoretical framework

Encouraging the accountability of village governance through community involvement in the development planning and monitoring process is seen by some (e.g. Antlöv and Eko 2012) as an effort to strengthen democracy at village level. In this view, the village citizen is framed as an active participant in village governance processes. However, in the Indonesian context, injecting any citizen participation into village governance can be challenging, considering the country's history of strong political patrimonialism.

First coined by Max Weber, 'patrimonialism' describes a state of governance where the administrative apparatus is appointed by and responsible to the top leader (Brinkerhoff and Goldsmith 2002). The concept is applied to a form of government that is structured around familial leadership, and governance mechanisms depend heavily on local cultural norms. Weber puts forward the opposite of patrimonialism as 'modern' governance, based on a rational-legal system, or bureaucracy, that accentuates the citizen as an individual, but also separates private and official affairs (Adams 2005). For rural Indonesian citizens living in villages, the possibility of active participation

for accountable governance should not be assumed; the implementation of a new and progressive legal framework for governance will inevitably be shaped by contextual patrimonial norms.

As well as providing a framework for potential citizen participation, the Village Law also provides village-level governance actors with budgetary resources and legal decision-making authority – both sources of power. Using structuration theory (Giddens 1995) as a lens, such budgetary resources can be characterised as giving **agency** to local authorities – the power to act, exert power and produce an effect (Friedman and Starr 2002: 32); other factors that give actors agency include capability, motivation and knowledge. Legal decision-making authority, on the other hand, can be seen as the **structure** within which the local authorities exercise their agency. Following Giddens, we suggest that village finance (agency) and village governance (structure) are in a dialectic relationship. With particular relevance for accountable governance, we reflect on the way that different local governance actors exercise their agency, and how the interactions between them shape and reproduce the new structures offered by the Village Law.

These concepts were used to frame the study, and examine the complex interplay of the factors needed to attain a self-empowered and prosperous village. With the new authority conferred on them by the Village Law, village heads have the power to undertake reforms that have a positive effect on local development. But in practice, for that authority to trigger change, other factors are needed: the capability to make a difference, motivation to change, knowledge of the village and the support of other actors.

Giddens argues that power is meaningful only when it is combined with the capability of an agent to make a difference. We also find it useful to draw from Nye (1990), who discusses the importance of soft power – the ability to persuade others to do what one wants without force or coercion – to complement hard power. Although Nye referred to soft power in the context of world politics, we deem it applicable for success in leadership in general – including in Indonesian villages. Courage is another a crucial factor in implementing initiatives for democratic change (Bulan 2013). It

is needed when leaders must deal with obstacles that include entrenched structural barriers such as regulation, bureaucracy and budget availability. Bulan also notes that the ability of actors to build relationships with authorities at higher levels is a significant factor that shapes their agency.

The structure within which local governance actors exercise their agency can either constrain or enable their efforts to be accountable, depending on this dynamic relationship between structure and agent. For example, regulation is a form of structure that can sometimes discourage actors from exercising their agency to improve accountable governance practices; for others, the constraints of structure may even trigger the production of positive energy that can bring about reformist ideas. Equally, however, agency does not always comply with structure, because some actors can find opportunities to act beyond existing regulations or stipulations, or find loopholes in them.

1.3 Methodology

The researchers selected six villages as case studies, located in three regencies of three provinces.¹ Three villages (one in each regency) were chosen as the primary sites for the study, and three villages as secondary sites. Information from the secondary sites was intended to enrich the data collected in the primary sites. The primary sites were purposively selected as examples of good practice in village governance. Secondary sites were chosen to provide a comparison with primary sites, in order to enrich the analysis.

All six sites were also selected on the grounds of availability of information on the themes of the study. Table 1 provides key information on each site.

The research team gathered primary and secondary data, and undertook qualitative analysis. Primary data were collected through in-depth interviews, focus group discussions (FGDs), and observation of the speech and action of local governance actors. Interviews were recorded and transcribed. Secondary data included written sources such as newspapers, documents, photographs and statistical data.

Data management was conducted by organising records, interview transcript data, log books and field notes. Preliminary analysis involved scanning for related words and contextual features in order to find the big ideas (Krueger 1998). The data were then categorised and interpreted to provide answers to the research questions.

The validity of collected data was ensured through triangulation – comparing and rechecking the

credibility of information collected at different times and using different methods. This included comparison between observation data and interview transcripts; comparing what respondents said in public and private conversations; and comparing what was said in interviews with documents and media coverage of the same issue.

1.4 Research questions

This report discusses the findings that answer the following research questions:

1. How is the Village Law – in terms of both village governance and village finance – implemented with regard to accountability and citizen participation?
2. What factors contribute to the capability of local leaders or village heads in making pro-accountability reforms?

The study team at PATTIRO expected the research to bring both theoretical and practical benefits. In the theoretical realm, it adds to the literature on village or rural development in Indonesia, as well as scholarship on decentralisation policy and practice, particularly Village Law implementation. In the practical realm, as noted in section 1.1, the research was designed to lead to the formulation of recommendations for different government authorities for strengthening the implementation of the Village Law by addressing the problems and implementation gaps it identified. It was also intended for use by practitioners to gain a more comprehensive understanding of ground-level implementation issues, which could feed into evidence-based advocacy for advancing village development.

The study has limitations. It was conducted in only six villages within a short time-frame (two to three weeks), and thus provides only a partial picture of village governance. We focused on ground-level implementation, at the cost of examining the wider framework of legislative reform on village governance. Further, since the study focused on the practices in running village affairs, we collected data from village heads, village officials, members of Village Representative Councils, and district and sub-district governments. By focusing on their perspectives, we may be demonstrating personal, outsider bias (Chambers 1983). As outsiders, we were perhaps less sensitive to capturing the voices of village citizens. Further studies would be necessary to capture their perspective, and provide a more comprehensive assessment of the impact of the Village Law.

¹ Indonesia is divided into 34 provinces, which in turn are made up of regencies and cities. Regencies are further sub-divided into districts and sub-districts.

Table 1. Key characteristics and village head profiles, primary and secondary research sites

| Village | District, reGENCY and province | Indicator of good practice in governance | Profile of village head |
|---------------------------------|--|---|--|
| Panggunharjo (primary site) | Bantul Regency, Yogyakarta Province | National Best Village (2014) | Wahyudi, a former pharmacist, thinks that there is not a single approach or formula for social innovation |
| Tirtonirmolo (secondary site) | Bantul Regency, Yogyakarta Province | Well-known for its economic and financial institutions, including cooperatives, banks and credit unions | Marwan has been serving his second term as village head since his re-election in 2014. Although he was reluctant to run for a second term, he had won public trust and the villagers paid for his election registration |
| Tualang (primary site) | Siak Regency, Riau Province | National Safest Village (2012); known for good management performance of the village-owned enterprise | Juprianto has been serving his second term as village head since his re-election in 2015. His motivation when first elected at the age of 29 was a desire to provide actual change for Tualang |
| Berumbung Baru (secondary site) | Siak Regency, Riau Province | Ministry of Home Affairs National Best Village for Data Management (2015) | Sunarto has been serving his second term as village head since his re-election in 2013. He has helped to develop a village cooperative which has 500 members from 23 farmer groups |
| Pejengkolan (primary site) | Kebumen Regency, Central Java Province | Ministry of Villages National Best Village for Empowerment and Development (2015) | Muslimah is the first female village head in Pejengkolan, currently serving her second term. At first she was reluctant to run for village head, but she was supported by villagers to stand against another candidate who had problems with financial management. In her first term, she recruited village officials through a rigorous selection process, and gave priority to young people with potential |
| Petanahan (secondary site) | Kebumen Regency, Central Java Province | Award-winning village-owned enterprise organised by coconut farmers | Warkhah is the first female village head in Petanahan. Initially she met with resistance from those whose interpretation of Islam forbade them from electing women leaders, but after gaining support from her extended family and other community members, she was elected by a landslide |

2. Key aspects of the Village Law

Village governance in Indonesia has been shaped by different political regimes, which granted different types of authority to village-level government. In the Dutch colonial era, the village was recognised as an entity based on local customs and traditions, functioning without direct intervention from the

central government. Under the New Order,² which began in 1966, villages were centralised in a rigid, hierarchical structure. This era was characterised by patrimonialism, with central government exerting patronage and close political control over village governments; this was also reflected in the

² New Order is the term used to refer to the Suharto regime, 1966–1998, and was coined by Suharto himself to distinguish his government from that of his predecessor Sukarno.

relationship between state and citizens (Antlöv and Eko 2012).

With the fall of the New Order regime in 1998 and the beginning of a reformist era, the Indonesian government initiated rapid decentralisation. International financial institutions heavily influenced this process, coming as it did in the wake of the 1997 Asian financial crisis (Green 2005). In this era, Law No. 22 / 1999 (later replaced by Law No. 32 / 2004) granted a certain degree of autonomy to district-level governments, and placed villages under their control. But this reform fell short of ensuring village self-empowerment, and merely shifted patronage from central government to district government (Vel 2008).

It was in 2014, with the introduction of the Village Law (The President of Indonesia 2014), that village governance acquired a new dimension, establishing villages as stand-alone administrative units with decision-making powers and budgets for the first time. The law is grounded on three main principles:

- the village has the right to regulate and manage the interests of the local community³
- the village needs to be self-empowered and democratic towards a thriving society⁴
- the village needs to be governed by an ad hoc legislation.⁵

Among the many provisions the law makes, the most significant for enabling local accountability and citizens' participation relate to village governance and village finance.

With regard to village governance, the law establishes a hybrid model under which the village is part of the decentralised local government system on the one hand, and on the other, a self-governed community with "one village, one plan, one budget" – as summarised by a popular tagline.

In terms of village finance, before the law, villages used to receive limited funding called *Alokasi Dana Desa* (ADD), from the revenue of regional government. The Village Law has established an additional source of funding for the village – *Dana Desa* (DD) – derived from central government. As a result, allocations to village budgets have increased around ten-fold.

2.1 Village governance

As noted above, the Village Law repositions the village as both a part of the decentralised local government system and as a self-governed community. The lowest level of autonomous government remains the district level, which means that village governments are still within the purview of the district administration, as shown in Figure 1.

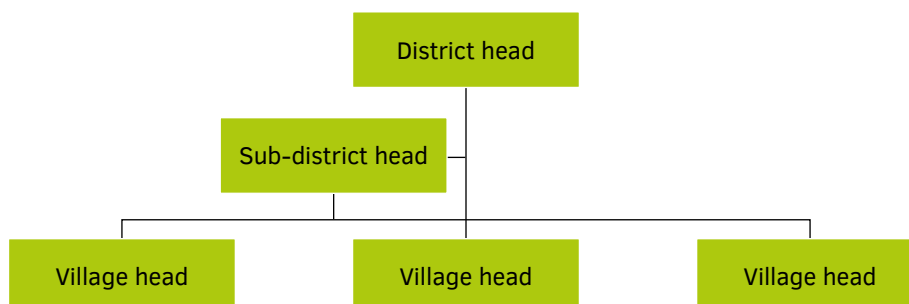
On the other hand, each village has its own citizens, areas, borders and local customs, and thus is defined by the Village Law as a community provided with the authority to regulate its own affairs. Therefore, the village is also considered to be a self-governed community, as shown in Figure 2.

The Village Law constructs a village as a community with its own authorities, which are legally structured and regulated in five areas: village government, Village Representative Council, village consultative forum, monitoring and evaluation of village governance and planning, and creating new regulations.

Village government comprises the village head, secretary, other officials in charge of various sections (governance, welfare and public service) and affairs (administration, finance and planning), and sub-village heads. While the role of village officials is administrative with no decision-making power, the village head enjoys several types of decision-making power, to:

- lead the governance of the village as a self-governed community

Figure 1. The village as part of the local government system

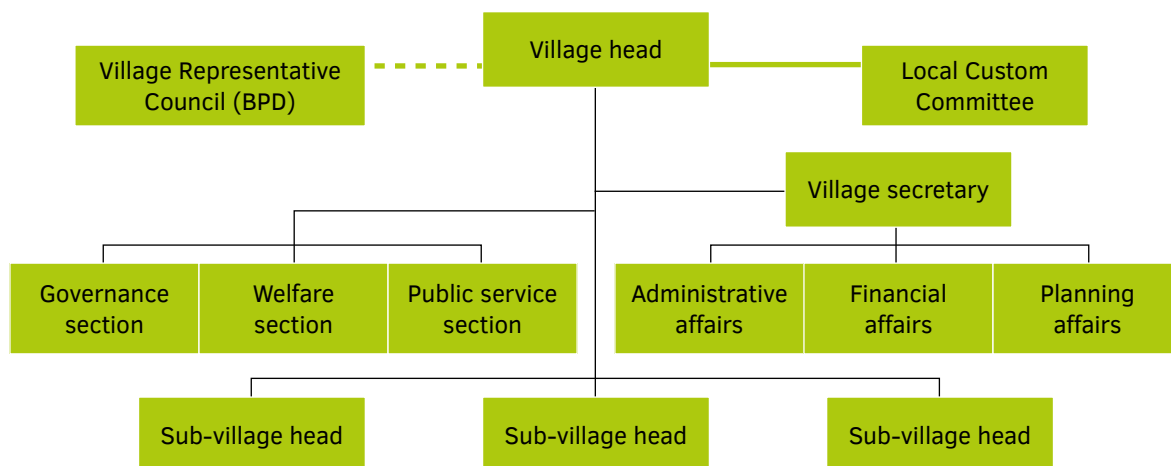


³ Articles 3, 4 and 18–22.

⁴ Articles 31–47 and 54–65.

⁵ Articles 69–70.

Figure 2. The village as a self-governed community



- appoint and terminate the appointment of village officials
- take charge of village finance and related assets
- issue village-level regulations
- coordinate village-level development through a participatory approach
- represent the village in court in any legal matters.

Beyond their institutional duties, village heads also play an informal role in mediating village-level disputes and settling them outside courts. Various disputes often occur among villagers, especially over land ownership and inheritance.

The election of the village head – in which all adult villagers have the right to vote – is organised by an ad hoc committee composed of village officials, members of community organisations and community leaders, which is established by the Village Representative Council (*Badan Permasyarakatan Desa*, BPD). The elected village head serves the village government for an administrative term of up to six years. The position of village heads is terminated if the incumbent dies, requests termination or is dismissed. There are also administrative sanctions for village heads who do not perform their duties, which take the form of oral reprimands and / or written warnings. The law states that the district head has the authority to impose sanctions on village heads.

Before appointing subordinate village officials, the village head must consult the sub-district head as a representative of the district head. Accountability for the performance of village officials can only be demanded only from the village head; their dismissal also falls under the authority of the village head.

The **BPD** plays a key role in making good governance, because its existence is intended to serve as a control for the village head in running the village administration. While Figure 2 shows that the relationship between the village head and Local Custom Committee is based on partnership (shown by the green line), the relationship between the village head and the BPD is consultative rather than instructive (represented by the dashed line). The BPD has three key functions:

- discuss with and give approval to village head regarding drafts of village regulations
- solicit the community's aspirations and channel them to the village government
- oversee the performance of the village government.

Given its role of providing checks and balances on village government, the BPD must be representative of different groups and interests in all sub-villages (for instance, civil society organisations, faith-based organisations, community figures and local leaders). Village officials cannot serve as members of the BPD. The selection of members should be democratic, by direct elections, by neighbourhood leaders, or through representative deliberation.

The **village consultative forum (*Musdes*)** is a consultative space for citizen participation established under the Ministerial Decree issued by the Villages, Disadvantaged Regions and Transmigration Ministry in 2015. The decree states that the BPD should form a smaller committee to run this forum, chaired by the head of the BPD and composed of BPD members, village government, community members and facilitators, and representatives of village residents such as religious leaders, community figures, women's groups and farmers' groups.

Musdes are intended to produce long-term and annual village programmatic and budget plans, and should be held at least once a year. They can also be convened on an ad hoc basis, to deliberate about strategic issues related to village governance: administration, partnership with other actors, economic development and other urgent issues.

Although some **monitoring and evaluation** processes for village-level governance are in place, it is not clearly stated in the Village Law how accountability for the implementation of village-level governance is to be pursued. At the end of each fiscal year, the village head is expected to submit a report to the BPD and the district government on the implementation of village governance, but there is no clause regarding the authority of the BPD or the village community to provide feedback on the report. Other than this report, an opportunity for the accountable implementation of village governance exists in the Village Law stipulation of the right of village citizens to obtain information about the village development plan and its implementation.

Complementing the village's function as a self-governing community, the Village Law also gives authority to the village to **issue legally binding village regulations** on a range of issues. The drafting of village regulations is carried out by the village government with the BPD, and then opened for public consultation. Draft laws on village budget, levies, spatial planning and the organisation of village government must be evaluated by the district head. However, the law does not provide for a clear mechanism for citizens to provide feedback on the implementation of local regulations.

Based on this understanding of the key aspects of village governance defined by the Village Law, for the purposes of the study we defined 'good village governance' as governance that meets the following three criteria:

1. The *Musdes* is held in a way that ensures citizen participation, with adequate representation of all elements of the community, and decisions made through consultation with the community.
2. An annual performance report of village government is produced and openly shared with citizens at the *Musdes* every year.
3. The BPD fulfils all three of its functions, outlined above.

2.2 Village finance

As discussed above, the Village Law has increased village revenue, which is now drawn both directly from the national state budget (DD), and via the district budget (ADD).

The DD is allocated on the basis of the population, poverty level, land area and geographical difficulty of each village. Its fund is tied to expenditure in two areas: village development (including infrastructural improvement, economic development and environmental activities) and community empowerment (including capacity-building of community members and village government).

The ADD comes to villages via the district government, which transfers to each village a proportion of the General Allocation Fund for District Government received from national government. The ADD is allocated to village development.

Based on this understanding of village finance defined in the Village Law, and on interviews with key informants, for the purposes of the study we defined 'good village finance' as governance that meets the following three criteria:

1. The village budget (both DD and ADD) is used to fund village development that meets the needs of every section of the community, including groups that are often marginalised, such as women, children, the elderly and people with disability.
2. The design of the village budget is undertaken in a way that ensures citizen participation in decision-making, with each section of the community adequately represented.
3. The management of village finance is transparent and accountable, with the public provision of financial reports on budget use.

3. Research findings

3.1 Village governance

Among the issues of citizen participation and accountability touched by the Village Law, we present findings that highlight four areas of village governance: the direct election of the village head and officials by community members; the existence of the BPD;

the existence of the *Musdes* for accommodating the aspirations of the village community; and the process for monitoring and evaluating village governance. In addition to these issues, we also highlight the overall performance of village heads to identify factors that influence their capability to make a difference for good governance.

Election of the village head and appointment of village officials

Our findings show two main problems in the election process. First, apart from the establishment of a committee composed of particular sections of the community to organise elections, the role of citizens in monitoring the election of village heads and officials is not clear. The Village Law does not give village citizens the opportunity to monitor the election of a village head, and only district heads can legalise the appointment of village heads, and dismiss them. In practice, strong dependence on district-level regulations on village head elections, and direct interference from the sub-district and district governments in the appointment of village heads, show that the role of citizens in this process is still weak.

The second issue concerns the autonomy of the election organisation committee in carrying out its responsibilities. According to Village Law, this committee – established by the BPD – has the autonomy to organise the election without intervention from other actors. But district government actors have the power to intervene in the screening process of candidates. The sub-district government can also intervene in monitoring, assisting and supervising the election. For instance, in Siak district, according to district government rules, candidates had to take a test in reciting the Holy Qur'an. In some cases, the committee is formed by the sub-district government, and any violation of regulations is noted by the sub-district government and then settled by Regent; this means that some committees lack the political will to resolve problems on their own. For instance, the committee of Berumbung village needed to consult with sub-district and district government in order to deal with a protest from a candidate who did not pass the screening process.

Although not prescribed by the Village Law, the newly elected village head usually maintains village officials from the previous administration. New village officials are then selected if there are empty posts to fill, or to replace officials who have retired. However, we found one village head who was not brave enough to appoint new village officials even though there were some vacant posts because she was not sure if the Village Law gave her the legitimacy to do so. When appointing new village officials, a village head forms an ad hoc team that announces the vacancy to all sub-villages, screens the applicants and conducts an exam for candidates – a written test about village administration and management. After getting the shortlisted candidates' names, the team submits a report to the village head. The village head then delivers this to the BPD and asks the sub-district government (as a representative of the district head) to release the recommendation letters required to appoint officials. This study finds that although village officials usually

meet the requirement of the Village Law that all sub-villages are included in the selection of new village officials, in general the views and decisions of selected officials are heavily aligned to those of the village head.

Village Representative Council (BPD)

For electing BPD members, the village head establishes a committee to organise and conduct BPD membership elections in sub-villages. Despite the important role of the BPD in making sure that village governance is conducted in a democratic and accountable way, we found that fewer candidates put themselves forward to be elected as BPD members than for village head elections. We also found that the district heads can legalise the appointment of BPD members, and dismiss them.

In carrying out its function of accommodating the aspirations of villagers as citizens, we found variations in the BPD's effectiveness in fulfilling its roles. In some cases, the BPD is directly involved in the *Musdes* to discuss the village budget, the annual village work plan and the medium-term village development plan. In others, the BPD also participates in addressing community proposals and discussing them with the village government. In other cases, where the BPD is not functioning optimally, we found villagers were expressing their aspirations via other channels. In Panggungharjo, the village head has assigned household rubbish collectors the role of collecting citizens' aspirations and complaints. According to him, this mechanism once enabled the village government to address a community problem with moneylenders.

Regarding the monitoring of the village head's performance, we found that there were regular communications between BPDs and village governments, since the BPD holds the budget allocation for village government meetings and administrative support. BPDs do some monitoring of village government, but this is limited to checking on the physical implementation of development projects, rather than comprehensive monitoring of the consistency of implementation with the material specifications of the planning document. In some cases, the BPD gives hardly any feedback or response to the reports submitted by the village head. Further, village heads place higher value on their reports to the district government, as these have implications for the approval of the next disbursement of village funds.

On the legislative function, the BPD should work to pass the village regulations proposed by village head. This research found that the BPDs in most of the selected villages did not perform this function, because the village heads were not initiating changes in village regulations. However, we found that in practice it is sometimes the BPD, rather than the village head, that proposes such regulations.

Overall, we found that the general performance of the BPD as a village representative council is less than optimal, for several reasons. First, there is no complete regulation on how to report and channel citizens' aspirations to the BPD; many people prefer to express their aspirations to people whom they consider to be close to the village head, in the hope that they will be delivered direct to the head. Second, the capacity of BPD members is not adequate to fulfil their responsibilities and perform their own managerial and administrative tasks. BPDs lack standard operating procedures and institutional solidity; as a result most BPD members are largely inactive. Third, village governments seem not to have trust in the BPD, tending to ask for recommendations from the district government instead. For instance, the head of Berumbung Baru village was going to use the village budget to build a meeting hall, and consulted with the district-level government instead of with the BPD.

Existence of the village consultative forum (Musdes)

Regulations for the *Musdes* allow only representatives of the community to participate; it is not open to all citizens. This study found that community representatives who attend the *Musdes* are religious leaders, community leaders, village organisations for women and youth, neighbourhood group leaders and sub-village heads. However, the quality of the village meetings is variable; the priorities for village development were rarely considered, and many urgent matters were decided solely by the village head. For instance, in some cases village development plans were pre-prepared by the village head, and the participants of the *Musdes* approved them without deliberation. Although the Village Law stipulates⁶ that village governments must report on the implementation of village development in *Musdes*, giving villagers the opportunity to respond, we found that this did not occur in any of the six study villages.

Monitoring and evaluation of village governance

Although the Village Law gives citizens rights to monitor village governance, in general there is little evidence of citizen participation in monitoring. With regard to transparency in disclosing relevant information on the functioning of the village government, the village head makes regular reports on village governance only to the BPD and the district government, but has no obligation to make this public.

Even in cases when village leaders proactively deliver information about village governance to citizens, the channel established for providing feedback is the *Musdes*, whose formal structure does not provide a

real opportunity to discuss, criticise or engage with the information available. This indicates a tendency among these village governments towards administrative rather than social accountability.

The overall performance of village heads

In Petanahan village, the performance of village head is strongly associated with her excellent communication skills, particularly in her relationships with district government and local members of parliament. Her strong capacity in this area often results in Petanahan village being prioritised for the government programmes, as reflected in its infrastructural development, which is more rapid compared with that in other villages.

The village head of Pejengkolan is fairly responsive to recommendations made by various parties, especially the BPD. For example, a problem arose with distribution of subsidised rice and cash for the poor, with many residents complaining that they did not receive the aid. The village head initiated a discussion with the BPD and community to address the issue. This revealed that the problem lay in inaccurate data collection. In response, the village formed a rural poverty alleviation acceleration coordinating team, whose job is to collect data on the poor by participative means, so that the community would not question it. With more objective data, those citizens who do not get aid no longer complain, because according to the team's data, those people are not counted as poor. The team is focused on accelerating poverty reduction at the village level, and is protected legally by decree of the village head.

Meanwhile, the Panggungharjo village head encourages community participation in monitoring the delivery of public services through technology-enabled reporting. Citizens can file complaints with regard to the delivery of public services through a number of platforms, including a short message service (SMS) gateway, social media and a village website. Complaints are responded to in less than 24 hours and supported by bureaucratic reforms of the village officials. Compared with other villages, Panggungharjo government is good at initiatives that deliver public services to its villagers – such as the formation of a dispute settlement institution, and a scholarship scheme for poor students – although there are no specific regulations on such public services.

Panggungharjo village government does not hesitate to engage with a range of agencies to support its performance – from working with the National Archive Office to document village assets and to archive village documents, to cooperating with the BPKP (financial and development monitoring agency) to ensure the village's financial reporting system runs well. This engagement

⁶ Article 82, paragraphs 4 and 5.

The dual-source funding model for village governance – the regional government ADD fund and the central government DD fund – has had mixed consequences for village government

with diverse agencies is an important element in fostering the good performance of this village's government.

In Tirtonirmolo, the village head always tries to fulfil the role of mediator among the villagers. He invites disputing parties to sit together, accompanied by police, so that the problems are resolved without having to go to court. Criminal cases, fights and small-scale disputes on inheritance are successfully managed and resolved at the village level, and some cases of domestic violence have also been mediated.

In Berumbung village, the village head extended the working times of local officers in an attempt to restore public trust for the village government. During the previous administration period, the office was open only three times a week, with limited hours of operation. Nowadays, the village head requires his staff to go to the office every day, and stay all morning; he also believes that the main agents for assessing village government performance are community members themselves.

For the Tualang village head, the benchmark of good village government performance is the existence of a safe situation where there are no conflicts or complaints. To achieve this, he strives to create an environment conducive to discussion and problem-solving; the village office, for instance, has become a space where citizens and officials hold discussions and resolve problems. He also believes that the role of the village government is very important, so he supports policies that favour fair remuneration of village officials, which allows them to perform well.

3.2 Village finance

The dual-source funding model for village governance – the regional government ADD fund and the central government DD fund – has had mixed consequences for village government. Village officials, including village heads, complain about the bureaucratic burden of a dual financial disbursement process and reporting structure, and voice a fear that failing to comply with the rules may lead the user to be scrutinised by Corruption Eradication Committee (KPK).

We found variations in both the allocation of financial resources and in the mechanism of disbursement. Different villages allocate their DD funding to different 'sections' (see Figure 2). Panggunharjo village, for

example, used its DD resources to fund two officials working on development and empowerment, while Tualang used the budget entirely for infrastructure development.

Although the allocation of the ADD and DD varies widely from one village to another, ADD funds had increased across the board since the enactment of the Village Law. Pejengkolan village, for example, previously received Rp 78 million (around USD 5,800) of ADD, which rose to Rp 244 million (USD 18,000) in 2015 after the enactment of the Village Law; in Petanahan, ADD resources increased from Rp 70 million (USD 5,200) to Rp 275 million (USD 20,400). In this way, the Village Law strengthens village finance.

National regulations on fund distribution processes state that disbursement mechanisms for the ADD and DD are regulated at the district level, but we found a different mechanism of ADD disbursement in each of the three districts where we worked. In Kebumen district, disbursement is carried out in two phases a year, and in Siak, three phases. But in Bantul, disbursement is monthly.

We found obstacles – on both the demand (the village government) and supply (the governments at sub-district and district level) sides – to ADD and DD disbursement.

On the demand side, we found some instances of tardy submission of the two separate audited financial reports of expenditure of previous payments needed to trigger the next disbursement. However, the head of Petanahan village pointed out that there had been no problems in the disbursement of DD and ADD, once he had completed the required documents.

Also on the demand side, we found different interpretations of what needed to be submitted. A village head in Bantul district said that in his view, document verification and submission of requests as a prerequisite to receiving ADD were unnecessary, since as a village head he was entitled to receive it.

On the supply side, there are three major problems. First, the verification of prerequisite documents sent from villages – the responsibility of the sub-district government – is very often time-consuming and arduous. Delays at this level postpone the implementation of village-level development programmes. To this extent, the head of the sub-district plays a key role in village finance, developing

directions and guiding the process for the district government.

Local regulations in each district of this research project dictate that the sub-district head acts as an examiner and evaluator of village documents submitted for verification in advance of financial reports and requests for new funds. Yet, the sub-district head does not receive any instrument or guidance from the district about the task of verifying or evaluating documents. So methods of verification are variable – or, in the words of village heads, “random”.

The second problem in receiving ADD and DD is multiple disbursements at different times – meaning that village governments have to start preparing the next set of documents as soon as they have received a payment. Their time is consumed by administrative tasks, particularly those with monthly disbursements.

The third problem is cash shortage. The district government appoints organisations like credit providers to disburse funds, but sometimes they simply run out of cash. This has led to many reports of delayed payments of both DD and ADD.

4. Discussion

4.1 The Village Law: an enabler and a constraint to change

In some views, social structures are sets of rules that principally constrain human action, even though they are created by people (Lamsal 2012). As discussed in section 1.2, Giddens believes that structure is not always a constraint, but rather that structures change when people exercise their agency by ignoring or replacing them, or by reproducing them differently (Gauntlett 2002).

In this research, we found that the Village Law can be both enabling and constraining in making positive changes or reforms towards more accountable governance. On one hand, the law can be regarded as an enabler, because in general, its stipulations have encouraged some village reforms, in comparison with the law that preceded it. On the other hand, the law also stipulates that village governments must send reports to district governments. This stipulation creates a complex reporting burden which constrains village governments from optimising their village development programmes.

As far as the practices of electing village heads are concerned, we consider that the Village Law structure is enabling for reformist change. In this scenario, the ‘agents’ – the committee for village head election – feel comfortable with the norms as stated in the Village Law, including those that give authority to district government to play an active role, and therefore they comply with the regulations. Election committees in the villages where we worked have in general done a good job of gathering candidates, collecting voter data and counting votes, independent of district intervention in the running of the election. District regulations have an important role in guiding the committee, or assisting if they face problems. The reported smooth functioning

of the village elections in our six sites represents an achievement of accountable governance, which was enabled by the legislation.

In cases where there was little evidence that the BPD – as a Village Representative Council – was channelling the community’s aspirations, we consider that the lack of regulation poses a constraint for developing more accountable processes. It is the perception of some village government actors, derived from the Village Law itself, that the district government is more important than the BPD, which means that the BPD lacks adequate agency to perform its role optimally. We contend that if the authority of the BPD were more clearly defined in legal terms, they may be enabled to fulfil their role more effectively.

Our findings also show that the absence of local regulations or district involvement can be an obstacle for village heads if they try to innovate or take action. For instance, consider the case of the village head who was reluctant to fill vacant village official posts because the Village Law does not specifically tell her to do so. By contrast, the head of Panggungharjo village has the confidence – founded in his belief that the Village Law gives the village substantial discretion to act independently – to take initiatives on his own, despite the absence of local government regulation; this has led to the village charting some achievements, such as the adoption of a performance-based remuneration system.

With regard to village finance, the new layer of ‘structure’ represented by the procedures entailed in the disbursement mechanism of both the DD and the ADD – which are burdensome, time-consuming and arduous – are a constraint for village governments, distracting their energies from the implementation of development programmes to meet community needs.

4.2 The hybrid village: a self-governed community and a part of the local government system

The Village Law repositions the village as a hybrid – both a self-governed community and a part of the decentralised local government system. But what role does the Village Law play as a supporting structure for local democracy, run by and prioritising the needs of the village community, rather than the district government?

Our findings suggest that citizen participation within the framework of the Village Law is not optimum, for three reasons. First, the law itself does not provide opportunities for all village citizens to be involved in monitoring village elections.

Second, according to the law, the *Musdes* allows representatives of only particular sections of the community to participate, therefore excluding many others. This illustrates how the design of the law – the 'structure' in our conceptual framework – acts as a constraint to the development of accountable governance. The design of the law also limits the authority of 'the village' with regard to the district authorities, acting as a constraint to self-government.

Third, the implementation of the law in practice limits the authority of 'the village'. District government retains the right both to approve and to terminate the appointment of village heads and BPD members; village heads are obliged to consult sub-district heads before appointing village officials; district heads must evaluate draft village-level regulations; district government retains the right to settle elections; and district priorities shape the disbursement mechanisms for village finance. In total, these aspects of the Village Law mean that district government continues to play a dominant role in both village governance and village finance. Here, both the design and the implementation of the law in practice present constraints to independent village-level governance based on community priorities.

The function of the village as a self-governed community, as envisaged by the Village Law, is not

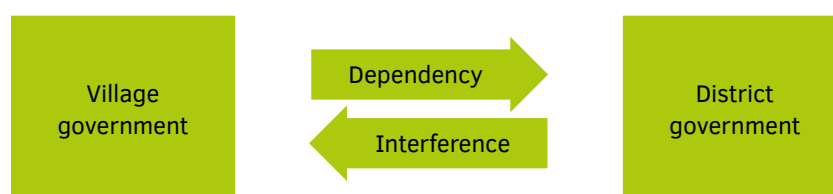
yet clearly understood or implemented in village governance processes; in practice, the function of the village as a part of a decentralised local government system remains the dominant half of the hybrid model. This is attributable both to the intervention of district government and to the dependency of village government on district government, as depicted in Figure 3. This dependency / interference dynamic must be viewed within the historical context of the patrimonialism discussed above (section 1.2), which shapes the prospects for and determines the pace of development of village authority.

4.3 What influences the agency of village heads?

With regard to the overall performance of village heads, we examine factors contributing to 'agency' – that is, the capability of an agent to make a difference (Giddens 1995). Our study found that village government – despite the 'interference' of district government (discussed in 4.2) – does indeed have a central role in governing village affairs. Most issues related to village development depend in one way or another on village government, and particularly on the village head, who in Giddens' framework is the 'power-holder'. The relative dominance of the village head derives largely from the fact that the BPD has not been able to fulfil the role of balancing institution that the Village Law envisages. In the six villages, BPD members seem unclear about articulating the existence and function of their council in village democracy, in the absence of regulations about this. Many BPD members interpret their institution as the village head's partner in implementing development – rather than as a monitoring or supervising institution that engages in critical thinking about what development means, or what the priorities for achieving it are.

In this study, the six individual village leaders interviewed all demonstrated a positive mindset towards achieving high-quality democracy; this is an enabling force for active citizenship, because of the relative power of the village head. Good practice around active citizenship happens and grows because of the combination of various factors that contribute to

Figure 3. The power relationship between the village government and district government



a village head pursuing a path that maximises village democracy and active citizenship:

- strong personal willingness to improve villages, and a commitment to change processes
- openness to 'modern' values in village governance (transparency, professionalism, accountability)
- teamwork, especially between village heads and village officials
- ability of the village head in developing the village administration in a way that fits local values.

Table 2 shows how these four factors were mapped across the village heads interviewed in the study.

All these factors need not necessarily be present at the same time. It can be inferred from Table 2 that the village heads of Brumbungbaru and Panggungharjo do possess all four factors, and they also made the most significant changes during their administrations, compared with the heads of the other villages. However, the two most prevalent factors among the interviewees are strong willingness and commitment towards positive change and the ability to adjust approaches and policies with the local values.

Table 2. Presence of key factors among village head interviewees

| | Willingness and commitment | Openness to new values | Teamwork | Ability to fit with local values |
|---------------|----------------------------|------------------------|----------|----------------------------------|
| Petanahan | × | | | × |
| Pejengkolan | × | × | × | × |
| Brumbungbaru | × | × | × | × |
| Tualang | × | | | × |
| Panggungharjo | × | × | × | × |
| Tirtonirmolo | | | | × |

5. Recommendations and creating space for research uptake

5.1 Conclusions and recommendations

The research findings show that the Village Law serves both as an enabler of and a constraint to making pro-accountability changes or reforms, depending on the case. Broadly, the law has both an enabling and constraining role in village governance, but is identified more as a constraint in the practice of village finance. In that arena, the complex regulations for village finance entailed in the Village Law consume village governments' time with administrative work at the expense of implementing their village development programmes.

In the implementation of the Village Law, we find a strong association between a village's dependency on the district government and district government interventions in most villages. This condition – a consequence of the structure of the Village Law in

framing the village as a hybrid of a self-governed community and as part of a decentralised local government system – is inevitable. The research has shown that the function of the village as a part of a decentralised local government system is more dominant than its function as a self-governed community.

The Village Law, through acknowledging the rights and authority of the village, is intended to give villagers opportunities and power to influence the governance of their own affairs. However, in many cases we found that such opportunities could not be realised without the support of the village head, who still often holds the key to village reform, but needs courage to use it without fear of attracting intervention from the district government.

The enactment of the Village Law has opened up space for citizen participation as an element of democracy. Democracy thus comes to depend to a degree on the

performance of village government. The assumption is that good performance will build public trust in village governments, from which public awareness of village democracy will grow. However, our study shows that village democracy is not yet clearly visible. There were some indicators of low-quality democracy, where the potential for citizen participation had not been realised. These included the failure of the BPD to fully occupy its role as a representative council of citizens, and as a check-and-balance to village government; and the lack of villagers' understanding of the new spirit of active citizenship endorsed by the law. Even in places where village heads had modelled active citizenship, the monitoring of village governance activities mandated by the Village Law was still lacking.

Based on the findings and what they imply for the possibilities of improving the implementation of the Village Law, PATTIRO offered some sets of recommendations for the government at the central, district and village level.

Village governance

1. Village government has to improve the quality of *Musdes* meetings by encouraging participants to be more active, improving decision-making mechanisms, and encouraging village heads towards social as well as administrative accountability.
2. District government should formulate clear guidance to distinguish the district government authority and village autonomy. This kind of guidance would provide greater margin for village administrations to improve their function as self-governing communities.
3. The role of district government in providing capacity-building assistance should not be targeted only at village governments, but also at BPD members, who often lack understanding of both the concept of village-level democracy and its implementation practices.

Village finance

1. Central government should establish standardised regulations for the disbursement schedules of ADD funds, to ensure that district government releases these in a timely manner.
2. Central government should regulate synchronised reporting for both ADD and DD village funds, so that the village governments can make a unified financial report, reducing their administrative burden.
3. District government should assist the village government in managing village administration.
4. The head of sub-district must be equipped with job descriptions and operational guidelines for conducting evaluation of village-level regulations and village budgets. District government

should provide such guidelines in order to give clearer boundaries to the power of sub-district governments in implementing delegated tasks, as its representative at sub-district level.

5. District governments should be more concerned with strengthening human resources for implementing tasks delegated to the sub-district level of government: in selecting village officials, evaluating village budgets, assisting and monitoring village governments.

5.2 Using the findings to influence Village Law implementation

As noted in Section 1.1, the overall change intended from the research and uptake process was a substantive improvement in the implementation of the Village Law.

Once the recommendations presented in Section 5.1 were formulated, PATTIRO engaged with governance stakeholders in both offline and online spaces. The engagement strategy was geared towards 'closing the feedback loop' of the research – as part of the action–reflection cycle of participatory enquiry – with the ultimate aim of making the implementation of the law more accountable.

In the offline space, PATTIRO has convened several discussions to share knowledge about village governance – including the role of the BPD in encouraging village democracy, the role of the district in implementing the Village Law, and village financial management. The crucial issues that arise from these discussions are then submitted to the government in order to be considered in policy deliberations.

In the online space, an active WhatsApp group has also been established for sharing experiences and learning among participants in the discussions. PATTIRO developed a website, kedesa.id, designed to share information on the Village Law and get feedback from community members and local village authorities on the implementation challenges they face. Users can upload content and latest updates about Village Law implementation on the ground. The communication flow relates to substantive aspects of the law's implementation, and to facilitating the exchange of information crucial to local actors.

The opening of these spaces for reflection and discussion triggered a number of direct effects on policy, and influential inputs to related ongoing processes of decentralised accountable governance initiatives.

- **Changes in practice** – During the research period, Indonesia's activities under the Open Government Partnership (OGP) saw the government launch a pilot project to build the capacity of local governments and communities to implement the

These efforts continue in the belief that the potential for the law to significantly strengthen community participation in village-level governance remains untapped

Village Law. The pilot was finalised following a consultation with PATTIRO that highlighted the lack of adequate local government know-how and the lack of adequate information available to citizens.

- **Changes in policy** – Under OGP commitments, the Indonesian government has developed a draft policy to standardise the information on the Village Law that is disclosed by local governments. This policy incorporated findings from the research, focusing on the need to revise the policy to make it more comprehensive (standards of information extended to village assemblies) and accessible (changes in language and formulation of certain sections).
- **Changes in decision-making processes** – The discussion spaces for local governance stakeholders opened up by the research process allowed them to develop clarity on specific aspects of the Village Law that had thus far remained unclear to both local governments and civil society groups, creating opportunities to meet and discuss these questions without being constrained by bureaucracy and hierarchy; village heads were also able to discuss these questions directly with ministry officials.

PATTIRO is now working to keep spaces for change open in the longer term, to continue to build the

knowledge of local governance stakeholders about Village Law implementation. The website was initially much less popular than the offline and mobile spaces. An action research enquiry aimed to find out why this was the case and to adjust PATTIRO's strategy; a user survey pointed to a number of false assumptions about how the platform would be used. For more effective use of the platform, this enquiry highlighted the need for intermediaries to proactively collect feedback from people, and upload it online; for a wide network of intermediaries, beyond PATTIRO's staff, to get involved; and for the need to identify champions and interlocutors within local governments who can act on the feedback provided.

This in turn led to the development of PATTIRO's current strategy for encouraging effective use of the platform which includes engaging with young people as content creators, through Village Youth Forums; building a network of CSOs that can play a role in documenting and tracking cases of implementation; and considering ways to combine the online platform with radio.

These efforts continue in the belief that the potential for the law to significantly strengthen community participation in village-level governance remains untapped.

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About Making All Voices Count

Making All Voices Count is a programme working towards a world in which open, effective and participatory governance is the norm and not the exception. It focuses global attention on creative and cutting-edge solutions to transform the relationship between citizens and their governments. The programme is inspired by and supports the goals of the Open Government Partnership.

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Research, Evidence and Learning component

The programme's Research, Evidence and Learning component, managed by IDS, contributes to improving performance and practice, and builds an evidence base in the field of citizen voice, government responsiveness, transparency and accountability (T&A) and technology for T&A (Tech4T&A).

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About PATTIRO

PATTIRO was established as a research and advocacy organisation in 1999. It is active in 17 provinces and more than 70 regencies and cities across Indonesia. PATTIRO's focus consists of three areas that are strategic components of local governance, namely public service accountability, transparency and public finance management reform. Among other activities, PATTIRO facilitates community centres to conduct applied research to assess existing public services. It also provides technical assistance to local government as a service provider in managing public expectations of services.

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