



The Old Phase of Javanese Villages as an Early Form of Participatory Democratic Governance in Indonesia

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Abstract. *Indonesia has experienced seven developmental phases of the social system (ideology), i.e. (1) the old phase of Javanese villages (809 AD); (2) the kingdom era (1044-1886); (3) the colonial Dutch East Indies (1853 AD); (4) the Japanese occupation (1942-1945); (5) the settling period from 1945 to 1965; (6) the New Order (1965-1998); and (7) The Reform Era. This ideology affects the development system, which in turn affect the relationship between government and people, such as on the position, rights, and roles of the people in influencing and determining the direction, content and development priorities. Meanwhile, democracy as a political system will affect the development system. Likewise, the decision-making system for developments is strongly influenced by the political system. This paper aims to retrace the democracy in the social system of the “Old phase of Javanese Villages in Indonesia,” to understand and rediscover its values. Many Dutch and British officials admired and recognized these values as the most suitable social system for our nation. Unfortunately, after the kingdom age, the Dutch colonial era and later times, the concept of village democracy has been erased and replaced with a system that was more favorable for the ruling regime. Therefore, this study is expected to remind, enhance and complement the repertoire of knowledge that can be developed and can influence thinking to the enrich and improve democracy in the context of development, especially to build the concept of participatory planning as a medium of education and as a vision to unite the nation. The method used is literature study to discover and understand the historical situation. The village is chosen as a unit of study because it was the forerunner of the traditions and culture of community life as a reflection of the unity of thought and action that determine the direction, content, and priorities of collective action. The village is an entity on the smallest scale in the nation. The village is a “cell” that forms an entity in the administration, law, and resources of the nation.*

Keywords. *citizen participation, social system, system of government.*

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Abstrak. *Di Indonesia ada tujuh fase perkembangan sistem (ideologi) kemasyarakatan, yaitu (1) masa desa Jawa kuno² (809M); (2) masa kerajaan (1044-1886); (3) masa kolonial Hindia-Belanda (1853M); (4) masa pendudukan Jepang (1942-1945); (5) masa pengaturan tahun 1945-1965; (6) masa Orde Baru (1965-1998); dan (7) masa Reformasi. Ideologi itu kemudian mempengaruhi sistem pembangunan yang digunakan bangsa Indonesia karena ideologi mempengaruhi hubungan antara pemerintah dan rakyat. Misalnya pada bagaimana posisi, hak dan peran rakyat dalam mempengaruhi dan menentukan keputusan untuk memilih arah, isi dan prioritas pembangunan. Sementara itu, demokrasi sebagai suatu sistem politik akan*

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² The term old Javanese village does not refer to a place but rather to an era or period

mempengaruhi sistem pembangunan. Demikian juga dengan sistem pengambilan keputusan dalam pembangunan akan sangat dipengaruhi oleh sistem politik yang diterapkan. Tulisan ini bertujuan untuk membuka kembali demokrasi dalam sistem kemasyarakatan pada "Masa Desa Jawa Kuno", dengan cara memahami dan menemukan kembali nilai-nilainya, yang oleh banyak petinggi dan pemikir bangsa Belanda dan Inggris dikagumi dan diakui paling cocok untuk bangsa kita. Sayangnya di masa kerajaan, Kolonial Belanda dan masa-masa selanjutnya, konsep demokrasi desa telah dihapus dan diganti dengan sistem yang lebih menguntungkan penguasa pada setiap rezim saat itu. Oleh karena itu, kajian ini diharapkan bisa mengingatkan, menambah dan melengkapi khasanah pengetahuan yang bisa dikembangkan dan mempengaruhi pemikiran bagi pengkayaan pengembangan demokrasi dalam pembangunan terutama untuk pengembangan konsep perencanaan partisipatif sebagai media edukasi dan mempersatukan visi bangsa. Metode yang digunakan adalah studi literatur, sebagai cara untuk menemukan dan memahami fakta-fakta di masa lalu. Sebagai unit kajian adalah desa karena desa merupakan cikal-bakal tumbuhnya tradisi dan budaya hidup bersama sebagai suatu cerminan kesatuan antara pemikiran dan tindakan yang menentukan arah, isi dan prioritas tindakan bersama sebagai entitas dalam skala terkecil bangsa. Desa sebagai "cell" yang membentuk entitas dalam administrasi, hukum dan sumber-daya bangsa.

Kata kunci. *partisipasi warga, sistem kemasyarakatan, sistem pemerintahan.*

Introduction

Discoveries in information technology and transport rapidly advance the transformation of world politics. The Indonesian nation has followed the changes and struggles of global political ideology since World War II until the current domination of capitalism and neo-capitalism. Ideologies with their own paradigms and theories have always tried to influence the direction of change and dominance over sources of power in the world as well as networks of world power. History is a collection of records on the way these global structures of power and networks were formed. Through history as well, the Indonesian nation can unearth its past to develop it for the future. Unfortunately, the Indonesian nation is often short minded; it is easily tempted and blinded by developments in other nations without being aware of the processes and stages that these nations went through, as well as the conditions that need to be fulfilled in order for a process of change to be realized from one particular condition to the next.

The Indonesian nation imitates the modernization of developed countries through industrialization without recognizing its own character and potential. As a result, our nation is often trapped in development patterns originating from the colonial government, i.e. development that exploits natural resources merely to fulfill the requirements of world trade, using the colonial network. The impact of this exploitation starts to be evident with the emergence of cities that grow uncontrollably, leading to inequality. Examples are the cities that serve as collection centers for trade commodities for export, such as port cities. Nowadays, these cities have developed into metropolitans and megapolitans, uncontrollable even through regional planning. This indicates that until now the Indonesian nation has not discovered an approach to development able to achieve harmony between growth centers (metropolitan cities) and their buffer regions (rural areas).

In this paper, the author aims to explain the findings of a literature study on villages, which have been able to find and implement the true meaning of "autonomy", that of a democratic society. Before that, this paper will discuss the changes in the social system in Indonesia from the old phase of Javanese villages until the Reform era. This is important in order to recognize what we once had and understand what we have lost.

Theoretical Review

In a paper titled "*The Interaction between Democracy and Development*," Ghali (2002) concluded that development is not merely an economic issue, as modernization theory states that development, besides economic improvement, also involves social change (Willis, 2005: 116). This modernization theory was developed related to the time when the world community supported technology to use resources more efficiently through industrialization and mechanization in agriculture. At that time, natural resources were considered as inputs in the industrial and construction systems. However, people forgot about the potential for environmental damage. That concern was proven when the Industrial Revolution in England affected the environment; i.e. environmental degradation caused by the high level of urbanization. This environmental degradation later affected the health quality of the urban population (Willis 2005:148). This shows that development is multidimensional and interconnected between one dimension to another.

In the book titled "*De la Démocratie en Amérique*", Tocqueville (1994) discussed political theory on the relationship between civic activities and democracy, known as civil society theory. In the most important passages, Tocqueville stated that humans can remain civilized and that the art of association must be developed and refined along with an increase in equality (in Hoffman, 2006:3). Conversely, the foundations of political democracy will be eroded if the bond or association among individuals is becoming more distant. The less citizens practice the art of organization, the more possibilities for deterioration in civilization and equality. Tocqueville argues that democracy is built through civil society and that sociability related to voluntary association is ingrained in the life of local communities (Hoffman, 2006:6).

Sills (1959) explains that voluntary associations are related to the intervention of formal organizations, groups, and countries to protect or strengthen the bond between individuals within groups. The main role of mediation and voluntary association is to create equality through the distribution of (political) power. Sills points out that the power, which is distributed, to voluntary associations, creates balance and limits the power of the state. This is good for politics (Couto & Guthrie, 1999:40). Furthermore, Salamon (in Couto & Guthrie, 1999 p. 67) explains that voluntary associations are often referred to as mediating structures, as a condition for the growth of democracy. Mediating structures are divided into three types, i.e. impetus, impediment, and irrelevance. These voluntary associations are described as activities that preserve the freedom of citizens to fight for the "public interest" that is neglected by the government. They encourage their members to communicate and participate in socio-political affairs in the neighborhood, community, or nationally. In this case, these voluntary groups fall into the category of instruments of democracy, i.e. groups that have managed to strengthen the bonds of trust and cooperation with individuals or groups outside their own group. This form of community service involves direct or socio-political services, as well as services to fulfill community needs related to reducing the socioeconomic inequalities in society (Couto & Guthrie, 1999:67).

The above explanation clarifies the relationship between democracy-civil society and development. Of course, the definition of democracy-civil society and new developments is only relevant in the case of a recent change in paradigm and development ideology which bring about theoretical approaches such as basic-needs theory, decentralization, participation and empowerment, civil society, and social capital. This paradigm change happened because the top-down approach, in which only countries are considered capable of performing development (classical economic theory and neo-liberal economic theory), had failed to reduce world poverty

and had even increased the welfare inequality between developed countries/the first world and the third world. Consequently, since 1976, the World Bank came up with a basic-needs approach, which was later sharply criticized from the perspective of dependency theory (Willis, 2005: 93-94). This led to the basic-needs approach to be abandoned in the 1980s.

Based on a UNESCO panel in 1998 on the interaction between democracy and development, Ghali wrote that democracy cannot be considered without the existence of freedom. Democracy requires the existence of "the rule of law" as well as limiting regulations that should be implemented because of the rule of law. Justice is the first condition that must be met in order to materialize democracy. Justice guarantees that the implementation of democracy is in line with the principles of equality before the law and the right of every individual to express his opinion. Therefore, democracy will be viable only when it is supported by an independent and reliable judicial system. The second condition for democracy is freedom of citizen participation. This provides an opportunity for citizens to express their opinions. Experts link justice and development as two inseparable concepts because development requires legal support in the form of clear and fair regulations. Furthermore, it is concluded that democracy is a political system that allows for the correction of its own dysfunctioning. Democracy is expressed in culture and thinking that manifests itself in the form of tolerance and respect for others, and to the values of pluralism, equality and dialogue between the forces that make up society (Ghali, 2002:10).

Case Study

The village was selected as the research object. The research objective is to identify a culture of togetherness, mutual assistance, *tepa-slira* (tolerance) and *sak pada-pada* (reciprocity), with the village as the source of capital development. It is unknown when the first villages appeared but various inscriptions and historical sources illustrate its origin, growth, and development into villages with specific functions, such as farming, fish farming, plantations, villages for resting, and trade (e.g. markets).

Indonesia has known a democratic social system since the old phase of ancient Javanese villages; characterized by equality and peace. In this system, villages that were awarded the status of *Sima* or *Perdikan* or *Swatantra* were exempted from paying taxes to the kingdom. An area with *Sima* status also had the right to manage the affairs in its own territory (Maziyah 2010, 122). In the subsequent Kingdom era (Mataram was among the first inscriptions in Dieng, 809 AD), a similar social system was found with villages with *Sima*, *Perdikan*, or *Swatantra* status. At Dieng, 75 inscriptions were found on the *Sima* status; one of the inscriptions used the term autonomous (Suhadi, 1981). Meanwhile, Maziyah (2010) describes that the original meaning of the autonomous is to not be bothered by tax collection officials, in other words, to be exempt from royal taxes. Schrieke in Maziyah (2010) further explains the position and function of *Sima* regions, which are newly formed free areas that are no longer part of the jurisdiction of the kingdom. This means it could to manage its own government, financed with revenue from its own area. The "Holder of Rights on the Part of the King" (*paramāṇa i sadrabya Hajj*) had the authority over all types of penalties for criminal offenses and the management of religious institutions. Nowadays, this is referred to an autonomous region. Autonomous villages or regions in Java were referred to as *sima* or *perdikan*.

Research Methodology

This study uses a qualitative descriptive methodology by reviewing literature on concepts that correlate with autonomous villages since its origin in early Java. The goal of this theoretical study is to understand the meaning of autonomy and its connection with justice and the rights of a region/village in organizing itself. The conclusions are drawn from the various concepts related to autonomy and self-governing rights in the old period of Javanese villages and its subsequent development. These concepts will lead to a substantive integrated understanding of the notions of the theoretical framework. The conclusion shows whether the notion of autonomous social systems still exists and how it relates to the initial concept of *Sima*, *Perdikan*, and *Swatantra* villages.

Discussion

Development of Social Systems since Early Mataram (Dieng Inscriptions, 809M)

The development of social systems in Indonesia can be divided into seven phases, starting from before the time of great kingdoms. The era of Reformation is deliberately not discussed. The first phase is the period before the system of kingdoms emerged, which systematically and organized the social system under the rule of the kingdoms. According to Soetardjo Kartohadikoesoemo, the village was the first type of autonomous area and was established before the emergence of larger coordinated regions and before the rise of states (kingdoms). Therefore, it had full autonomous rights. The basic community unit in Java is the village (*dukuh*) consisting of relatively large groups of houses surrounded by gardens. In the village, economic and social life was centered on the "*batih*" (nuclear family), even though the kinship system, which expanded at two sides, still had essential remaining functions. Since they formed a small community, relationships were close and often secluded. It was in the interest of the village to maintain internal harmony and cooperation (Kartodirdjo, 1984). This concerns a social system in the interior with a strong kinship system and few external influences, such as in communities in coastal regions.

To summarize, the basic unit of society in Java in antiquity is the village, which is made up of the relatively large group of houses and its surrounding gardens. As they were a small community, relationships with one another are close, limited and often isolated. Therefore, the village is very concerned to maintain internal harmony and cooperation within its territory.

Different regions in Indonesia have used various terms to describe the village. The word *desa* is only used in Java, Madura, and Bali. *Dusun* is used South Sumatera. In the Moluccas, *dusundati* is used and Aceh and Meunasah use *gampong*, which is the lowest administrative level. Furthermore, the village is called *nagari* in Minangkabau (Kartohadikoesoemo, 1953).

Villages in Ancient Java, History and Growth of Villages

Humans form groups based on the instinct that we cannot live alone, only with a wife and children, or nomadic. Humans generally choose a permanent and hereditary place to live together. There are also nomadic tribes who have a lifestyle of moving around. However, the nomadic lifestyle is uncommon in Indonesia, which is rich, has fertile soil and has a friendly environment and climate. By living in groups, humans use agriculture, fisheries or cattle breeding to support their needs while managing the challenges of the environment together so the work feels lighter. In this way of life, humans formulate and agree on values, norms, traditions, and culture. Subsequently, social systems were developed to manage community life

and to organize interaction of the community and the environment where they settle and live through cultivation.

According to Kartohadikoesoemo (1953), humans have three fundamental reasons to form a community, i.e. (1) to survive, cultivate food, and to meet the needs for clothing and housing; (2) to endure external threats, such as animals, disasters, and enemies; and (3) to achieve progress in life. Based on local environmental potential and human adaptive capacity, villages emerged with growing and increasing functions, e.g. villages for farming, fishing, and sailing, trading or markets, resting (when on a long journey), transport (crossing), mining, and sacred villages. There are also communities that set up villages based on family or clan, but this type does not exist in Java. In Java, one possibility is that villages are built by a family. According to Schrieke (1960, in Suhartono, 2000: 83), villages are built by a *primus inter pares* (founder) by clearing the forest and using it as a swidden or agricultural plot as well as a place to live with his family, which was then called a village. A conglomeration of dwellings with agricultural land is used as the basis for their lives. The lands of the village, as communal land, were worked in shifts or *mathok*. This demonstrates the equality and obligations of the members of the village to work the land. Villages generally had a top-down structural relationship system between the founder and his family members. Nevertheless, the top-down relationship did not show significant differences because they involve the whole village as a family. Thus, mostly horizontal relations are formed (Suhartono, 2000).

The village as a social system is a manifestation of culture, because of the union of the individuals in it. To guarantee this union, villages use a village administration system. In the initial phase of the village, the village administration system does not have governing authorities on the one hand and the people who are governed on the other. The ones governing are those who are governed and vice versa. Up to now, this is the most democratic governance system possible (Kartohadikoesoemo, 1965).

In the ancient time of Javanese villages, i.e. the time of the Ancient Mataram Kingdom, which was an agrarian empire in the interior, inscription show the existence of autonomous *sîma*, *swatantra* or *perdikan* regions (Schrike, 1975: Machi Suhadi, Rohman 1981 in 2013). The communities of Java Kuna eagerly awaited their region to obtain an autonomous status. To reach this goal, they compete to advance their regional potential in order to obtain the prestigious autonomous status (Rohman, 2013). This ancient Javanese phase, based on inscriptions written in ancient Javanese, can be divided into Early Java Kuna (750 AD - 950 AD), Late Java Kuna (925 AD - 1250 AD), and the Java Kuna Majapahit period (1250 AD - 1450 AD). Muñcang inscriptions (944 AD), explain the concept of autonomous regions as follows (in Rohman, 2013): "... (The area) is not visited by tax collectors consisting of three main tax collection officers, i.e. pangkur, tawan, and tirip; Pinghai and wahuta, and by all of the tax collection officers for a long time ... (followed by the names of the tax collectors) ... Thus is the decision that has been decreed, and from then on all officials and tax collection personnel was not allowed to come to the area known as *sîma* in the Muñcang region. To Sang Hyang Prasada Kabaktyan in Siddhayoga alone, the entire tax was handed over ..."

After the extended family of the founder of the village had grown in number, his descendants would compete for the position as territorial authorities, they would then be called king, and the region called a kingdom. Then the king started developing the kingdom's formal bureaucracy, which reinforced the distance in the top-down structure until a feudal bond was formed (*feodale gebondenheid*). The structure under the government, however, was still in the form of a village

bond (*dorpgebondenheid*) which was horizontally strengthened and supported by members of the village (Burger, 1939 in Suhartono, 2000).

At the time, there were two local government systems, based on a genealogical system (blood ties) and on a territorial system (region). In a genealogical system, the regional head was appointed by a system of descendency, not by selection. Appointment by selection took place in *negorogung* areas, i.e. regions of the Pajang-Mataram Kingdom where the head of the region was determined by or on behalf of the king. This was the case in *perdikan* villages. Meanwhile, in regions that used a territorial system, in the form of a voluntary unity of settlements, the head of the village was chosen by the villagers (Kartohadikoesoemo, 1953:27-28).

Village life at the time was egalitarian. The origins and growth of the early village communities shows an early form of participation in the village as a unity. All types of work were for the sake of the village. The whole community participated³ because social stratification had not yet emerged (Zwaal, 1931 in Suhartono, 2000). The village needs were produced and consumed together. Needs that could not be produced were obtained through a barter system with other villages. Mutual assistance and *sambatan* are a form of reciprocal relationships that have always existed and are in accordance with the collective condition. That is why these types of associational institutions remain, even to this day (Suhartono, 2000).

To summarize, the whole community participated and played their role oriented at the *batih* (nuclear family) (Kartodirdjo, 1984:40-41). The village necessities were produced and consumed together. Needs that could not be produced were obtained through a barter system with other villages. Mutual assistance and *sambatan* are a form of reciprocal relationships that have always existed and are in accordance with the collective condition, thus, such associational institutions remain, even to this day (Suhartono, 2000).

The Social System in The Kingdom Era

The early of villages that were under the jurisdiction of the kingdoms developed until job distribution appeared which differentiated the type of work for each social level. Although social stratification emerged, the interests of the village continued to be carried out together. Villages had much more autonomy. Outside intervention or from the kingdom was usually related to taxes, while the political matters in the village were almost unchanged. The village remained strong in its togetherness (Suhartono, 2000).

In the kingdom era, autonomous areas were found in Indonesia. This can be understood from the above explanation that the founder of the village treated its members in a democratic way. This was the case in the Ancient Mataram Kingdom era between VIII-XI century AD, when the influence of Hinduism and Buddhism was still strong, i.e. since the time of the Kingdom of Kutai in the fourth century until the collapse of Majapahit in the fifteenth century AD. According to inscriptions, the communities of *Java Kuna* knew autonomous regions as *sima* or *swatantra* regions (Maziyah, 2010).

The Ancient Mataram Kingdom was an agrarian kingdom in the interior of Java and its reign of power was during VIII-XI century AD. The Muñcang inscriptions from 944 AD mention autonomous regions in the *Kuna* era, called *Sima*. This status essentially meant that these areas were not obligated to pay taxes to the kingdom. The area is considered autonomous because it

³It appears that there are far more Javanese descriptions related to community participation than in other areas, so the focus in Java can be understood (Suhartono, 2000).).

was not bothered by any tax officer (Maziyah, 2010). Besides tax exemption, the *sima* area had the right to manage its own penalties for any criminal offense, tax relief for trade, and for special occasions the right to use some royal traditions. Its obligation was to preserve its sacred buildings and show its obedience to the king.

A *sima* region is independent; it is no longer under the law and in the territory of the kingdom. Thus, so it has the right to manage its own administration and finance this with its own income. *Sima* areas are permanently free from disturbance by anyone. Many inscriptions state that anyone obstructing a *sima* area will be cursed and will die a horrible death, will burn in hell and will have an insulting reincarnation. In order to reinforce this, religious books and legal frameworks were made to regulate the king's provisions with worldly penalties for offenders. *Sīma* is the name for an area rewarded tax exemption by the ruler of the kingdom. Thus, if a region is awarded the status of *sīma* by a king, this means the area is considered extraordinary by the king (Maziyah 2010).

Prof. Mr. C.van Vollenhoven, who wrote about administrative regions throughout Indonesia, considered the administrative areas in Java, Madura, and Bali named "*desa*" (village) to be the original creation of the Indonesian people; not an artificial creation influenced by Hinduism, despite that *desa* is a Sanskrit name. After Islam entered Indonesia, the fundamental nature of these areas did not change. Villages to this day honor "*danyang desa*" (village spirits) and after the rice harvest they still give offerings to the earth (Kartohadikoesoemo, 1953).

Mr. Vollenhoven's research shows that, over the centuries, villages have evolved into legal entities, where the communal interests are protected and developed under customary law. This law contains two things: 1) the right to manage the interests of their own region (autonomy in modern terms) and 2) the right to elect the head of their own village (Kartohadikoesoemo, 1953).

Social Systems in Villages in the Colonial Period

At the start of the 19th century, the village had been discovered by Muntinghe and was used by Raffles to implement the "*landelijk stelsel*", and later by Van den Bosch to implement the "*cultuurstelsel*" (*staatblad* 1834 No. 22). However, the first time the Dutch East Indies Colonial Government regulated the position of the village as a juridical principle was in *Regeeringsreglement* 1854, article 71 (article 128 I.S.). This was the foundation for regional and village regulations in Indonesia. Article 71 stipulates the position of the village, i.e. 1) villages, referred to as "*Inlandsche gemeenten*", based on authorization by the regional head (resident), are entitled to elect the village head and organize its own village government; and 2) the village head is entitled to manage the village administration, while adhering to the regulations issued by the Governor General or the regional head (resident). The Governor General protects these rights against all violations.

Based on these regulations, *ordonantie* dated February 3, 1906, stipulated the regulations regarding village government in Java and Madura. These regulations were published in *staatblad* 1906 No. 83, amended by *staatblad* 1910 No. 591, *staatblad* 1913 No. 235, and *staatblad* 1919 No. 217 known as the "*Islandsche Gemeente-Ordinantie*." The explanation of the ordinance contained in *Bijblad* 6567 mentioned the provisions in the *ordonantie* that concretely regulated the obligations and rights of the village government by either public administrative law or civil law. Although these regulations were far from perfect, the Dutch East Indies legislation managed to dispel doubts about the position of the village as a legal entity, not

merely a community unit. These regulations have successfully developed the legal position of the village as a property owner (Kartohadikoesoemo, 1984:32).

These regulations on the village stirred up internal debate among academics in the Dutch Colonial Government. Consequently, the "*Inlandsche Gemeente Ordinantie*" of 1906, in the end, was not enacted in four autonomous regions in Surakarta and Yogyakarta. These, in essence, were *Negorogung* areas, where village autonomy since 1755 had been disrupted by the *apannage-stelsel*. Thus, the position of the village as an autonomous region also experienced disorder (Kartohadikoesoemo, 1984:32). Although the original law, which was the basis of national culture, was buried long under the rubble of the original village for hundreds of years (early village, *sima* village, *perdikan* village), the notion of autonomous regions was revived in Java, after the village was enacted as a *swapraja* administrative region. In 1912, the Pakualaman government implemented village arrangement with the ordinance of 1906 model. In 1918, *Rijksbestuurder* Sultanate Yogyakarta enacted a similar regulation as published in *Rijksblad* 1918 No. 23, and amended in *Rijksblad* 1925 No. 17. Meanwhile, the regulation for Pakualaman was published in *Rijksblad* 1918 No. 25.

According to Article 71 of *Regeringsreglement* 1854, the Dutch East Indies government only regulates villages in Java and Madura. However, a few years later the Dutch East Indies Government discovered administrative areas similar to Javanese villages outside Java and Madura. Consequently, the Dutch colonial government then drafted provisions, similar to *Inlandsche Gemeente Ordinantie* which concerns Java and Madura, to regulate the position of areas outside Java that were already somewhat advanced. Most regulations were published in *Staatblad* concerning Karesidenan Amboinan, West Sumatra, Tapanuli and Bengkulu. The regulations were published in different years.

Nevertheless, some of these regulations were still ambiguous because, on the one hand, the colonial government developed regulations adjusted to different local contexts. However, they also had weaknesses. One of these weaknesses was that they had a western perspective, according to Van Vollenhoven. By adhering to these ordinances, the Dutch East Indies government, sometimes by force, had shaped new areas that were given autonomy. The autonomy was given to communities that did not yet have legal status or to communities that previously had a legal status, but had lost it to the power of kings or a foreign power so they lost their autonomy. Such villages were located in autonomous areas in Java, Belitung and on private lands (Kartohadikoesoemo 1953:33-34).

The villages that were newly formed based on the *Inlandsche Gemeente-ordonantie* are found in East Sumatra, Kalimantan, Bangka, Belitung, South Sulawesi, autonomous locations in Java and former private land, i.e. land where its community in former times held a status as "autonomous administrative region". After regaining this status, it turned out that the regional government was able to adhere to new requirements properly. This can be explained by the fact that, despite not having responsibilities as an autonomous village for a long time, autonomy was passed down from generation to generation for centuries. Thus, these elements of autonomy are entrenched and rooted in the psyche of the villagers; it even became an integral part of their culture. Therefore, after autonomy was revived, so was their original soul (Kartohadikoesoemo, 1953).

The Dutch colonial government actually implemented regulations contrary to the provisions of the *Indische Staatsregeling*, article 128 paragraph 4. This stipulates that if the right to elect the head of the village and the right of autonomy as contained in paragraph (1) and (3) is not

conforming the villages customs or rights that have previously been granted, this authority should not be given. Nevertheless, the new regulations according to the *Inlandsche Gemeente-ordinance* were implemented successfully; the community had already embodied the spirit of autonomy and worked for the common good (Katrohadikoesoemo, 1953).

Having conducted research for fifteen years, the Dutch East Indies Government on January 23, 1941, announced the new *Desa-Ordonantie* bill to the *Volksraad*. This ordinance was enacted on August 2, 1941, and published in *staatblad* 1941 No. 356. The new village ordinance differed from the old *Ordonantie*, i.e. villages were given the freedom to develop according to their own capacity. To achieve this, villages were no longer constrained by various binding regulations. Based on this principle, the new ordinance differentiated between developed and underdeveloped villages. Developed villages were governed by a Village Council (*Desa-raad*). Meanwhile, for underdeveloped villages administration was prepared as before; carried out by a "Village Meeting", led by the village head and the assistant village head. Meanwhile, in the new village ordinance, the government limited interventions with binding regulations. The village government was even required to use more customary law. Unfortunately, at the fall of the Dutch Indies government, this village ordinance had not yet been implemented (Kartohadikoesoemo 1953).

The Social System in the Japanese Era

In the Japanese colonial era, provisions on villages were stipulated in *Osamu Seirei No. 7*, which was enacted on March 1, 1944. This provision stated that the *Kucoo* (village head) was appointed by election. Meanwhile, *Guncoo* was the council in charge of determining the date and terms of the election. The term of office for the *Kucoo* was 4 years. The *Kucoo* could be fired by the *Syuucookan* (Surianingratan, 1985:189-190 in Naskah Akademik RUU Desa 2007).

According to Suhartono, *et al.* (2001:49, in Naskah Akademik RUU Desa 2007), at the time of the Japanese occupation, village autonomy was restricted again; villages were even subject to very strict regulations. Villagers were mobilized for the war, into militia units, such as *heiho*, *kaibodan*, *seinnendan*, and others. The village head functioned as a supervisor over the people to grow crops that Japan required, such as Ricinus, rice and sugar cane. The village government at the time of the Japanese occupation consisted of nine officials, the district head, village secretary and five supervisors, the village police and an *Amir* (a leader for religious affairs).

The Social System in the Village Settling Phase 1945 - 1965

Decentralization and regional autonomy were an early focus of the Government of the Republic of Indonesia after independence and after the enactment of the Constitution. Chapter IV Article 18 concerning Regional Government states:

"The division of the territory of Indonesia into large and small regions shall be prescribed by law in consideration of and with due regard to the principles of deliberation in the government system and the hereditary rights of special territories". The explanation states that *"In the territory of Indonesia there are approximately 250 self-governing regions (zelfbesturende landschappen) and village communities (volksgemeenschappen), such as the "desa" (village) in Java and Bali, the "nagari" in Minangkabau, the "dusun" and "marga" in Palembang and other social-administrative units.*

After August 17th, 1945, the Central National Committee Work Board (BPKNP) issued announcement No. 2 which was enacted as Law No. 1/1945 concerning the status of villages and the power of the National Committee of Regions (KND) as a legislative body led by a regional head. According to Prof. Koentjoro Perbopranoto, this law can be regarded as the first regulation on decentralization in the Republic of Indonesia. It states that the village is the lowest level of autonomy as a community unit that is entitled to organize its own administration.

After various phases and changes then came the demands, the government formed State Committee for Decentralization and Regional Autonomy lead by R.P. Soeroso, based on Decree of the President (Kepres) No. 514/1960. The responsibilities of the committee were (Yando Zakaria, 2000 in Naskah Akademik RUU Desa, 2007):

1. Drafting an organic bill (RUU) on Autonomous Local Government in accordance with the ideals of Guided Democracy, in the framework of the Unitary State of the Republic of Indonesia (NKRI), comprising all progressive principles of Law No. 22/1948, Law No. 1/1957, Presidential Regulation 6/1959 (perfected), Presidential Regulation No.5/1960 (perfected), and Presidential Regulation No.2/1961.
2. Drafting a bill on the Principles of Village Government, this concerned to the right to organize its own government, to replace all rules and regulations from the colonial period on village government that still applied. The bill regulated issues concerning:
 - 1) The position of the village within the constitutional framework;
 - 2) The form and composition of village government;
 - 3) The duties, obligations, rights, and jurisdiction of the village government;
 - 4) The finances of the village government;
 - 5) Village government oversight;
 - 6) Possible development of existing agencies of village government that are part of the autonomous village government;
 - 7) And others.
3. Submitting explanatory proposals on:
 - 1) Delivery of central government affairs according to the character of, and in accordance with, the capability and capacity of the region handed over to the region, which was formerly according to the explanation of Law No. 1/1957 expected to be a task of a Board of Autonomy and Decentralization.
 - 2) The division of regions (divisions, separations, removal and new formations), the expansion of the boundaries of the municipal territory, the transfer of the regional capital.
 - 3) Control of the community organizations village unit and neighborhood unit.

After two years of work, the Suroso Committee successfully completed two bills, i.e. the Bill on the Principles of Local Government and the Bill on Village Townships. After a debate in the House of Representatives (DPRGR), on 1 September 1965, the DPRGR passed Law 18/1965 on the Principles of Local Government and Law No. 19/1965 on Village Townships. Unfortunately, Law No.19/1965 was not enacted in many regions because it was annulled by the enactment of Law No.6/1969. Since Law No.18/1965 and Law No.19/1965 were in effect, third tier government regions and villages did not materialize. Informally, village government was organized again based on the Dutch colonial regulations IGO and IGOB.

The Social System in the New Order

New Order government gave much less priority to the issue of decentralization of local government/villages than to political consolidation and development. In 1969, the government

passed Law No. 6/1969, which was intended to nullify the previous Law. Five years later, the government enacted Law No. 5/1974 on The Principles of Regional Government Administration, which consisted of bureaucracy, authoritarianism, centralization, and development. It did not contain policies of decentralization aimed at strengthening local autonomy or shaping local government. Instead, it strengthened the position of the central government at the regional level (the local state government). This can be seen from the strong deconcentration scheme (administrative decentralization) compared to devolution (political decentralization) in Law No. 5/1974.

The issue of the village as third tier government regions that once surfaced in the 1950s was not accommodated by the New Order. The government instead enacted Law No. 5/1979 on Village Government, which truly reflected the centralization and regimentation of Law No. 5/1974 and the Law on Political Parties. Law No. 5/1979 regulated a uniform format for village administration. It stipulates that:

1. "The *dusun* (hamlet) is the part of the village which is the implementing environment of village government" (Article 1c Village Government Law No. 5 of 1979).
2. "In the territory of the village hamlets are formed or referred to by other names that are tailored to the origin, customs, and social and cultural value of the village" (Article 8, paragraph 4 of Villages Law No. 6 of 2014).

The provisions above show that the hamlet is part of the village and carries out the village administration.

Many considered the early provisions, including this uniform interpretation of villages in Law No. 5/1979, to be a form *Javanization* or the application of the Javanese village model on units of indigenous people outside Java. This law no longer recognized *nagari*, *huta*, *sosor*, *marga*, *negeri*, *binua*, *lembang*, and *parangiu*, villages that were common outside Java. The regulations in Law No. 5/1979 forced villages and the legal community units to be uniform. Social associations that were not in accordance with the type of village in the law were forced to change, for instance through village regrouping. This resulted in them being no longer to be called a village. The implementation of Law No. 5/1979 negatively affected communities, particularly indigenous communities outside Java and Madura. Local governments outside Java were forced to be in opposition with the indigenous communities because they had to eliminate the legal community unit (*rechtsgemeenschap*) that did not use the word *desa*, such as *nagari* in Minangkabau; *dusun* and *marga* in Palembang; *gampong* in Aceh; *huta*, *sosor* and *lumban* in Mandailing; *kuta* in Karo; *binua* in West Kalimantan; *negeri* in North Sulawesi and Maluku, *kampung* in Kalimantan, Central Sulawesi, and South Sulawesi, *yo* in Sentani Irian Jaya, and others. Legal community units that were made a *desa* were required to have a government to exercise the authority, rights, and obligations of the village as well as implement village government, as stipulated in Law No. 5/1979. Legal community units were as not only a formality and the nomenclature renamed *desa* but had to immediately fulfill all the operational conditions as stipulated by Law No.5/1979. By *nagari*, *dusun*, *marga*, *gampong*, *huta*, *sosor*, *lumban*, *binua*, *lembang*, *kampung*, *paraingu*, *temukung* and *yo* becoming *desa* under Law 5/1979, these villages only had the right to carry out the administration of their village instead of "managing and regulating their own household". In other words, the villages were no longer autonomous. Consequently, they were no more than a twig forced to grow in fields of development planned by the New Order regime. With the name change from *nagari*, *dusun*, *marga*, *gampong*, *huta*, *sosor*, *lumban*, *binua*, *lembang*, *kampung*, *paraingu*, *temukung* and *yo* into *desa* based on Law No. 5/1979 these villages only had the right to carry out the administration of their village, but not had the right to "manage and regulate their own household"; they were no longer autonomous.

In Law No. 5/1979, the village head is not a community village leader, but only an extension of the supra-village government, which is used to control the population and the territory of villages. Law No. 5/1979 stipulates that the village head be elected by the people through direct democracy. The provisions for village head elections are an aspect of (electoral) democracy in the village. In an era when the president, governors, and regents were appointed in an oligarchic way by the parliament, the village head was chosen directly by the people. This was such privilege for villages it is often referred to as a stronghold of democracy at the grassroots level. However, empirically, the practice of village head election (*Pilkades*) did not fully reflect the will of the people. These elections were loaded with manipulation and government control of the supra-village including political and administrative requirements. In his study on villages in Pati, Hüsken (2001) demonstrated that the elections were always marked by intimidations, the manipulation of results and tightly controlled by the state. For Hüsken, what stood out from these elections are a political process to resolve local power relations, rather than an arena of people sovereignty. The imperfection of village democracy is not only visible in the election of village heads, but also on the position of the village head. Law No. 5/1979 crowned the village head as a "single master" in the village. However, as an extension of the state's bureaucracy.

Law No. 5/1979, in theory, also recognized the division of power in the village. Article 3 states that the Village Government consists of the Village Head and the Village Deliberation Council (LDM). The LDM is a council of deliberative consensus and its membership comprises the heads of hamlets, heads of community organizations and community leaders (Article 17). Despite this division of power, the Village Deliberation Council has no meaningful legislative power. It is not a representative forum or arena of checks and balances against the village head. Moreover, the village head, because of his position (*ex officio*), is the chairman of the Village Deliberation Council (Article 17, paragraph 2).

The village head is the sole ruler in his village, but he is only an extension of the supra-village. He has is submissive and accountable to the supra-village. According to Law No. 5/1979, the village head is appointed and discharged by the Regent/Mayor of Regional Level II on behalf of the Governor of the Province/Regional Level I (Articles 6 and 9) for a term of 8 years and can be re-elected for the next term of office (Article 7). The head of the village exercises the rights, authorities, and obligations as leader of the village government, i.e. conducting its own administration and as the primary manager and authority in the field of government, development and social affairs in relation to the implementation of government affairs of the village. General government affairs include public peace and order in accordance with existing legislation. Further, the task of the village head is also to develop a spirit of mutual aid in the community as a major joint exercise of the village government. In carrying out the rights, authority and obligations of the leader of the village government, the head of the village is accountable to the officials of the subdistrict; and reports to the Village Deliberation Council.

Early Form of Village Government (Ancient Java) in Indonesia

From the time of ancient Java, *sima*, *swatantra* or *perdikan* villages are the origins of a social system in which villages have the autonomy to organize themselves. This system has developed differently per region. The villages applied a democratic system based on the belief in God. The village head and the assistant village head were part of the Village Meeting, the highest authority in the village. Decisions were always made unanimously; villages did not use majority vote. This system made it is impossible for the village head to deviate from the verdict of the Village Meeting. This is the nature of consensus-based government in village communities (Kartohadikoesoemo, 1953).

As mentioned before, during the British reign under the leadership of Raffles, the government conducted a research on village governance in all residencies. The outcomes on the nature of village governance impressed all employees of the British government. It showed how the Javanese, in general, were able to live in prosperity, despite the oppression and extortion that the village head had to deal with. In his letter "*Substance of a Minute*", Raffles highly praised the structure of village government in Java. On that basis, Raffles issued regulations that provided a legal basis for local laws and for a government (Kartohadikoesoemo, 1953). Article 14 of this *Revenue-Instruction* mentions the following:

"Thus the head of the village (whether he is known as bekel, lurah koewoe, mandoor, or other according to customs) is entrusted with the duty to look after matters involving the income of the village, and other duties which he can fulfill better than anyone else, based on his personal influence and understanding of the special circumstances of the inhabitants in the village."

The village head was placed under the command of the "*districtshoofd*", the regional head with the function title *demang*, which was later changed into *wedono*. The regional head of village coordination, who had the function title of *penatus*, was later renamed assistant *wedana* and his area was named *onder-district*. In its original form, this coordination area was similar to *montjopat* or *montjo-limo* villages. The head of this area was often referred to as *penatus*, *lurah*, *gelondong*, and others (Kartohadikoesoemo, 1953).

Perdikan Villages

The *perdikan* village was classified into three types, i.e. *mijen*, *pakuncen* and *keputihan*. *Mijen* villages were not given land, but some people or families were appointed by the authorities to manage the land and to surrender most of the produce to the landowner. Residents of *mijen* villages were not exempt from taxes and duties of the kingdom but had to maintain sacred buildings. *Keputihan* villages were bound to tasks such as managing religious education like boarding schools. *Keputihan* villages were exempt from paying taxes (Suhadi, Machi. "Status Tanah/ Desa Perdikan di Jawa: Suatu Catatan dari Sumber Prasasti Kuno". *Majalah Analisis Kebudayaan*, Tahun II, Nomor 1, 1981/1982, p.137-143. Published by the Ministry of Education and Culture).

The king usually gave privileges (1) for promoting religion; (2) for maintaining the tombs of kings or other dignified people who were considered sacred; (3) for maintaining the hermitage locations, boarding schools, places of worship, and mosques (at the time of Islamic kingdoms); and (4) to reward people or villages that contributed to the king. (Kartohadikoesoema, 1984).

The name "*perdikan*" is derived from the word "*merdika*" from Sanskrit "*maharddhika*", meaning free, i.e. independent of the self, one who could master himself, who achieved "oneness" with their creator. In Java, the number of *perdikan* villages is quite large. According to F. Fokkens in *Tijdschrift Bataviaasch Genootschap XXXI*, there were 170 *perdikan* villages and 12 hamlets in Java; 10 villages in Semarang, 1 village in Rembang, 4 villages in Surabaya, 19 villages and 13 hamlets in Madura, 41 villages in Banyumas, 70 villages in Kedu, 19 villages in Madiun and 6 villages in Kediri (Figure 1). *Bijblad* described the privileges of these villages, i.e. 142 villages and hamlets were fully exempt from paying land tax and the others partly. Except for 17 villages, all villages were exempt from paying income tax. Only five villages were subject to head tax and 21 villages were subject to a slaughtering tax. Meanwhile, five

villages were not exempt from compulsory labor. There were no *perdikan* villages in West Java except in Tasikmalaya, which was a *perdikan* village directly under the King of Mataram (Kartohadikoesoemo, 1953).

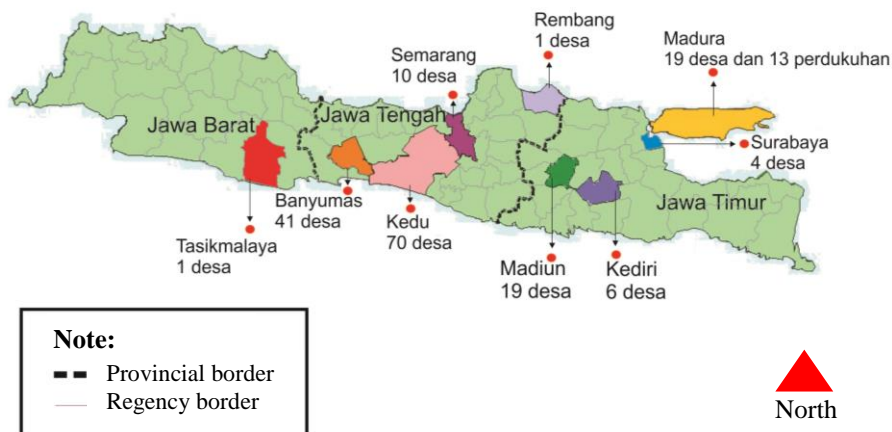


Figure 1. Distribution of Perdikan Villages in Java

Early Village Government in Indonesia

In general, village government throughout Indonesia, in ancient times, according to the customary law was "*collegiaal*". The power of government and matters concerning the interests of village communities was in the hands of all villagers, i.e. collected in a legal entity called the "Village Meetings." Usually, this legal entity had more power than the village head, except when the village was governed by a village head with a long and good work history who had a long and good life; a man of authority, respected and followed by the whole village community (Kartohadikoesoemo 1953).

Village Head

The village head together with the assistant village head play an important role of running the village government. Thus, the village government is "*collegiaal*"; they share the authority to execute the customary law. The authority of the village head is the legal entity called Village Meeting, except when the village head has a long and work history with good performance so he has great authority and is respected by the village community.

Village Government

The village government has a *collegiaal* form, thus customs determine who will be the leader. According to Indonesian laws regulating the village administration (*staatblad* 1906 no. 83 jo. *Bijblad* 6576), villagers are entitled to elect the village head and have the following rights (Kartohadikoesoemo 1953):

1. To be heard by the village head if he has to make a decision on important village affairs;
2. To be asked for consensus when a village representative is appointed, in case of suspicion whether the village head is still capable of competent and able to uphold the interests of the village;

3. To be asked for consensus on proposals (of the village head) regarding borrowing money for and on behalf of the village; making agreements about selling land, giving away land, giving land in control or to be used which was originally obtained from other parties; or agreements related to other village wealth to pay off debts; bringing cases to a judge, or accepting a judge's ruling;
4. To be asked permission to give away village land to the state, to rent and lend village land to the Indonesian nation; or to rent or lend the village's wealth other than land;
5. To ask for regulations to be drawn up on the distribution of work in the village.

The village is a legal entity (*rechtspersoon*) in an abstract meaning, based on the sovereignty of the people (*volks-sovereiniteit*) and has the right to determine its size, manage its administration, and is entitled to have property and its own financial resources including the right over land with its water, mountains, and canyons.

Village Meeting

The Village Meeting is the highest authority in the village. It is an assembly that, according to customary law, is usually composed of various segments of the population that are entitled to attend and vote at the Village Meeting, consisting of:

1. The village head, as chairman;
2. The village elders, the committee, members of the Morokaki Council
3. The assistant village head
4. Villagers with high status
5. The former village head who resigned with honor
6. Important people (clerics, religious teacher)

The Village Meeting has three functions, i.e.:

1. Advisory Council for the village head, civil servants and other government agencies, such as in the field of forestry, irrigation, police, health, and others.
2. Legislative council authorized to ratify legislation, village budget and so forth.
3. Give approval to the village head in taking decisions.

Village Residents

Village residents are divided into four levels, i.e.:

1. The highest level includes descendants of the founders of the village. They own the best agricultural lands in the center of the village.
2. The second level consists of villagers who arrived later and cleared land further away from the village center.
3. The third level comprises villagers who have a house on other people's land.
4. The lowest level is those who live in other people's house.

Morokaki Council

The Morokaki Council consists of full members of the villages, i.e. those who own a house with a yard and agricultural land (paddy fields). They have full rights and obligations. When they are elderly and no longer strong enough to work, they voluntarily relinquish their rights and obligations by giving up all land to their heirs, if they are still alive. Whoever voluntarily relinquishes his position in the highest ranked group will enter the *pini-tua* class in the village named *morokaki*, *merkaki*, *pontjokaki*, *tuwo-tuwo*, *pinituwo*, *tuwo-desadan*, and so forth.

Although the head of the village has the sole power and responsibility for the village government, he always asks the Morokaki Council for its considerations. Since ancient times, the Morokaki Council is also responsible for village justice, especially in disputes about land rights, infringements of land regulations and the distribution of irrigation water. The members of the Morokaki Council once had the authority to measure the land and ratify regulations on the distribution of irrigation water. Therefore, they are considered experts on the matter. In addition, because they no longer have any interest in matters of land and irrigation, the village community considers them most capable of upholding justice (Kartohadikoesoemo, 1953).

Conclusion

Desa, dusun, gampong, meunasah, nagari and others are names referring to a collection of houses and gardens that form a unity for living, supported by paddy fields, swidden, plantations, and other cultivated land to sustain family life and the community as a village unit. Villages were originally built by one family called the founder (*primus inter pares*). They grew and developed until problems arose that required regulations and leadership to ensure justice, order, security, comfort, and peace. Therefore, the division of labor among villagers was developed which led to social stratification. With this division of labor, the villagers had an easier life performing agriculture, cultivation, cattle breeding, and fishing to support life and manage the environment.

In line with different requirements for development in accordance with the local natural and geographic potential, villages with a wide range of functions emerged, e.g. agriculture, fishery/ponds, plantations, trade/commerce, resting villages, and others. Due to subsequent growth and developments, villages required a leader who was able to ensure the continuity of the communal life. The competition for leadership led to the emergence of royal government. Nevertheless, the villages remained firm in their traditions and egalitarian social system, which involved a reciprocal system of mutual cooperation and assistance, managed by the associations in charge of the affairs of the village (Suhartono, 2000). Thus, village life in the past was already familiar with a civil society like today, which is voluntarily and provides empowerment services.

The village as a social system is a cultural manifestation; it is the result of the union between individuals. To maintain this union, the villagers agreed to form a village government system. During the formative stage of the villages, there was no divide between authorities on the one hand and government subjects on the other in the village government system. Those who govern are also governed and those who are governed govern as well. A more democratic system than this is impossible. This situation is only possible if community life is based on the belief in God Almighty.

A designation as *perdikan* or *sima* village meant that these regions were no longer under the law of the kingdom. They were independent regions, with the right to organize their local government, financed with their own income. The rights of *sima* villages were protected by the kingdom in the form of religious and legal sanctions.

In the early days, villages also had networks of cooperation between nearby villages to arrange and organize mutual interests and help one another when a disaster or major crime happened. One of the heads of the united villages would be appointed as village *montjo-pat* or *montjo-limo*. This only occurred if the villages had "trust" in mutually beneficial cooperation.

The application of values of solidarity and ethics of mutual respect has been practiced from generation to generation. These values have been preserved through the traditions and culture of village communities, facilitating the inheritance of values over generations. The cultural values that remain and influence the behavior of village communities have become more powerful since they are protected by the Morokaki Council. This is an institution of customary law that is made up of experts with proven experience in the history of the village, who have high integrity, who are willing to dedicate themselves to the greater good of the village, and who no longer have interests in matters of land and business in the village. Thus, they are capable able of making fair decisions.

The final conclusion of this study is that villages in the early days used to have a superior social system. This is supported by the research of Raffles, which discovered how the people of Java, in general, in the face of oppression and extortion, were able to prosper the way they did. In "*substance of a minute*," Raffles highly praised the village government system in Java at the time.

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