# Grassroot Political Participation

A Case of Desa Mancong, East Kalimantan \*

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## Abstrak

Undang-undang Pemerintahan Desa No. 5/1979 (UUPD) memisahkan pemerintahan desa dari struktur adat. Dalam pemerintahan desa baru ini keputusan politis, yakni keputusan untuk kepentingan masyarakat desa, menjadi wewenang penuh pemerintah desa melalui forum LMD. Di sini institusi adat dengan sengaja dipisahkan dari pemerintahan desa, sehingga adat tidak lagi mempunyai peran politis dalam kehidupan masyarakat desa. Karena pemerintahan desa baru tidak memberi wewenang kontrol oleh masyarakat terhadap kepala desa dan aparat desa, dan keputusan-keputusan desa menjadi wewenang ekslusif pemerintah desa, maka partisipasi masyarakat dalam pembangunan menjadi minimal. Sukses pembangunan tergantung pada dukungan dana dari pemerintah, dan ketergantungan pada pemerintah menjadi semakin besar. Untuk memulihkan tanggung jawab masyarakat desa dan meningkatkan partisipasi mereka, diperlukan perombakan struktur pemerintahan desa dengan tekanan pada mekanisme kontrol oleh masyarakat dan keterlibatan yang lebih besar oleh masyarakat dalam pengambilan keputusan publik tingkat desa.

uring the kingdom of Kutai Kertanegara Ing Martapura (1605-1942)
adat of the ethnic groupings of East
Kalimantan under the authority of
the king-dom was regulated by Undangundang Panji Selaten, the kingdom's
constitution. Under the constitution, adat
was not changed, except that adat leaders
were given noble titles. During the colonial

period villages of the outer islands (that is, other than in Java and Madura) were governed under the ordinance for the indigenous peoples of the outer islands called **IGOB** (Inlandsche Gemeente Ordonantie Buitengewesten). Here, adat was not forced to change. After independence adat has been systematically forced to change. The status of adat is regulated in the Constitution of 1945 and some laws. One of these laws is the Village Government Law (VGL) known as Undang-undang No. 5 Tahun 1979 tentang Pokok-pokok Pemerintahan Desa (UUPD).

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<sup>&</sup>lt;sup>1</sup>Muhammad Asli Amin, "Pertumbuhan Kerajaan Kutai Kertanegara Ing Martapura." In *Dari* 

This paper particularly discusses the position of adat and its implication on grassroot political participation since the implementation of the VGL. This discussion is based on the data gathered during my field-work from October 1996 to February 1997.

## The Setting

Mancong is a village of a Dayak ethnic grouping. Dayak is not a generic name of a tribe or an ethnic group. This name refers to hundreds of ethnolinguistic groups of the Island of Kalimantan or Borneo, including those who live in Sarawak and Sabah of Malaysia (Nothern Borneo). These indigenous groups include among others Kenyah, Iban, Bahau, Kayan, Modang, Basap, Tonyoy, Punan, Kenayatn, Selako, Ot Danum, Taboyan, Lawangan, and Benuaq.

In general the Dayaks live in the interior of the island, so that they are usually referred to as masyarakat terasing (isolated communities or tribal peoples). In fact, however, not all the Dayaks are intact. Thus, the term masyarakat terasing is not totally appropriate. According to King (1993) the name Dayak specially refers to the nonmoslem and non-Malay societies of Borneo. Yet this is not totally correct, since recently many Dayak people who have been converted into Islam still maintain their Dayakness and be proud as Dayaks. This is different from some 20 years ago, when many moslem Dayaks were reluctant to be called Dayak.

Benuaq people, one of these ethnic groupings, inhabit a large area of Kutai Regency in East Kalimantan Province. This area is adjacent to the South and Central Kalimantan in the southern side of

Mahakam river. This area comprises at least 20 villages or hamlets. Benuaq belongs to the Lawangan group of Central Kalimantan. This is why there are many similarities in sounds and words as well as cultural traits between the Benuaq and the Lawangan. Most of the people are shifting cultivators (practicing dry farming) or *berladang* in local term. Yet recently many of them have migrated to the cities and pursued higher education and better jobs in private and public sectors.

The area has become more accessible, both through roads and waterways, although roads are not highly accessible. Since this area is no longer isolated and since a lot of natural resources found, many migrants have come to this area. This indeed is why this ethnic grouping is not isolated at all. It is hardly possible to find a community with totally homogenous ethnicity.

Desa Mancong, one of the Benuaq villages, is located in the Subdistrict of Jempang, Kutai Regency. This old village (some 150 years) is relatively easy to access. Located along Ohong river it can be reached through waterways and roads from Samarinda (more or less 100 miles from Samarinda). The majority of the population is Benuaq with few Banjar, Kutai and other ethnic groups. Most of them are Christian (mostly Catholic). The second largest religious group is the so-called aboriginal religion. The third group is moslems.

Most of the villagers are shifting cultivators. Recently, however, many villagers worked in an oil-palm plantation nearby. Some villagers run small variety stores. And some more practicing traditional weaving and carving. This village is a tourist destination, so that interaction with outsiders has become more and more frequent.

Villagers' socio-economic is status relatively better. Yet formal achievement in education is generally low, even though the first elementary school has been established in 1935. As this village is a tourist destination, and specially since it was integrated in the program of Pusat Pengembangan Pedesaan Tanjung Isuy Tahun 1990-2010 or Tanjung Isuy Village Center Development Plan of 1990-2010, this village has become a central focus of development of the Kutai regency. Therefore, roads, bridges, electricity installation, potable water facilities, and other facilities and utilities have been constructed in the village.

# The Village Government

new village government Indonesia, whose prototype is the traditional village government system in Java, has two components: village headman and Village Council. Village headman (kepala desa or kades) is the village authority assisted by village secretary (sekretaris desa or sekdes). Under the secretary are affairs officers (kepala urusan or kaur). Desa Mancong has three affairs: government affairs, development affairs, and economic affairs/treasury. Village Council (formally Lembaga Musyawarah Desa or LMD) is a council tasked to help the village headman. Its members are influential persons (pemuka masyarakat) of the village. These are adat leaders and staffs of Adat Council, hamlet of heads (kepala dusun). leaders neighborhood associations (the Tetangga or RT leaders), and others. The village headman is ex-officio the chairman of LMD, and the village secretary is exofficio the secretary of the LMD. The main function of LMD is as a deliberative board

assisting village headman in making decisions.

As LMD is simply an assistant of the village headman, then LMD has no authority to control the headman and the headman is not responsible to the LMD. The village headman is responsible to the regent, since he is appointed by the regent. The secretary of Desa Mancong has analogized LMD with the MPR or the state People's Consultative Assembly. However, unlike the relationship between the MPR and the president, the village headman is not responsible to the LMD.

In this structure, the village headman holds the highest authority. Village power structure is very pyramidal. There is no control mechanism from the grassroots. Since the village headman is the extension of the government bureaucracy, he is an extension of the government control over the people at the grassroot level (village community). The absence of this mechanism of control is very evident in the case of village subsidy or *bantuan desa* (*Bandes*). Even though the villagers suspected the headman as being corrupted, they could not formally prove the allegation.

In order to strengthen the role of the village headman and to make village development more dynamic, the government has established some extra-governmental organizations. Extra-governmental organization is an organization established and run or supported by the government, yet does not belong to the formal village government system as regulated by the VGL. LKMD (Lembaga Ketahanan Masyarakat Desa) or village resilience organization, set up based on Presidential Decision Number 28/1980, is one of the village level extra-governmental organizations (others are Hansip or civil defense, PKK or Family Welfare Education, and Babinsa or military adviser). LKMD aims as a forum of community participation in development and to upgrade government service. Village headman, by virtue of his office, is the general chairman of the LKMD. In Desa Mancong LKMD does not function well. The chairman I of the LKMD admitted that it was due to his incapability to run his tasks. However, it is evident that this was also due to a misunderstanding or confusion regarding the role of LKMD and LMD. Villagers refer to the members of the two organizations simply as pengurus, which is quite ambivalent: members of LMD, LKMD, or Adat Council?

## **Adat in the Village Government**

In order to understand the position of adat in the village government, it is worthy to describe its position in the traditional village government (historical overview), its formal position and its actual position.

#### **Adat in the Past**

This historical overview is to explain the change from the old village government system to the current system. In this case a distinction between two terms is considered important: institution and organization. "Institution" implies a standardized behavior and activities related to a set of norms and role which are interdependent and apply to a relatively large society (Seymour-Smith 1986). "Organization" refers to achieving certain goals. Mulawarman University, for instance can be considered as an institution and its Center for Social Forestry is an organization.

In the past — particularly before the independence — villages of Benuaq ethnic

grouping were managed and governed under the institution of adat. Village leaders, which are now called kepala desa (or kepala kampung or petinggi) were called mantiq. As the highest leader, a mantiq was assisted penggapit-penggawa. And manokng, respectively pengerak, and penggadikng, which functioned community motivators and mediators between the mantig and common villagers. Below these was tuhaq pokatn, that is, family or kinship leader. At the bottom level was common villagers (senarikng ramaq).

Mantig means nobleman or nobility. However, it is not in the full sense of the word. Nobility in its full sense is characterized by hereditary leadership, based on significant access to land (Seymour-Smith 1986), with large gap between him and common people. Only hereditary leadership fits the condition of traditional Benuaq leadership system. Therefore, a mantiq, is better called a hereditary leader rather than nobleman.

A mantiq was usually powerful and influential. Common people paid tribute to him in forms of agricultural products (rice and fruits) and worked for him in his farm (*umaq*). People also had to ask (or at least inform) him before performing rituals, both curing rituals (*beliatn*) and death rituals (*parabm api, kenyau, kewangkai*). On the other hand, a mantiq was customarily obliged to protect his people.

This describes that Benuaq society in the past was stratified and the stratification was based on ascribed status. To some extent, however, this stratification was supported by socio-economic status (SES) of the mantiq or the "nobility". A mantiq was usually rich; not in current parameter, but in the sense that he had a *lou* (long house) and *babatn*-

retaq (properties) such as jars, gongs, and ripatn (slaves). Common people were principally allowed to rise into the "nobility" circle. When a common girl married a noble man, she automatically entered the circle and was called bawe ayakng.

Decisions concerning public affairs were made by the mantiq. subordinates and common villagers were simply implementors. Yet they followed him unconditionally. That is why coordination and mobilization were generally successful. The tradition of mutual help (gotong royong or pelo jerab) was very strong.2 However, it is difficult to identify whether such mutual help was based on the mantiq's charisma or on the adat itself. In fact a mantiq was called pemangkuq adat or the vanguard of adat and people's observance toward adat means loyalty to the adat leader. This indicates that in Benuaq communities of the past the tradition of mutual help was not necessarily dependent on democracy.

What is *adat*? What is its function? Following the previous definition, adat is an institution in its original system. In this case, the function of an adat leader (village leader) is to control, manage, and govern the

<sup>2</sup>Why in traditional communities cooperation is usually effective and people follow the norms unconditionally? This problem has been discussed since the onset of this century. Hartland says that the traditional communities (which he called savagery) follow a natural and spontaneous impulses through a mental inertia and forced by a fear of public opinion and supernatural punishment. Rivers relates the loyalty to primitive communism. While Malinowsky says that the binding force is natural mental trend of self-interest, ambition and vanity, determined by a specific social mechanism as an obligatory framework (See Malinowski 1926).

community by using a set of norms which are acceptable or desirable to the whole community. These unpromulgated norms are usually referred to as *hukum adat* or customary law. An adat leader or mantiq held a thorough function within a local community.

A taxonomy of adat may give an information about the importance of adat and the extent of the role of an adat leader in the past. Adat comprises the following aspects:

- 1. Adat *banaq sawaq* (marriage, divorce).
- 2. Adat *mesusuq beranak* (child birth and bearing).
- 3. Adat *lou layatn* (family life; living in long house).
- 4. Adat *lati tana* (land ownership and land related affairs).
- 5. Adat *warih sebai ewai* (property inherritance).
- 6. Adat *mate magah* (death rituals).
- 7. Adat *beliatn jerungan* (curing rituals, prevention of calamity and sickness).
- 8. Adat *laku perangai* (norms, etiquette, and morals in public domain).
- 9. Adat *jangan petenah* (penal law, punishment of criminals).
- 10. Adat *besara besagih* (conflict resolution).<sup>3</sup>

It is clear that in the traditional Benuaq communities adat functioned well as a system of norms and rules in public life.

## **Formal Position of Adat**

Current position of adat in Benuaq community depends on several factors, particularly on formal regulations. Laws and regulations that have direct implications on adat will be pointed out below. These are:

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<sup>&</sup>lt;sup>3</sup> See LBB Puti Jaji. Laporan Lokakarya Penguatan Adat Dayak Benuaq/LBBPJ /1996.

The Constitution of 1945, Basic Agrarian Law, Village Government Law, Interior Minister Regulation Number 11/1984, and Interior Minister Instruction Number 17/1989.<sup>4</sup>

The Constitution of 1945 maintains an open-ended recognition of adat. This open-endedness is open to different interpretation. Article 18 of the constitution mentions that the division of the Indonesia's territory into big and small regions will consider the traditional rights of special regions (BP7 1991).

This recognition is called open-ended since what is called traditional rights or *hak* asal-usul are subject to different interpretations. The official explanation to the article tries to make it clearer by explaining that,

In Indonesia's territory there are more or less 250 *zelfbesturendelandschappens* and *volksgemeen-schappens*, such as *desa* in Java and Bali, *negeri* [*nagari*] in Minangkabau, *dusun* and *marga* in Palembang, and so on. These regions have their traditional structures, and therefore, can be considered as special regions (BP7 1991).

It is further stated that "The state Republic of Indonesia recognizes the status of these special regions and every government regulation concerning these regions will consider their traditional rights (BP7 1991)."

<sup>4</sup> On 14 February 1997 the Interior Minister issued the Interior Minister Regulation Number 3/1997 as a revision to the Interior Minister Regulation Number 11/1984. Considering that the new regulation has no effect to the community yet, this article will not discuss the regulation.

Yet in this explanation the government recognition of adat is still open-ended. This is understandable since, in such a large country and diverse societies, a specific regulation hardly accommodate specific interests of particular societies or groups. Specific regulations tend to be discriminative. Yet this article of the constitution can be considered as a good basis for the existence or development of indigenous cultures and traditions.

The open-ended recognition of adat by the constitution is specified in the Basic Agrarian Law (BAL) of 1960 and in the VGL. The BAL mentions that land, water, and space are controlled by the government. Article 2 and article 3 mention that the state's rights to control land, water, and space can be given to a community which still practice customary laws, that is the masyarakat hukum adat, as far as it is required and do not contradict the national interests. In the official explanation of the BAL the traditional right to control the land is called hak ulayat, which is basically different from hak adat. Both hak ulayat and hak adat can be simply called hak adat. Yet the hak ulayat, which is derived from the Minangkabau land ownership system, refers to communal ownership, while hak adat refers to every land ownership based on adat. In other words, hak adat is not necessarily communal. The explanation of the BAL explicitly asserts that the law simply recognizes the hak ulayat.<sup>5</sup> This means that in a community where the hak ulayat does not exist, there is no recognition

<sup>&</sup>lt;sup>5</sup>The source of the BAL and its explanation: Boedi Harsono, *Hukum Agraria Indonesia: Himpunan Peraturan-peraturan Hukum Tanah.* Jakarta: Penerbit Jambatan, 1992.

of the traditional land ownership. This is not a serious recognition of the existence of adat and is still open-ended, that is, as long as it does not contradict the national interest. While the term national interest is subject to different interpretations (even though only the government explanation is considered valid).

The Village Government Law of 1979 (VGL) recognizes the existence of adat. The official explanation to Article 2 says that the formation, breaking-up, grouping, and deletion of a *desa* (village) is regulated in the Interior Minister regulations and have to consider human factor/population number, natural factors, geographical factors, and socio-cultural factors including *adat istiadat* (customs). The general part of the official explanation to the VGL asserts that,

This law still recognizes the existence of a community including a legal community, adat istiadat [customs], and habits that still exist, and as far as they are supportive to development and national resilience.

Thus, in the VGL adat is also recognized conditionally, that is, as far as it still exists and apply in the community, as well as does not contradict the national interests. Here the VGL affirms and maintains the spirit of the Constitution of 1945 and the BAL. The VGL, which introduces the new village government system, in fact does not apply the old village government system based on adat. Consequently, adat has been systematically changed.

Technically and formally adat is regulated in the Interior Minister Regulation No. 11/1984 (hereafter called *Permendagri*) and the Interior Minister Instruction No. 17/1989 (called *Irmendagri*). The Permendagri states that the government is

authorized to regulate and develop adat (article 4), and for this reason regional governments (governors and regents) are allowed and encouraged to make a regulation on adat. In the Irmendagri the governnors and regents are instructed to make such a regulation. They are authorized in the following aspects: (1) making inventory of the adat organizations and regulating their status, role and functions; (2) making a regulation on the naming and structuring of the adat organizations; (3) making an inventory and regulation of the financial source of the adat organizations; (4) making regulations on how to guide and develop the adat organizations; and (5) strengthening the roles and functions of the adat organizations based on the goals and objectives that have been determined beforehand by the government.

Although I was not able to collect local government regulations on adat, I was able to collect meaningful data on the actual position of adat in Kutai Regency. In Kutai Regency the institution of adat has been changed in forms, names, and functions. It seems that the local government has done its functions well, that is, as adat developer and guide as it is suggested or instructed by the Permendagri and the Irmendagri.

The changes include the following aspects. Firstly, the government introduces the terms *kepala adat* (adat leader) and *kepala adat besar* (great adat leader). An adat leader usually has an authority over a given village, while a great adat leader over some villages/subdistrict. A great adat leader is given a noble title.

Secondly, an adat leader is elected as well as appointed. Villagers vote for their adat leader. But his legitimation is given by the government (the regent). A great adat

leader is appointed by the regent. This means that the position of an adat leader and a great adat leader is dependent on the regent. They get monthly allowance from the government. This position makes the adat leader is formally more responsible to the government rather than to the community, and even less responsible to the adat itself.

This procedure reveals that an adat leader has two sources of authority. The first is the local community, that is through election. However, this authority is not a traditional authority in Weber's term, since election has no basis in the tradition of the local community. Secondly, community support through election cannot ensure that a man will become an adat leader, since the final decision depends on the regent. Thus, an adat leader get a legal-rational (in Weber's term) authority through appointment.

Thirdly, in accordance with the new village government system, the position of adat leaders or mantiq is separated from village headman. An adat leader (mantig) is a chair of a Dewan Adat (Adat Council) formed by the government. The Adat Council adopts new organizational structure with a composition as such: chairperson, vice chairperson, secretary, treasurer, and (if necessary) assistants of adat leader. Chairperson and staffs of the Adat Council are usually (at least in Mancong) appointed as members of the LMD. Therefore, the Adat council is subordinated under the village headman. Furthermore, in the LMD the chairperson and his staffs do not represent adat or the community as a whole, but simply individually (cf., Jatiman 1995).

## **Actual Position of Adat: Depolitization**

The position of adat can be traced through its structural (systemic) aspect and its actual (action) aspect. The structural position of adat has been pointed out previously, that is, in the explanation of the formal position of adat. Actual position regarding the real role of adat in a community life will be discussed below in the contexts of decision-making process concerning public affairs.

Formally, public decisions are made in LMD, which must hold a meeting at least once a year. The meeting should be attended by an official from the subdistrict. Common villagers are allowed to attend the meeting, but are prohibited to speak or to utter their opinions. Only LMD members are allowed or authorized to make decisions for the village.

Decisions made in the LMD are not final decisions/legitimation, since such decisions are dependent on the village headman, who has to make it into *keputusan desa* (village decision). Village decision is defined as a decision made by village headman and has been approved by the regent. This definition clearly shows that final legitimation of a decision is in the hands of the regent. In other words, the function of LMD is merely deliberative or consultative. Nonetheless, the village headman still holds a very important role, and in this procedure he is principally allowed to ignore the decision made by the LMD.

The village decision can only be implemented if the village headman states as such in a *keputusan kepala desa* (village headman decision), that is, a decision made by the village headman concerning the execution of a decision, and the policy of the village headman concerning government and development.

Decisions concerning public affairs can be made in LKMD. Yet these decisions have no legitimation. Important decision regarding village life must be made in LMD. Therefore, decisions made by LKMD are simply proposals.

The formal decision-making procedure gives no space to the role of adat. This is evident since in the new village government system adat is separated from village government. Hence adat has no political role. Adat has no authority to make decisions concerning public affairs, except in certain cases authorized to it. There occurred a process of depolitization of adat and its role has been reduced.

Ngangki (also known as Kakah Repan), adat leader of Desa Mancong, told that current function and role of adat merely include the following sectors: (1) mencawaq-beranak including marriage (banag-sawag), divorce (mentuarmentabar), and adultery (sumakng dosa); (2) Dako-rawak including thievery, deception and cheating; and (3) Sengaih including conflict resolution, such as conflict on properties (babatn retaq), land ownership and others.

A record made by the Adat Council of Desa Mancong shows that the council has settled 21 cases from 1992 to 1996. These cases fall into two categories: *mencawaq-beranak* and *sengaih*. Aside from these categories, rituals, both curing and death rituals, are still practiced. Yet the role of the adat leader was not significant.

The reduction or vanishing of the role of adat is followed by the lack of political participation of the common villagers. By political participation I mean participation in making decision concerning public interests or affairs, particularly in development. Case

studies in Desa Mancong on the process of decision making indicate that community participation was taken for granted through their "representatives" in the LMD. Their actual participation is limited in the initiation phase of a project or by proposing through informal deliberation, such as chatting out of meetings. Even though generally development projects are considered successful, yet this is not owing to the sense of responsibility of the villagers, rather it is due to the financial support from the government; people participate or work for a project because they are paid. The minimum participation is followed by the weak responsibility and greater dependence on the government.

## **Conclusion and Recommendation**

From the government's perspective, that is the ideological basis of the VGL (and other regulations), what the government has done to guide and develop the adat can be called successful. The VGL assumes that local culture, including traditional village government systems, is potential threat to the national unity and is not conducive for the process of development. This is because cultural diversity will make it difficult to run control over the peoples.<sup>6</sup> Government's involvement in the development of adat is actually intended to control the people at the grassroot level.

In other perspective such development can be considered as a systematic negation of adat. Adat by definition is an institution comes and grows from the people. If it is regulated from the top (that is, by the

<sup>&</sup>lt;sup>6</sup> See Official Explanation of the VGL. Cf., Mubyarto and others (1991), Pranidhana (1995), and Dove (1985).

government or other dominant cultures), then occurs a contradiction in itself. Consequently, confronting the dominant culture or forces adat will lose it role and function and even its existence. This is what we have seen in the case of *Desa* Mancong. The depletion of adat was not only followed by lack of community participation in development, but also followed by the lack of responsibility and greater dependence upon the government.

This is not a good sphere in development, specially people-centered development. Therefore, there occurs a need to promote community participation. Since the main obstacle to participation is structural, then restructurization of the government system is inextricably required. This means giving greater access to common villagers to control the village government; cutting the long bureaucratic chain; and selective intervention of the government in village affairs (even financial support should be quite selective).

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