

REGULATION OF THE PROVINCE OF BANTEN  
NUMBER 2 OF 2022  
ON  
INSTITUTIONAL STRUCTURE, POSITION FILLING, AND  
TERMS OF OFFICE OF ADAT VILLAGE HEADS

BY THE BLESSINGS OF ALMIGHTY GOD  
GOVERNOR OF BANTEN,

Considering : that in order to implement the provisions of Article 109 of Law Number 6 of 2014 on Villages, it is necessary to issue a Regional Regulation on the Institutional Structure , Position Filling, and Terms of Office of *Adat* Village Heads;

Observing :

1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 23 of 2000 on Establishment of Banten Province (State Gazette of the Republic of Indonesia of 2000 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 4010);
3. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) as amended by Law Number 15 of 2019 on Amendment to Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2019 Number 183, Supplement to the State Gazette of the Republic of Indonesia Number 6398);

4. Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2014 Number 7, Supplement to the State Gazette of the Republic of Indonesia Number 5495);
5. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
6. Government Regulation Number 43 of 2014 on the Implementation of Law Number 6 of 2014 as amended several times, last by Regulation of the Government of the Republic of Indonesia Number 11 of 2019 on the Second Amendment to Government Regulation Number 43 of 2014 on the Implementation of Law Number 6 of 2014 on Villages (State Gazette of the Republic of Indonesia of 2019 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6321);
7. Regulation of the Minister of Home Affairs Number 80 of 2015 on Regional Legislation Making (State Gazette of the Republic of Indonesia of 2015 Number 2036), as amended last by Regulation of the Minister of Home Affairs Number 120 of 2018 on Amendment to Regulation of the Minister of Home Affairs Number 80 of 2015 on Regional Legislation Making (State Gazette of the Republic of Indonesia of 2018 Number 157)
8. Regulation of the Minister of Home Affairs Number 1 of 2017 on Village Arrangement (State Gazette of the Republic of Indonesia of 2017 Number 155);

By the Joint Approval of  
THE REGIONAL HOUSE OF REPRESENTATIVES  
OF THE PROVINCE OF BANTEN  
and  
THE GOVERNOR OF BANTEN

HAS DECIDED:

To issue: REGIONAL REGULATION ON INSTITUTIONAL STRUCTURE,  
POSITION FILLING, AND TERMS OF OFFICE OF ADAT VILLAGE  
HEADS

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

In this Regulation:

1. Region means the Province of Banten.
2. Governor means the Governor of Banten.
3. Local Government means the Governor as an administering element of the Local Government who leads the implementation of government affairs which fall under the authority of autonomous regions.
4. *Adat* Village means an *Adat* Village in the Territory of the Province of Banten that is formed by Regency/Municipality Regulation.
5. *Adat* Village Government means the Administrator of Government Affairs and the interests of *Adat* peoples in the *Adat* Villages.
6. *Adat* Village Government means the Village Head or other names, assisted by *adat* village apparatuses as the administering element of the *Adat* Village Government.
7. *Adat* Village Consultative Body or another name means an institution that carries out government functions whose members are determined based on *adat* decisions or provisions.

#### Article 2

This Regional Regulation is intended as a guideline in regulating the institutional structure, position filling, and the terms of office of *adat* village heads.

## CHAPTER II

### INSTITUTIONAL STRUCTURE OF ADAT VILLAGE GOVERNMENT

#### Article 3

- (1) The institution of the *Adat* Village Government consists of:
  - a. *Adat* Village Government or other designations; and
  - b. Village Consultative Body or other designations.
- (2) The *Adat* Village Government as referred to in section (1) point a consisting of the *Adat* Village Head or other designations, is assisted by *adat* village apparatuses or other designations, in accordance with *adat* law.
- (3) The Village Consultative Body or other designations as referred to in section (1) point b is established in accordance with *adat* law.

## CHAPTER III

### POSITION FILLING OF ADAT VILLAGE HEADS

#### Article 4

- (1) The position filling of *Adat* Village Heads or other designations is carried out in accordance with *Adat* Law.
- (2) The results of position filling of the *Adat* Village Heads as referred to in section (1) are required to be submitted in writing to t h e Regent/Mayor, not later than 7 ( seven) days after the completion of the implementation of *Adat* Law.

## CHAPTER IV

### TERMS OF OFFICE OF ADAT VILLAGE HEADS

#### Article 5

- (1) The terms of office of *Adat* Village heads are s in accordance with *Adat* Law.
- (2) *Adat* Village Heads or other designations may hold offices in accordance with *Adat* Law.

CHAPTER V  
CLOSING PROVISIONS

Article 6

Regency/Municipal Governments in the Region must establish *Adat* Villages, Appointment and Dismissal of Adat Village Heads and *Adat* Village Apparatuses, *Adat* Village Organizational Structure and work procedures, *Adat* Village Deliberations, *Adat* Village Regulations and *Adat* Village Asset Management in accordance with legislation not later than 12 (twelve) months after the promulgation of this Regional Regulation

Article 7

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Province of Banten.

Issued in Serang  
on 18 March 2022

GOVERNOR OF BANTEN,

signed

WAHIDIN HALIM

Promulgated in Serang  
on 22 March 2022

REGIONAL SECRETARY  
OF THE PROVINCE OF BANTEN,

signed

AL MUKTABAR

REGIONAL GAZETTE OF THE PROVINCE OF BANTEN OF 2022 NUMBER 2

Jakarta,  
Has been translated as an Official Translation  
on behalf of Minister of Law  
and Human Rights of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,



DHALLANA PUTRA

ELUCIDATION  
OF  
REGIONAL REGULATION OF BANTEN PROVINCE  
NUMBER 2 OF 2022  
ON  
INSTITUTIONAL STRUCTURE, POSITION FILLING, AND  
TERMS OF OFFICE OF ADAT VILLAGE HEADS

I. GENERAL

The diversity of characteristics and types of Villages, or other names, does not become an obstacle for the founding fathers of this nation to make their choice on the form of a unitary state. Although it is realized that in a unitary state there needs to be homogeneity, the Unitary State of the Republic of Indonesia still provides recognition and guarantees for the existence of legal community units and *adat* law community units along with their traditional rights.

Through amendments to the 1945 Constitution of the Republic of Indonesia, recognition of *adat* law communities is reinforced through the provisions in Article 18B section (2), which reads "the State recognizes and respects the unity of *adat* law communities and their traditional rights as long as they are still alive and in accordance with the development of communities and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law".

*Adat* Villages have a right of origin that are more dominant than village origin rights since they were born as indigenous communities in the community. *Adat* Village is a customary law community unit that historically has territorial boundaries and a cultural identity formed on a territorial basis that is authorized to regulate and manage the interests of the Village community based on the right of origin.

The implementation of the *adat* law community unit has existed and lives in the area of the Province of Banten which has a unique government system, namely the Baduy tribe located in Kanekes Village, Leuwidamar District, the Regency of Lebak.

In Baduy community, there are two government systems, namely national system and traditional system (*adat*). Both systems are combined or acculturated in such a way that there is no clash. Nationally, the Kanekes people are led by the village head called *Jaro Pamarentah*, which is under the sub-district head, while customarily they are subject to the highest *kanekes* adat leader, namely "*puun*".

In Baduy government, there is a leader system that includes a number of officials with their own designations. The orientation of each leader is to the highest leader, which is *puun*. They are considered as a unity of the highest leader to overcome all aspects of life in the world and have a relationship with *karuhun*. In the *puun* unit, seniority is determined based on the flow of relatives for certain roles in the implementation of *Sunda Wiwitan* custom and religion.

In fact, the Lebak Regency Government has enacted 4 (four) regional legal products that regulate the existence of *adat* law community, so that it requires special arrangements to regulate the institutional structure, filling positions, and the term of office of the *adat* village head.

Considering that until now there are 522 *adat* law community units that refer to several main *kasepuhans*, among others: *Kasepuhan Adat Baduy*, *Kasepuhan Guradog*, *Kasepuhan Citorek*, *Kasepuhan Cicarucub*, *Kasepuhan Cisungsang*, *Kasepuhan Csitu*, *Kasepuhan Karang*, *Kasepuhan Cibarani*, *Kasepuhan Pasir Eurih*, *Kasepuhan Bayah*, *Kasepuhan Cirompang*, *Kasepuhan Cibedug*, *Kasepuhan Ciptagelar*, *Kasepuhan Cipta Mulya*, *Kasepuhan Sirnaresmi*, *Kasepuhan Neglasari Cikatomas*, and *Kasepuhan Ciherang*.

In order to implement the provisions of Article 109 of Law Number 6 of 2014 on Villages, stating that the institutional structure, filling of positions, and term of office of the Head of an *Adat Village* based on customary law are stipulated in a Provincial Regulation, a Regional Regulation on Institutional Structure, Filling of Positions and Term of Office of the Head of *Adat Village* is issued.

This Regional Regulation is the main regulation that does not homogenize the local government system in the Regency of Lebak, but instead accommodates the diversity of the local government system so that it needs to be followed up with other legislation in the Regency of Lebak.

This Regional Regulation is a guideline for the Regency Government, especially the Regency of Lebak in the Province of Banten, in structuring the Institutional Structure, Filling Positions and Term of Office of the Head of *Adat Village*.



II. ARTICLE BY ARTICLE

Article 1

Sufficiently Clear.

Article 2

Sufficiently Clear.

Article 3

Sufficiently Clear.

Article 4

Sufficiently Clear.

Article 5

Sufficiently Clear.

Article 6

Sufficiently Clear.

Article 7

Sufficiently Clear.

SUPPLEMENT TO THE REGIONAL GAZETTE OF THE PROVINCE OF BANTEN  
NUMBER 96