

THE CULTURAL POLICY AND DEVELOPMENT OF CIVIL SOCIETY UNDER DECENTRALIZATION POLITICS¹

KEBIJAKAN BUDAYA DAN PENGEMBANGAN MASYARAKAT MADANI DALAM POLITIK DESENTRALISASI

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Abstract

Since the 1998 Reform Era, the system of government in Indonesia has changed from centralization to decentralization. Under the decentralization system, some affairs of government are given to the local governments (provincial, regent/ municipal), except five affairs: 1) abroad policy; 2) defense and security; 3) monetary and fiscal; 4) management of justice; and 5) religion. One of the decentralized affairs is culture affair. Then local governments regulate (*regeling*) and administer (*bestuur*) their autonomy. However, under the local governments, the culture has been reduced by traditional art, traditional fashion, ancient manuscript, museum, and tourism based on traditional customs. In this perspective, the culture is not seen as a system of values and expressions of thinking, behavior, and artifacts of mankind. Consequently, the cultural policy on has no correlation with the development of civil society in the local level.

Keywords: decentralization policy, culture affair, traditional art, civil society

Abstrak

Sejak Reformasi 1998, sistem pemerintahan berubah dari sentralistik ke desentralistik. Di bawah sistem desentralistik sejumlah urusan pemerintahan didesentralisasikan ke daerah otonom kecuali lima urusan: 1) politik luar negeri; 2) pertahanan dan keamanan; 3) moneter dan fiskal; 4) manajemen peradilan; dan 5) agama. Salah satu urusan yang didesentralisasikan adalah urusan kebudayaan. Pemerintah pusat mendesentralisasikan urusan kebudayaan kepada daerah otonom (provinsi dan kabupaten/kota). Daerah otonom kemudian mengatur (*regeling*) dan mengurus (*bestuur*) urusan kebudayaan tersebut secara otonom. Akan tetapi, praktiknya kebudayaan direduksi menjadi seni tradisional, pakaian tradisional, manuskrip kuno, museum, dan wisata berbasis kehidupan tradisional. Kebudayaan dalam perspektif ini bukan suatu sistem nilai dan ekspresi pemikiran, perilaku, dan karya manusia. Akibatnya, kebijakan bidang kebudayaan tidak berhubungan dengan pengembangan masyarakat madani di daerah.

Kata kunci: desentralisasi, urusan kebudayaan, masyarakat madani

A. Introduction

The government system during the Soeharto Administration was centralized. In this model the central government was very

strong. The central government regulated all of the government affairs and administered them through its agents: provincial government, regency, and municipal governments (*Kabupaten/ kotamadya*), sub-municipal

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government (*Kota Administratif*), and sub district government (*Kecamatan*). Governor as the head of province, regent/major as the head of regency/municipality (*kabupaten/kotamadya*), the administrative major as head of sub municipality (*kotavadministratif*), and *camat* as head of sub district (*kecamatan*) only administered policies and programs given by the central government. Planning, implementation, and evaluation of programs were decided by the ministry. Local state government did not have the authority to make them autonomous. They were only an implementer of central government policy.

Soeharto Administration fell down in 1998 and then was replaced by the Habibie Administration. Habibie changed radically the governmental policy from a centralization system to decentralization one. He set in place the Law No. 22/ 1999 on Local Government regulating that the central government only manages five government affairs: 1) abroad policy; 2) defense and security; 3) monetary and fiscal; 4) management justice; and 5) religion. The rest of the affairs was given to the local governments: province and regency/ municipality. The local governments have been authorized to make policies on various affairs and implemented them on the basis of autonomy.

The Law No. 22/ 1999 was replaced by Law No. 32/ 2004. The principles of Law No. 32/ 2004 were the same with Law No. 22/ 1999. The central government managed five government affairs and the rest was decentralized to local government. The main difference between Law No. 22/ 1999 and Law No. 32/ 2004 is the direct election of president, governor, and regent/ major, not by council as regulated by Law No. 22/ 1999. To implement of the Law No. 32/ 2004 the central government issued the Government Regulation No. 38/ 2007. It explains that the decentralized government affairs given to the local government included 31 affairs. One of them was on cultural affair. So, the cultural affair was handled by the local authorities. The Central government only

outlines norms, standards, procedures, and criterias of cultural policy.

However, the policy of local governments has focused largely on traditional art, traditional fashion, ancient manuscript, museum, and tourism based on traditional performances. In this case, culture is not understood as a whole of ideas, behavior, and artifact of mankind, but just physical forms of traditional art and ancient things. Because the culture was understood like this the policy of local governments only developed physical forms of traditional art and ancient things. So, through the offices of culture and tourism, the local governments make cultural policy merely focusing on traditional art, traditional music, traditional theatre, traditional fashion, preservation of ancient manuscripts, and tourism based on traditional behavior. The local governments have reduced the coverage of culture only to art and ancient things. This paper describes that phenomenon.

B. Decentralization Policy

Since the Habibie Administration the system government in Indonesia has changes from a centralization system to decentralization one. Under this system the central government strengthened the local governments. The local governments are recognized as an entity of politics and administration autonomy. Based on this concept, the local governments have the authority to make planning, implementing, and evaluation of some government affairs that have been decentralized. Based on the Law No. 22/ 1999 and Law No. 32/ 2004 the central government decentralized 31 government affairs. They included education, health, public works, housing, spatial planning, development planning, transportation, the environment, land, population and civil registration, empowerment of women and protection of children, family planning and family welfare, social, employment and transmigration, cooperation and small/ medium enterprises, capital investment, culture and tourism, youth and sport, nation unity and domestic

politics, (regional autonomy, public administration, financial local administration, local civil servant, development of civil servant, and secret code), empowering communities and villages, statistics, archives, library, communication and information, and agriculture and food security.

The central government has recognized the local government as a unity of the legal community which has boundaries and authority to regulate (*regeling*) and administer (*bestuur*) the affairs of government that have been decentralized. The unity of legal community was represented by the local council (DPRD) and local head (Kepala Daerah) elected directly. Then the unity of legal community through DPRD and Kepala Daerah regulate (*regeling*) and administer (*bestuur*) 31 affairs of government by making local regulations (Peraturan Daerah), regulations issued by the local heads (Peraturan Kepala Daerah), and decrees of the local head (Keputusan Kepala Daerah) based on norm, procedure, standard, and criteria from central government.

The local governments consist of province and regency/ municipality. The province is the highest local government and regency/ municipality is lower levels of local government. The relation of province and regency/ municipality is not hierarchical. The province and regency/ municipality regulate and administer 31 affairs of government under the autonomy system. In this case there is an overlapping of authority between province and regency/ municipality. So, the Regulation Government No. 38/ 2007 divided what is under the authority of province and what is

under the authority of regency/ municipality. Based on their authority, the province and regency/ municipality make a master plan regarding culture. The master plan elaborates to the strategic plan (five years) and the strategic plan is further broken down into annual plan. The province and regency/ municipality governments establish offices of culture, making annual program of culture and administer its implementation.

Based on the Law No. 32/ 2004 the governor has a dual function: 1) as a head of local government and 2) as a represent of central government. The governor as a representative of the central government supervises the regency/ municipality. On behalf of the central government the governor has *tutelle* control: preventive and repressive control to regency/ municipality. Local Regulation (*Peraturan Daerah*) of Regency/ Municipality regarding budgeting must be approved by Governor. Governor also can cancel Local Regulation that is contrary of public interest and higher of legislation.

C. Policy and Programs of Local Government Regarding Culture

Based on Law No. 32/ 2004 the culture affair is under the authority of local government. The detail of it is regulated by the Government Regulation No. 38/ 2007. This regulation divides the authority of government affairs between the central government, province, and regency/ municipality. Figure 1 describes the authority of culture affair between central government, province, and regency/ municipality.

Figure 1 Division of Government Affair of Culture

Section	Central government	Province	Regency / Municipality
Policy of culture	<ol style="list-style-type: none"> 1. Master plan development of the national culture. 2. Protection of Intellectual Property Rights (IPR) of culture. 3. Criteria for the award of national systems for the human / institutes who contributed for culture. 4. Cooperation abroad of culture 	<ul style="list-style-type: none"> - Master plan of development cultural of the province scale. - The implementation of national policies and the decision of provincial policies regarding IPR protection of culture. <p>The implementation of national policies and the decision of provincial policies regarding criteria for awarding system for the human / institutes who contributed for culture.</p> <p>The implementation of national policies and the decision of provincial policies regarding cooperation abroad of culture in provincial scale.</p>	<ul style="list-style-type: none"> - Master plan of development cultural for regency/ municipal scale. - Implementation of national / provincial policy and decision of the regency / municipal regarding on IPR of cultural protection. <p>Implementation of national / provincial policy and the decision of the regency/ municipal on the criteria of the award system for the human / institutes who contributed for culture.</p> <p>Implementation of national / provincial policy and the decision of the regency/ municipal on foreign cooperation of culture regency/ municipal scale.</p>

Source: Government Regulation No. 38/ 2007

Based on this authority, the local government makes policy and programs regarding culture. For example, Department of Culture of Bali Province formulated its vision and missions. The Vision: Preservation and Cultural Empowerment of Bali Culture Moving Forward to Bali that is Modern, Peace, and Prosperous. The Mission: 1) Sustaining and developing the arts Bali, *metaksu*, dynamic, and modern and empowering *sekaa-sekaa*, artists and culture; 2) Preserving and empowering traditional institutions Bali in with peaceful and prosperous; 3) Preserving, conserving, and deriving the meanings from the values of cultural relics, history and heroism/ cultural heritage and potential of cultural heritage held by the local community; and 4) Saving, studying, treating, documenting, developing scripts Balinese culture, build and oversee the production and circulation. Based on this vision and mission, Department of Culture of Bali Province makes policy and programs. The policy and programs is elaboration of vision and mission so that they are regarding traditional art, script regarding culture, traditional institutions, heritage of culture, and history.

The vision and mission of other local government are from the Bogor Regency. The Vision: The realization of Bogor Regency as a Tourism Destination that is Competitive and Sustainable. It is hoped that Bogor would become a superior tourist destination, in terms of its appeal (both natural as well as cultural arts, artificial), the provision of quality facilities and minimal impact on the environment, thus creating a quality tourist activity. It is also hoped Bogor to have competitiveness, a comparative advantage compared with other tourist destinations. The mean of sustainability is bringing prosperity and independence for the people of Bogor. The Mission: 1) The development and preservation of the arts and culture; 2) Development of tourism products; and 3) Increased tourism marketing.

The vision and mission of other local government are again from Bandung Municipality. The Vision of Culture and Tourism Office is to establish Bandung municipality as a cultural arts and destination in 2013. The missions are, 1) Developing human resources and institutional tourism professional, characterized by Sunda and global perspective; 2) Improving preservation,

empowerment, development and utilization of culture and the arts; 3) Developing the tourism industry in a creative, innovative with attention to the implementation of seven imagination; 4) Improving tourism destination municipalities that is highly competitive both regionally, nationally and internationally; 5) Improving the marketing through partnerships and cooperation in culture and tourism stakeholders and/ or district/ city/ other countries. The program is,

- 1) Development cultural values with the following activities:
 - Actualization and preservation of indigenous culture;
 - Management of local and Nusantara ancient manuscript
 - Preservation and development of local languages and literature.
- 2) Management of cultural property with the following activities:
 - Facilitating community participation in management of cultural property;
 - Preservation of library materials including ancient manuscript;
 - Management and development preservation of historical archaeology, museums and heritage;
 - Development of culture and tourism;
 - Development of value and historical geography;
 - Recording and digitization of library materials;
 - Management information systems of history antiquities;
 - Development of the local arts and culture.
- 3) Management of cultural diversity with the following activities:
 - Development cultural and art;
 - Facilitate the development of local cultural diversity;
 - Seminar in order to revitalize the local culture.
- 4) Management development of cultural cooperation with the following activities:

- Facilitate the development of partnerships with NGOs and private companies;
- Facilitating the establishment of inter-regional business partnerships profession;
- Building partnerships between local management culture

D. Local Government Distort The Substance of Culture

The culture is an important issue in Republic of Indonesia. It is stipulated in Indonesia Constitution 1945 Article 32 verse (1):

The State promotes the national culture of Indonesia in the middle of world civilization with assurance freedom of community in maintaining and developing cultural values.

The 1945 Constitution obligates the State to promote the national culture with assurance for freedom of community. It means the promoting of national culture with giving freedom for community in Indonesia. Actually, the community is found in the villages, regency/ municipality, and province. With the given freedom, the community in all areas promotes culture relevant with its characteristic and finally it becomes a national culture. Considering the government system is decentralization so the promotion of culture becomes the responsibility of the local government. The local governments have the obligation to promote culture relevant with its characteristic. The local government promotes it to become top and excellent. The best local culture has the potential to become national culture.

However, the local government like Bali Province, Bogor Regency, and Bandung Municipality understand the culture limitedly as traditional art, traditional music, and traditional theatre, ancient manuscript, local languages and literature, indigenous, historical archaeology, and museum. They do

not understand the culture in substantive way. Culture saw at physically, not values, ideas, product of thinking, and behavior both visible and invisible.

Kroeber & Kluckhohn (1952: 181; cited by Adler 1997: 14) explain,

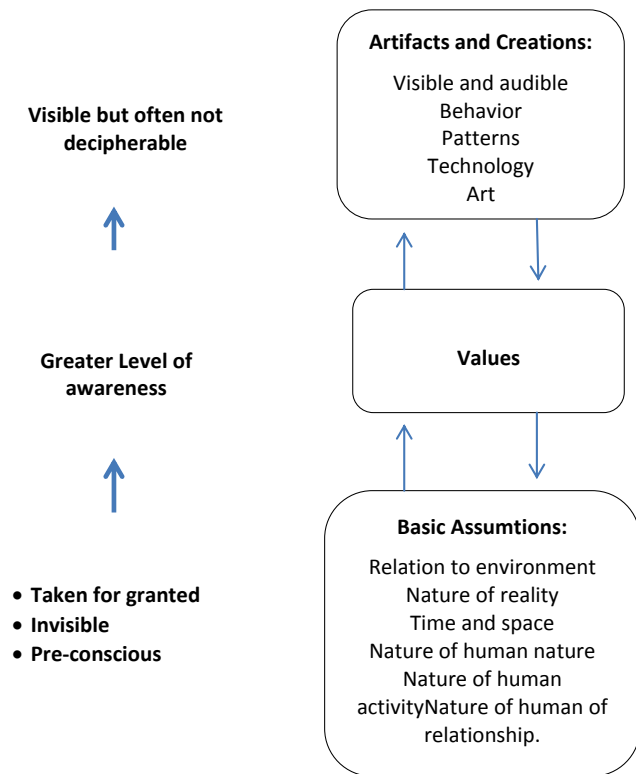
Culture consists of patterns, explicit and implicit, of and for behaviour acquired and transmitted by symbols, constituting the distinctive achievements of human groups, including their embodiment in artifacts; the essential core of culture consists of traditional (i.e. historically derived and selected) ideas and especially their attached values; culture systems may, on the one hand, be considered as products of action, on the other, as conditional elements of future action.

T.Schwartz(1992; cited by Avruch 1998: 17) explain,

Culture consists of the derivatives of experience, more or less organized, learned or created by the individuals of a population, including those images or encodements and their interpretations (meanings) transmitted from past generations, from contemporaries, or formed by individuals themselves.

Schein (1984: 4) describes that basic assumption of culture is related to environment, nature of reality, time and space, nature of human nature, nature of human activity, and nature of human of relationship. They are embodied values. Trough long life process the values embodies as artifacts and creations: visible and audible behavior, patterns, technology, and art. Spencer-Oatey, H. (2012) made chart like this.

Figure 2 The Levels of Culture & their Interaction



Source: Spencer-Oatey, H. (2012), *What is culture? A compilation of quotations.*

Refer to Kroeber & Kluckhohn, T. Schwartz, and Schein; culture not only traditional art, traditional music, traditional theatre, ancient manuscript, local languages and literature, indigenous, historical archaeology, and museum. Culture covers patterns of behavior that is transmitted by symbols, constituting the distinctive achievements of human groups including their embodiment in artifacts, traditional ideas and especially their attached values, and technology. Traditional art, traditional music, traditional theatre, ancient manuscript, local languages and literature, indigenous, and historical archaeology is little part of culture.

In view of Koentjaraningrat (1974) the culture not only the embodiment of cultural objects but also the system of ideas and systems of behavior. Thus, the policies that implemented by the local government did not include the development of systems of ideas and systems of behavior. The policy that made of local government just a part of culture.

According to Sutan Takdir Alisjahbana (1975: 82) culture is characterized by three main aspects: (1) expression in art and religion; (2) the progressive aspects of the science, technology, and economics; and (3) organizational aspects, namely political power and solidarity. Ignas Kleden (1987: 180) explains that art is only one form of cultural creativity. Culture as a verb or even as an work just aesthetic. In Indonesia, the notion of culture is dominated by the aesthetic aspect . This is related to the history of culture in this country that are too aesthetic. Art became an important part of almost every aspect of life: religion, philosophy, economics, and politics.

Referring to the definition of culture as expressed Koentjaraningrat, Ali Sjahbana, and Kleden, local government policy just hold a small aspect of culture: expression of art. For the other aspects of culture that include progressive aspect, organizational aspect, and behavior aspect are not covered by local government policy. Provinces, regencies and municipalities understand the culture as an aesthetic aspect associated with tourism. Culture became the aesthetic goods that can be sold to tourists as a objects in the form of performances and exclusive aesthetic: tradistional art, clothing and traditional customs, and traditional music which can generate income to the local treasury. So, the policy of culture of local government has been oriented more to commercial terms than the development of culture in terms of behavior towards the personality of a nation and character building that supports the development and modernity.

Relevant with development of civil society, the system of ideas dan behavior are main variables. In the context of civilization,

culture constitutes core power to form civil society. Civil societies, as an embodiment of community, have high culture. High culture can be seen as artifacts and creations: visible and audible behavior, patterns and symbols, technology, and art. Behavior, patterns and symbols, technology, and art at high culture is more polite, soft, civilize, sophisticate, and artistic. Otherwise, uncivilized society can be seeingfor low, impolite, unsophisticated, and rough of behavior, patterns and symbols, technology, and art.

Qodri Azizi (2004) quoting Bahmuller (1997) explains the characteristic of civil society:

1. Integration of individual and exclusive groups in society through social contract and alliance;
2. Spread of power so that the dominant interests in society can be reduce by alternative powers;
3. The individual interests and state can be solved because there is member of voluntary organizations that can give suggest on decesions of government;
4. The extens of individuals' loyalty and trust to the others so that recognize them and unegoist;
5. There is freedom of society in some activity through social institutions by any perspective.

When the local governments only make programs about traditional art, traditional music, and traditional theatre, ancient manuscript, local languages and literature, indigenous, historical archaeology, and museum, they do not contribute to the developing of civil society through promoting high and excellent culture. Civil society is civilized community. Its opposite is uncivilized community or barbarian. Civil society can be seen as a commitment to the rule of law, solve the problem by *musyawarah*, discussion not by violent, egalitarian, vertical and horizontal mobilization by competence, democratic, and appreciate to personal achievement,

use science and technology to solve the living problem. Otherwise, the uncivilized community can be seen as being uncommitted to rule of law, solving the problem by violent, feudalistic, vertical and horizontal mobilization by nepotism, undemocratic, appreciate to symbols, use mystics and magic to solve the living problem. Civil society establish by high culture. High culture that presented by polite and discipline behavior, functional patterns and symbols, artistic and functional products and artifacts, sophisticate of science and technology, and soft, artistic, and enlightening of art.

The programs of local governments have been more promoting tourism than developing civil society. Indeed, there is a relationship between the programs with developing civil society but it is very minor. The policy and programs of culture were trapped by a preservation of ancient artifacts, promotion old and traditional art to tourists, and promotion of products of local ethnic to tourists. All these have no corelation with the development of polite and discipline behavior, functional patterns and symbols, artistic and functional products and artifacts, sophisticate of science and technology, and soft, artistic, and enlightening of art. It is more to develop economy through promoting ancient artifacts, traditional art, and products of local ethnic than to develop culture its self.

E. Conclusion

Since 2001 the government system has changed from centralization to decentralization. Based on the system, the affair of culture is under the local government authority: province and regency/municipality. Furthermore, the local governments make policy and programs to develop culture relevant with their local characteristics. However, the province and regency/municipality do not make substantive policy and programs of culture. They have only focused themselves on promoting of traditional art and fashion, ancient artifacts,

and products of local ethnic. The goal of local government to make policies and programs of culture is to promote traditional and local artifacts for tourism. So, it is very commercial. The goal of development of culture is not to make a civilized community based on local culture but to promote traditional culture for tourism. So, the policies and programs of the local governments have no corelation with the development of civil society in the local area.

The next, the paradigm of culture must be deconstructed. The culture must be understood substantively. Local culture is not limited as ancient artifacts, traditional art, and products of local ethnic but the whole system of ideas and creations of mankind that consist of religion system, political system, tradition, language, tools, clothing, buildings, and art (Koentjaraningrat, 2002). If the local governments want to develop substantive culture, they have to contribute to the development of civil society in local level. A civil society is created by developing high culture based on community. The policy of culture should not be based exclusively on commercial considerations, but on achieving a civilized community and civil society.

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