



Implementation of village head elections by recommendation from the king based on straight line descent

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Abstract

Implementation of Village Head Election Through King's Recommendation Based on Direct Lineage (A Study Of Ohoi Tayando Yamtel, Tayando Tam District, Tual City, Southeast Maluku Regency). Objectives: This study aims to analyze (1) the mechanism or procedure for the Village Head (Ohoi) Election in Ohoi Tayando Yamtel involving the king's recommendation based on direct lineage, and (2) the legal consequences arising from this electoral mechanism within the context of legal dualism between positive state law and local customary law. Methodology: The research employs an Empirical Juridical (Sociological) method. This approach examines the implementation of legal norms on the ground, viewing law as the patterned behavior of a living, interacting society. Findings: The implementation of the Ohoi Tayando Yamtel Head Election is a harmonization between Traditional Authority and Formal Democracy. The mechanism is not purely a direct village head election but involves a dual filtering process: *First*, the King/Customary Institution exclusively establishes and recommends candidates from the direct lineage (*Riin Faam*). *Second*, the recommended candidates then compete in a Direct Election by the Ohoi community. The legal consequence of this system is the creation of a strong Dual Legitimacy: formal legitimacy (due to winning the election) and traditional legitimacy (due to the king's approval and legitimate customary lineage).

Keywords: Village head election, ohoi tayando yamtel, king's recommendation, direct lineage, customary law, dual legitimacy

Introduction

Indonesia, a country with rich cultural and traditional diversity, has a variety of unique mechanisms for village head elections across its regions. Most regions in Indonesia now use direct community elections to select village heads. However, in some indigenous communities, village head election practices are still influenced by local traditions and power structures. One interesting practice is the election of village heads, based on recommendations from kings or traditional figures, along a straight line. Ohoi Tayando Yamtel in Tayando Tam District, Tual City, Southeast Maluku Regency, provides an interesting example in this context. However, in particular indigenous communities, such as those in Ohoi Tayando Yamtel, the mechanism for selecting village heads may have specific characteristics stemming from customary law and traditions passed down from generation to generation.

The practice of selecting village heads based on recommendations from the king and direct lineage is a manifestation of a social and cultural system that recognizes traditional authority and established leadership lines, such as those in Ohoi Tayando Yamtel, where the chosen Riin Faam or the eyes of the house and clan can fulfill them as the head of Ohoi, namely the person who is give the leadership title of the clan or clan so that the community holds a traditional deliberation with the clan that has the traditional title or traditional figure to convey it to the head of the king or Ratshap because the recognition of the king is the greatest hope that must be the primary symbol for the community that has the leadership title so that it gets a recommendation from the king. The prospective head of Ohoi is obliged to

announce to the community that he has received a recommendation from the king, in the form of a letter recognized by the traditional shop in Ohoi Tayando Yamtel. In addition, villages have the authority to regulate matters in accordance with customary practices, provided that such regulations do not conflict with higher laws and regulations. Ohoi Tayando Yamtel Case Study Research is relevant to understanding in depth how the practice of village head elections based on recommendations from the king and straight lines is carried out, how local communities interpret it, and how this interacts with the national legal framework. This understanding will help identify potential norm conflicts and find solutions that accommodate both positive law and customary law. Legal Certainty and Community Rights. It is important to ensure that the village head election mechanism, whether through direct elections or through customary mechanisms, continues to guarantee legal confidentiality, transparency, and accountability.

The practice of electing an Ohoi head in Tayando Yamtel is likely an embodiment of local wisdom passed down through generations. The presence of the king as a central figure and the direct line as a recommendation mechanism may have strong legitimacy in the eyes of the local community and is considered the most appropriate way to maintain village stability and harmony. This study examines the legal dualism in the process of electing a village head (in Maluku called Kepala Ohoi or Orangkai) in Ohoi Tayando Yamtel, Tayando Tam District, Tual City. On the one hand, there is a customary system that relies on the king's recommendation based on the direct line (inheritance rights).

Research Method

The research design used in this study is empirical/sociological. The reason for choosing this type of research is that empirical research is used to analyze law, which is seen as a patterned behavior in people's lives as they interact with social aspects.

Results and Discussion

1. Village Head Election Procedures Selected by Recommendation from the King Based on Linear Descent: A Study of Ohoi Tayando Yamtel

The mechanism/procedure for the Ohoi Tayando Yamtel Head Election in Tual City. The election of the Ohoi Head

(also known as the Head of the Ohoi Government) is strongly influenced by the customary system regulated by the Customary King (Lor) and the competent Matarumah (clan/marga) (matarumah parentah). This process can be divided into several main stages: the Customary Stage (Candidate Determination) and the Formal Stage (Village Head Election Implementation). Customary Stage (Determination of Absolute Candidates). This stage is the core of the research. The king plays an absolute role in determining who is eligible to run for office based on the Straight Line of Descent.

Table 1: Customary Stage (Determination of Absolute Candidates)

Customary Procedure	Complete Description
Determination of Household Rights	Based on the Larvul Ngabal Customary Law and Ohoi tradition, the position of Head of Ohoi is a hereditary right (household right) of a particular clan (lineage descendants of the previous King/founder of Ohoi).
Descendants Meeting (Seniri Matarumah)	The extended family from the parentah (the entitled clan) gathers to agree on a candidate who will be passed down through their lineage. They ensure he meets the moral, social, and administrative requirements of customary law.
Giving the King's Recommendation	The Customary King (or Customary Council at the King/Lor level with authority over the Ohoi) issues a Letter of Recommendation. This document is a formal, customary confirmation that the candidate is a legitimate lineal descendant and has the customary right to lead the Ohoi.
Recommendation Status	This recommendation is an absolute, binding requirement for candidates. Without it, a person (even if of the same lineage) cannot register as a candidate for Ohoi Chief. In many similar customary cases, there is only one candidate because only one lineage is recognized.
Candidate Registration and Verification	Candidates who have received a recommendation from the king are required to register with the Ohoi Head Election Committee (PPKO). The requirement for a recommendation from the King/Customary Authority is a special requirement stipulated in local regulations.
Determination of Candidates	The PPKO determines candidates. In the case of Ohoi, whose customs are still strong, there is often only one legitimate Single Candidate, because the others do not receive or do not have the customary right to receive the king's recommendation.

Description

The Ohoi Chief election mechanism in Tayando Yamtel is a form of legal coexistence (legal pluralism) in which the Ohoi's ancestral rights (as recognized by the Village Law) are realized through a King's Recommendation. This recommendation ensures that only figures from a legitimate, traditional lineage can participate in the formal village head election, transforming the election from a free contest to a process of affirming customary legitimacy. The community in Ohoi Tayando Yamtel must recognize this tradition. This tradition holds many spiritual values revered by the indigenous community. One of these is the election of the Ohoi Chief in Ohoi Tayando Yamtel. The most recognized procedure is the king's recommendation. This is because the king has significant authority to determine who will become the village head, based on the clan, known as mata rumah.

2. Research Results: Mechanism for Implementing Village Head Elections Which Are Selected Based on Recommendations from the King Based on Linear Descent Study of Ohoi Tayando Yamtel?

The mechanism and procedure for implementing the Ohoi Tayando Yamtel Head Election in the Tual City area. The election of the Ohoi Head (also known as the Head of the Ohoi Government) is strongly influenced by the customary system regulated by the Customary King (Lor) and the competent Matarumah (clan/marga) (matarumah parentah). This process can be divided into several main stages: the Customary Stage (Candidate Determination) and the Formal Stage (Village Head Election Implementation). This stage is the core of the research. The king plays an absolute role in determining who is eligible to run for office based on the Straight Line of Descent.

Table 2: Customary Stage (Determination of Absolute Candidates)

No.	Customary Procedures	Complete Description
1.	Determination of the home right	Based on the Larvul Ngabal Customary Law and Ohoi tradition, the position of Head of Ohoi is a hereditary right (household right) of a particular clan (Lineal descendants of the previous King/founder of Ohoi).
2.	Descendants Meeting (Seniri Matarumah)	The extended family from the parentah (the entitled clan) gathers to agree on a candidate who will be passed down through their lineage. They ensure he meets the moral, social, and administrative requirements of customary law.
3.	Giving the King's Recommendation	The Customary King (or Customary Council at the King/Lor level with authority over the Ohoi) issues a Letter of Recommendation. This document serves as formal, customary confirmation that the candidate is a legitimate lineal descendant and has the customary right to lead the Ohoi.
4.	Recommendation Status	This recommendation is an absolute, binding requirement for candidates. Without it, a person (even if of the same lineage) cannot register as a candidate for Ohoi Chief. In many similar customary cases, there is only one candidate because only one lineage is recognized.
5.	Candidate	Candidates who have received a recommendation from the king are required to register with the Ohoi Head

	Registration and Verification	Election Committee (PPKO). The requirement for a recommendation from the King/Customary Authority is a special requirement stipulated in local regulations.
6.	Determination of Candidates	The PPKO determines candidates. In the case of Ohoi, whose customs are still strong, there is often only one legitimate Single Candidate, because the others do not receive or do not have the customary right to receive the king's recommendation.

2.1. Legal Consequences of the Election of Village Heads Who Were Chosen Based on Recommendations from the King Based on Linear Descent: A Study by Ohoi Tayando Yamtel.

The election of the Head of Ohoi (Village), which is based on the recommendation of the King (Rat), based on a straight line in Ohoi Tayando Yamtel, Tual City, Southeast Maluku Regency, has complex legal consequences because it is between two different legal systems: National Law (Village Government) and local Customary Law (Larvul Ngabal Law)—dualism of the Legal System and Its Consequences. In general, the legal consequences of this election system create a conflict between customary legitimacy and the formal legality regulated by state laws and regulations. National law, particularly Law No. 6 of 2014, as most recently amended by Law No. 3 of 2024 concerning Villages and its derivative regulations (such as the Tual City Regional Regulation concerning the Election of Village Heads), stipulates that Village Heads are generally elected directly by the village/village residents, based on the principles of Luber and Jurdil (direct, general, free, secret, honest, and fair). Formal Legality is Doubtful if the election of the Head of Ohoi (also called the Head of Finua in Tual) is only based on the recommendation of the king and lineage without going through a general election mechanism by the local community (as regulated in Tual City Regulation No. 05 of 2020 Article 3). Formally, the appointment of the Head of Ohoi can be considered invalid or contrary to applicable laws ^[4].

Cancellation of the Decision. The approved party, especially other candidates from Riin Faam (house/clan) who are entitled according to custom but lost, or Ohoi residents, can file a State Administrative Lawsuit (TUN) against the Decree (SK) appointing the Head of Ohoi by the Mayor. The search results show a case involving a TUN lawsuit over the ownership of the previous Head of Ohoi Yamtel,

indicating that this legal route is indeed used. Limited Administrative Authority. The Head of Ohoi, who was appointed without a formal election procedure, can handle problems arising from the exercise of administrative authority and the management of village finances (Village Funds/Village Fund Allocation) sourced from the APBN/APBD, because formal institutions will analyze their legality.

2.2. Research Results on the Legal Consequences of Village Head Elections Which Were Selected Based on Recommendations from the King Based on Linear Descent: A Study by Ohoi Tayando Yamtel

Ohoi Tayando Yamtel, like other Ohois in the Kei Islands (Southeast Maluku and Tual City), has a government system heavily influenced by the Larvul Ngabal Customary Law, which is administered by the Kings (Rats) or customary leaders. The Ohoi Chief Election System Based on Custom, King's Recommendation, and Lineage: Traditionally, the position of Ohoi Chief is often held by a direct line from the rightful clan (customary clan), and appointment requires the recommendation or approval of the king of the relevant customary territory. This system legitimizes leadership based on ancestral rights and lineage.

The Role of the King. The King (Rat) plays a central role, not only as a traditional leader but also as an influence on the process of passing on the Ohoi Chief. In some areas, the Ohoi Chief is even automatically considered the "Father of the King" at the Ohoi level. The legal consequences of an election system based on the king's recommendation and lineage ultimately create a dual legal framework and potential conflicts between norms and state regulations. Legal Consequences and (Conflict Impact) in the Election of Village Heads Selected by Recommendation from the King Based on Lineal Lineage in Ohoi Tayando Yamtel.

Table 3: Legal Consequences and (Conflict Impacts) in the Election of Village Heads Elected Based on Recommendations from the King Based on a Straight Line in Ohoi Tayando Yamtel

Aspect	Customary Law (Recommendation of the King/Heritage)	Positive Law (Direct Election)	Legal Consequences/Impacts
Validity of Inauguration	Accepted by the indigenous people and the king.	Recognized by the Regional Government (Pemda) if it meets the administrative and procedural requirements for the Village Head Election	If the process is only based on recommendations to participate in the Village Head Election, appointments by the Regional Government can be cancelled or postponed, creating a legal vacuum in the Ohoi government.
Responsibility	Responsible for the King/Traditional Leader and indigenous communities.	Responsible to the Ohoi community and the local government (Regent/Mayor).	There is a tug of war between the interests and loyalties of the Ohoi Chief between implementing customary rules and state rules.
Legality of Legal Products	Decisions made by the Head of Ohoi Village that are not recognized by the Regional Government (because they are not formalized) can be considered invalid from a state administration perspective, especially regarding the management of village funds or state assets.	On the other hand, ignoring the king's recommendations could lead to social conflict and the indigenous people's rejection of the elected Ohoi Chief.	There is a tug of war between the interests and loyalties of the Ohoi Chief between implementing customary rules and state rules.

Conclusion

Based on the researcher's field research, the conclusion is that this mechanism is a middle ground (compromise)

between modern democracy and traditional customs, in which the political rights of the community (direct elections) are still upheld. However, the candidates who can

be elected are limited to those who come from a direct lineage (Riin Faam) recommended by the king as a symbol of recognition of the ancestral rights of Ohoi Tayando Yamtel, Tayando Tam District, Tual City.

Procedure for selecting village heads who are chosen based on recommendations from the king, based on straight-line descent. Ohoi Tayando Yamtel study

Research conducted by field researchers indicates that the Ohoi Chief election procedure in Tayando Yamtel, which relies on recommendations from the king based on direct descent, is a mechanism for investing local wisdom, recognized by village law as a form of recognition of the ancestral rights of the traditional village.

This mechanism is based on recommendations from the king or on direct lineal descent rights based on the House line. Consequently, there is strong respect for ancestral (customary) rights, where the position of Ohoi Chief is a hereditary right through a particular house line (patrilineal line), and candidates for nomination are essentially recommended or determined based on that traditional lineage.

On the other hand, the technical implementation of elections in the Ohoi Tayando Yamtel area, as stipulated in the Tual City Regional Regulation, has adopted the democratic principles of the Village Law, namely, direct elections by all Ohoi residents based on the principle of "Luber" (Free and Fair Election). This aims to fulfill the mandate of the constitution and the Village Law regarding popular sovereignty, while still preserving and recognizing local wisdom.

Therefore, the relationship between the two constitutes a legal disadvantage. The local regulation bridges the gap between recognizing who has the right to be a leader based on customary law (hak matarumah) but regulates how the process of determining such leaders is carried out democratically and participatory, in accordance with the national legal framework (the Village Law), which provides space for villages with ancestral rights to continue to regulate their own affairs.

Legal Consequences of the Election of Village Heads Who Were Chosen Based on Recommendations from the King Based on Linear Descent: A Study by Ohoi Tayando Yamtel

Research conducted by researchers regarding the legal consequences of the election of the Head of Ohoi in Ohoi Tayando Yamtel, which was based on the king's recommendation and the straight line (Riin Faam or the House Eyes have the right), found a conflict of norms between the national legal system (modern village government) and the local customary law system (Larvul Ngabal Customary Law). In Positive Law (National/Regional), the Ohoi Head Election System, as regulated in the Village Law and the Regional Regulation of Tual City (where Ohoi Tayando Yamtel is located), generally mandates the Election of the Head of Ohoi, which is direct, general, free, secret, honest, and fair (LUBER-JURDIL) by all Ohoi residents. In this context, the practice of elections based solely on the recommendation of the king and the straight line (Riin Faam) of a particular house eye can be considered contrary to the principles of village democracy and the provisions of the applicable positive law, namely in the initial stage where the election chosen based

on the recommendation of the king must come from a house eye that has a straight line descent and gives the title of ohoi leadership because the House Eye is the beginning to get a Recommendation from the king.

The legal consequence of this practice is the emergence of dual leadership or legal systems (state law and customary law). To mitigate normative conflicts, a middle ground is achieved through local regulations. For example, in the process of nominating the Head of Ohoi, the requirement that candidates must come from the Mata Rumah (household) or Riin Faam (head of the family) who are entitled based on lineage is recognized as a preliminary requirement, after which it will be carried out directly, publicly, freely, confidentially, and honestly and fairly, or democratically.

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